DEBATES IN CONGRESS.

PART II. OF VOL. XIII.

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OF

DEBATES IN CONGRESS,

COMPRISING THE LEADING DEBATES AND INCIDENTS

OF THE SECOND SESSION OF THE TWENTY-FOURTH CONGRESS:

TOGETHER WITH

AN APPENDIX,

CONTAINING

IMPORTANT STATE PAPERS AND PUBLIC DOCUMENTS,

AND THE

LAWS, OF A PUBLIC NATURE, ENACTED DURING THE SESSION:

WITH A COPIOUS INDEX TO THE WHOLE.

VOLUME XIII.

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UNITED STATES OF AMERICA LIBRARY HOUSE OF REPRESENTATIVES

willing to bow down their servile necks, and elevate the chosen servant of their imperial master. Has it come to this: that, in the lapse of little more than half a century, they who resisted oppression and corruption, and their descendants, have sunk into a degradation too vile for slaves? Are gentlemen willing to allow this high coloring to remain upon our national character? Is not something due to the people themselves, to the cause of liberal principles? I will not believe that they for whom this Government was formed, and by whom it is sustained, are withdrawing their guardianship. I will not believe them. He who has been intrusted with the chief management of their public affairs will not be deserted by them so long as he relies with confidence on their intelligence, and makes the cynosure of his public conduct the welfare of the whole confederacy. In this will be found a rule which cannot but lead to success. In this a position perfectly impregnable to any assault.

Mr. JENIFER spoke at great length in favor of the original resolution, and in reply to the remarks heretofore made by Mr. HAMER.

Mr. VANDERPOEL said he took it for granted that those gentlemen who had made speeches in favor of the appointment of this committee, and those who proposed it, were in earnest, and were desirous to have it done immediately, in order that the work of investigation might go on, and something effectual might be done before the termination of the session.

We shall talk (said Mr. V.) to the end of the session, and then, what would those who originated the resolution say? They would say, you made your long speeches to the end of the session, and we had no time allowed us. For the purpose of obviating these objections, and in order to give to the friends of this investigation the broadest power that they could wish, and also for the purpose of doing justice to the administration party, and of saving them from the imputation that would rest upon them if this inquiry were not allowed, he would move the previous question.

After some little conversation between Mr. WISE and Mr. VANDERPOEL, the latter gentleman withdrew his motion, on the pledge of the former that he would renew it.

Mr. WISE then said that the parliamentary practice had been that the gentleman who had offered a resolution, and opened a debate, should be indulged in replying to members who had opposed it, and in concluding the debate. He had intended to avail himself of this indulgence, but now the previous question was forced upon the House. Now, it appeared, gentlemen seemed disposed to pass the resolution; to pass it, in order to save the administration party from the imputation of delaying action on the resolution by debate. He would ask, however, and he would thank gentlemen to answer him, whether they could now relieve themselves from this odious imputation—an imputation which they deserve. I tell you and the country (said Mr. W.) that I have been asking for this investigation for nearly two years. And how far are we now from the end of the session? Within six weeks of the end, with all our other duties to attend to, and we are told that this is a sufficient space of time to investigate the huge, the mammoth operations of this corrupt and profligate administration. Six weeks, sir. I have been detained two weeks at home, detained by the state of the weather, and I find, on my return, that the administration has already carried out their own work for me, by which I am detained from ten until nearly midnight in wading through one branch of this investigation.

Gentlemen now propose to give me this Herculean task. Gentlemen, it is like all your candor, all your plans, and all your honesty. Make the most of it. Go, with a blush on your cheeks, without shame or confusion, before the people, and tell them this!

Mr. Speaker, the whole of a short session is not sufficient to investigate Reuben's concerns alone; the whole of a long session, the whole time for which a Congress is elected, would not be time enough to call up all the witnesses from the extreme borders of this immense republic to testify against your Government—witnesses that I know can be brought up to testify against you—witnesses who can change inquiries into specifications, and can change your notes of triumph and your strains of eulogy into humble notes of shame and looks of confusion.

Sir, I will say, for one, to the gentleman from New York, [Mr. VANDERPOEL,] that it is too late to grant the investigation proposed by this resolution. It is now the 17th day of January, and more than one half of the session is gone, necessarily terminating on the 4th of March. It is too late for any investigation. If any good can be done by it, if any clews can be afforded to the corruptions of the Government, they must be afforded by the indulgence of the freedom of debate on this floor. Will you refuse that indulgence? Will you require that all our lips should be hermetically sealed, now that this farce of an investigation has been gotten up? You have given us one committee that has no power to investigate abuses. All questions of corruption or no corruption are limited and bound down to facts that were already notorious. Yet that investigation alone will take all our time.

How can I or my friend from Tennessee [Mr. PEYTON] attend to both these committees? We are held up as persecutors; we are no persecutors, but we are placed in this odious light in relation to these charges against the Government. If gentlemen intend to hold us responsible for a failure, give us time, means, and opportunity, and do not drive us into the space of a moment, and contract us into the compass of a nut-shell. Bind a man hand and foot, and then tell him to arise and walk! Tie him fast with your power, and then tell him to war against a giant! Is this your justice? It is your justice! Heaven defend me from such justice! Heaven defend the country from such guardians as these! Sir, I have witnessed enough within the last twenty-four hours to make me feel that the country has no guardians.

I now renew the motion made by the gentleman from New York for the previous question.

And the House seconded the call: Yeas 94, nays 51.

Mr. MORGAN called for the yeas and nays on the question of taking the main question; which were ordered, and, being taken, were: Yeas 121, nays 52.

So the House determined that the main question should now be put.

Mr. HUNTSMAN asked for the yeas and nays on the main question; which were ordered.

And the main question, being on concurring with the Committee of the Whole on the state of the Union, on the original resolution of Mr. WISE, reported therefrom, was taken, and decided in the affirmative: Yeas 165, nays 9, as follows:

YEAS—Messrs. Adams, Chilton Allan, Heman Allen, Anthony, Ashley, Bailey, Bean, Black, Bond, Bouldin, Bovee, Boyd, Briggs, Brown, Buchanan, Bunch, Burns, Bynum, John Calhoon, William B. Calhoun, Cambreleng, Carr, Carter, Casey, John Chambers, Chaney, Chapman, Nathaniel H. Claiborne, John F. H. Claiborne, Clark, Connor, Corwin, Craig, Crane, Cushing, Darlington, Davis, Dawson, Deberry, Denny, Doubleday, Dunlap, Elmore, Evans, Farlin, Forester, Fowler, French, Fry, James Garland, Gholson, Glascock, Graham, Granger, Grantland, Graves, Grayson, Grennell, Griffin, Haley, Joseph Hall, Hamer, Hannegan, Hardin, Samuel S. Harrison, Hawkins, Haynes, Hazeltine, Hiester, Hoar, Holsey, Holt, Hopkins, Howard, Howell, Hubley, Huntington, Huntsman, Ingersoll, Ingham, Janes, Jarvis, Jenifer, J. Johnson, R. M. Johnson, C.

Johnson, H. Johnson, J. W. Jones, Benjamin Jones, Klingensmith, Lane, Laporte, Lawler, Lawrence, Lay, Joshua Lee, Luke Lea, Leonard, Lewis, Lincoln, Logan, Loyall, Lucas, Lyon, Abijah Mann, Job Mann, Martin, Samson Mason, Maury, McCarty, McComas McKay, McKennan, McKim, McLene, Mercer, Milligan, Montgomery, Moore, Morgan, Owens, Page, Parker, Patterson, Patton, Pearson, Pettigrew, Peyton, Phillips, Pickens, Pinckney, Potts, Reed, Rencher, John Reynolds, Richardson, Robertson, Rogers, Russell, Augustine H. Shepperd, Shields, Shinn, Sickles, Slade, Spangler, Standefer, Storer, Taliaferro, Thomas, John Thomson, Toucey, Turner, Underwood, Vanderpoel, Vinton, Ward, Washington, Webster, Weeks, Elisha Whittlesey, Thomas T. Whittlesey, Lewis Williams, Wise, Yell, Young—165.

NAYS—Messrs. Ash, Cushman, Fuller, Lansing, Parks, Schenck, Taylor, Turrill, Wardwell—9.

So the resolution was adopted.

The House then adjourned.

WEDNESDAY, JANUARY 18.

ABOLITION OF SLAVERY.

Mr. HAWES submitted the following resolution:

Resolved, That all petitions, memorials, resolutions, propositions, or papers, relating in any way, or to any extent whatever, to the subject of slavery, or the abolition of slavery, shall, without being either printed or referred, be laid upon the table, and that no action whatever shall be had thereon.

Mr. H. said he thought it was time that the House should adopt a resolution of this character, with a view to put an end to discussions which had occupied so much of its time on the subject of abolition of slavery. He wished to have no debate; he thought there had already been enough. To test the sense of the House, he called for the previous question on the resolution.

Mr. E. WHITTLESEY objected to the reception of the resolution.

The SPEAKER said the State of Kentucky had been called in its regular order for resolutions, and the motion of the gentleman from Ohio could not therefore be entertained.

Mr. ADAMS objected to the consideration of the resolution at this time.

Some desultory conversation ensued on the point of order, in which Messrs. ADAMS and MERCER participated, when the Speaker decided that the question "Shall the resolution be now considered?" should be first entertained.

Mr. PHILLIPS called for the yeas and nays on the question of consideration; which were ordered, and were: Yeas 115, nays 57.

So the House determined that the resolution should be now considered.

Mr. HAWES inquired if his motion for the previous question was now in order.

The SPEAKER said he supposed that motion stood first in order, but the gentleman could renew it.

Mr. HAWES thereupon renewed his call for the previous question.

And the House seconded the call: Yeas 104, nays 42.

Mr. EVANS called for the yeas and nays on the question of taking the main question; which were ordered.

Mr. ROBERTSON moved a call of the House; which motion was lost.

And the question on taking the main question was then put, and decided in the affirmative: Yeas 127, nays 66.

So the House determined that the main question should now be taken.

Mr. GRENNELL said that, notwithstanding the vote just taken, he was desirous of having the yeas and nays on the main question. He therefore asked for them, and they were ordered by the House; and the main question, being on the adoption of the resolution, was taken, and decided in the affirmative: Yeas 129, nays 69.

So the resolution was adopted.

CRIMES IN THE DISTRICT OF COLUMBIA.

The following message, in writing, was received from the President of the United States, by the hands of his private secretary, ANDREW JACKSON, Esq.

To the Speaker of the House of Representatives:

SIR: I hereby transmit to the House of Representatives certain communications from the Secretary of the Treasury and the Attorney of the United States for the District of Columbia.

They relate to the difficulties which have been interposed, under the existing laws, in bringing to conviction and punishment the supposed incendiaries of the Treasury buildings in the year 1833.

The peculiar circumstances of this case, so long concealed, and of the flagrant frauds by persons disconnected with the Government, which were still longer concealed, and to screen some of which forever was probably a principal inducement to the burning of the buildings, lead me earnestly to recommend a revision of the laws on this subject. I do this with a wish not only to render the punishment hereafter more severe for the wanton destruction of the public property, but to repeal entirely the statute of limitation in all criminal cases except small misdemeanors, and in no event to allow a party to avail himself of its benefits during the period the commission of the crime was kept concealed, or the persons on trial were not suspected of having perpetrated the offence.

It must be manifest to Congress that the exposed state of the public records here, without fire-proof buildings, imperatively requires the most ample remedies for their protection, and the greatest vigilance and fidelity in all officers, whether executive or judicial, in bringing to condign punishment the real offenders.

Without these, the public property is in that deplorable situation which depends quite as much on accident and good fortune as the laws for safety.

ANDREW JACKSON.

JANUARY 17, 1837.

Letter to the Secretary of the Treasury.

WASHINGTON, *December* 27, 1836.

SIR: According to the request in your letter of this day, I enclose a copy of the instructions given by the court to the jury, on the act of 1790, on the trial of Richard H. White.

I understand that the only juror who held out for acquitting the prisoner was satisfied of his guilt, but refused to find him guilty on the ground of this instruction as to the limitations. It is certainly highly necessary that the law should be so amended as to prevent the bar of the statute from operating in cases where the proper officers of Government did not know, and could not by due diligence have known, by whom the offences were committed. One or two cases similar to the present have occurred heretofore in the circuit court, in which this defence has been sustained.

Very respectfully, your obedient servant,

F. S. KEY, *U. S. Att'y D. C.*

The message, having been read, was, on motion of Mr. THOMAS, referred, with the accompanying documents, to the Committee on the Judiciary, and ordered to be printed.

PAY AND MILEAGE.

The "bill to establish a more uniform rule of compu-

ting the mileage and per diem compensation of members of Congress" coming up in its order—

Mr. VANDERPOEL said that he would move its postponement until to-morrow, with a view, if possible, of reaching the bill to provide for the admission of Michigan into the Union.

Mr. CAMBRELENG inquired if it would be in order to call for the previous question.

The SPEAKER said it would be in order.

Mr. CAMBRELENG called for the previous question.

Mr. WARDWELL moved to lay the bill on the table, for the purpose of affording members an opportunity at a future day of proposing amendments. [This motion was entitled to priority.]

Mr. CRAIG asked for the yeas and nays on the last-named motion; which were ordered, and were: Yeas 11, nays 192.

So the House refused to lay the bill on the table.

The question recurred on the call for the previous question; which was seconded by the House: Yeas 78, nays 63.

Mr. HANNEGAN called for the yeas and nays on the question of taking the main question; but they were not ordered.

And the question on taking the main question was decided in the affirmative: Yeas 112, nays not counted.

So the House determined that the main question should now be put.

Mr. HIESTER called for the yeas and nays on the main question; which were ordered.

The main question was on the engrossment of the bill in the following form:

A bill to establish a more uniform rule of computing the mileage and per diem compensation of members of Congress.

Be it enacted, &c., That there shall be appointed, at the commencement of each session of Congress, a joint select committee of three members from each House, whose duty it shall be, within the first thirty days of the session, to ascertain, by information from each member or delegate, the exact distance, by the nearest principal mail route by land, from the seat of the Federal Government to the residence of the said member or delegate; and the said committee shall immediately make a report thereof to their respective Houses, upon which report the mileage of each member or delegate shall be computed.

SEC. 2. *And be it further enacted*, That no member or delegate shall receive any per diem compensation for any days during which he may be absent from the seat of the Federal Government while the House to which he belongs shall be in session, except such absence be by leave or authority of the House, or on business of the House of which he is a member, or occasioned by sickness; and upon the final settlement of his account, it shall be the duty of each member or delegate to certify the number of days he may be thus absent; which account, so certified, shall be published at the commencement of the next session of Congress, under the direction of the Secretary of the Senate and the Clerk of the House of Representatives.

The question on the engrossment of the bill was taken, and carried: Yeas 187, nays 16.

So the bill was ordered to be engrossed for a third reading; and the question being when the bill should be read,

Mr. HAWES moved it have its third reading now.

Mr. HANNEGAN said he hoped not. He thought the House had done injury enough for one day; for they had ordered to a third reading one of the most crude and ill-digested bills ever brought before that House; a bill containing more imperfections and doing more injustice than any they had ever acted on. He moved that the House adjourn; which motion was rejected.

And the bill was ordered to a third reading now.

ADMISSION OF MICHIGAN.

The House took up the bill from the Senate, entitled "An act to admit the State of Michigan into the Union upon an equal footing with the original States;" the question being on its commitment to the Committee of the Whole on the state of the Union.

Mr. THOMAS said that much injustice had been done to the inhabitants of Michigan, by keeping them out of the Union, and by denying them the right to participate in the legislation of the country. After the great delay which had taken place in the action of Congress on the subject, he hoped that the House would adopt that mode of action now which would expedite a decision; that was, to keep the bill within the control of a majority of the House. In the House the previous question could be called; in Committee of the Whole that privilege was taken away. In the present instance the House ought to be reasonably indulgent in debate; and Mr. T. had no doubt that, so long as gentlemen confined themselves strictly to the merits of the bill, every latitude would be extended to them. But if a disposition should be manifested to diverge from the true question before the House, and to take up time on mere party considerations, the debate ought to be closed, and he hoped, in justice to the people of Michigan, would be closed.

Mr. HARDIN said he had been a member of the committee to which this subject had been referred at the present and last session of Congress, and he had been constrained to differ from the majority of both these committees on this subject. He had never explained the reasons which induced him to differ from them. He did not care whether the bill were referred to the Committee of the Whole on the state of the Union or not, provided a fair opportunity was given to gentlemen wishing to express their views. He would inquire who was to be the judge whether a member was confining himself to the subject or not? He hoped that, if the bill was not committed, the few remarks he had to make on one subject would be heard with patience; and that was, the spirit of mobocracy and the revolutionary movements which had characterized the proceedings in relation to the admission of Michigan, to which he wished to call the attention of the House, and against which he intended to enter his protest.

Mr. JENIFER raised the question whether the bill must not necessarily be committed; and, after a few remarks thereon by Mr. BRIGGS,

The SPEAKER expressed his adherence to his decision made the other day, that the bill, inasmuch as it contained no appropriation, need not be committed.

Mr. REED called for the yeas and nays on the question of commitment; which were ordered.

Mr. PATTON urged the propriety of commitment. There was not an instance of a State having been admitted into the Union without the bill which provided for its admission having been referred to the Committee of the Whole on the state of the Union. And, if the bill were committed, the majority could at any time discharge the Committee of the Whole from the consideration of it.

Mr. SUTHERLAND said that if this were a new question, which had not been discussed, and the merits of which were not thoroughly understood, it would be well to go into committee; but every member of the House was master of the subject. He thought that commitment was unnecessary, and that the House ought not to delay the admission of Michigan into the Union unnecessarily. He believed that action on the bill had

been already delayed too long. He reminded the gentleman from Virginia [Mr. PATTON] that the received notion in the House was, that a majority could not discharge a Committee of the Whole from the consideration of a bill, so long as an amendment was pending.

Mr. PATTON inquired if the Committee of the Whole could not be instructed to report the bill forthwith to the House, without amendment.

Mr. SUTHERLAND said that a bill could not be taken out of committee in the midst of a gentleman's speech; and suppose a gentleman had the floor, and chose to speak two or three days, there was no power to interfere with him.

Mr. STORER insisted that, under a fair construction of the rule of the House, the bill required commitment.

And the question on the commitment was taken, and decided in the negative: Yeas 86, nays 110.

So the House determined that the bill should not be committed.

Mr. THOMAS said that, if it was the sense of the House, he was prepared now to submit his remarks; but if the House preferred an adjournment, he was perfectly willing. With a view to test that question, he moved that the House adjourn; which motion prevailed; and

The House adjourned.

THURSDAY, JANUARY 19.

POST OFFICE BUILDING.

Mr. HARLAN submitted the following resolution:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of providing by law for the insurance and protection from accidents, by fire or otherwise, the building lately leased by the Postmaster General from B. O. Tayloe, for the use of the Post Office Department; and that said committee ascertain and report to this House the terms and conditions of the lease entered into by the Secretary of the Treasury for the buildings rented by him, referred to, and made a part of the agreement between the Postmaster General and said Tayloe.

Mr. HARLAN said that, by referring to the contract made by the Postmaster General for the building alluded to, it seemed to him, and he submitted it to the consideration of other gentlemen, whether, if this contract was binding on the Government, it would not become the insurer of the buildings. By the stipulations of that contract, the head of the Post Office Department bound himself to return the building in good condition; and he took it, if the building was destroyed by fire, the Government would be bound to rebuild it. He thought, then, that Congress ought to make some provision for having this building insured, so as to exonerate the Government from the risk incurred by the terms of this contract. He did not pretend to say whether the contract was binding on the Government or not; it was very certain there was no authority given to make the contract; but he supposed, from the emergency of the case, that the Government would recognise it, and fulfil its stipulations. He was also desirous of ascertaining from the Postmaster General the terms and conditions of the contract entered into by the Secretary of the Treasury for a part of this building; because it appeared that the Secretary had contracted for all the back buildings, stables, &c. And, for the purpose of procuring this information, he proposed to refer the subject to the Committee on the Post Office and Post Roads.

Mr. CONNOR suggested that the gentleman might obtain his object more directly by making calls on the Secretary of the Treasury and Postmaster General.

Mr. HARLAN observed that he was induced to refer the subject to the Committee on the Post Office and Post Roads, because the chairman of that committee had, on his own motion, referred the subject of investigation into the causes of the destruction of the Post Office building to his own committee. As the gentleman had taken charge of that subject, Mr. H. was disposed to give him this also; and he might ascertain of the Secretary of the Treasury the real character of the lease, and lay it before the House.

Mr. CONNOR said, in relation to offering the resolution alluded to by the gentleman, he had only to say that, after a consultation in the committee room, it was concluded that the Committee on the Post Office and Post Roads was the most appropriate committee to which to refer the subject of the investigation into the causes of the destruction of the Post Office building; and he was instructed to introduce the resolution, and introduced it under those instructions. Had it not been for this, certainly he should not have been desirous of bringing upon himself the arduous duty connected with this investigation.

The resolution was then adopted: Yeas 77, nays not counted.

MILEAGE OF MEMBERS.

Mr. UNDERWOOD offered the following resolution:

Resolved, That the Sergeant-at-arms be directed to lay before this House a statement showing the mileage claimed and sums paid therefor to members of this House and delegates from the Territories, respectively, during the last and present session of Congress; and also a similar statement in relation to the Senators in Congress.

Mr. BOON moved to amend the resolution, by striking out all that portion which related to the Senate.

Some debate followed, in which Messrs. BOON, UNDERWOOD, HARDIN, W. THOMPSON, and CRAIG, participated,

When Mr. BOON moved to lay the whole subject on the table.

Mr. CRAIG called for the yeas and nays on that motion; which were ordered.

And, pending this question, the House, on motion of Mr. A. MANN, proceeded to the orders of the day.

ADMISSION OF MICHIGAN.

The House proceeded to the consideration of the bill to provide for the admission of Michigan into the Union on an equal footing with the original States; the pending question being on ordering the bill to be engrossed for a third reading.

Mr. THOMAS addressed the House at great length in favor of the bill, contending that Michigan had complied with all the conditions which, by the act of last session, were made indispensable prerequisites to her admission into the Union; and that the proceedings of the second convention were the clearly expressed views of the majority of the people of that State.

Mr. HARDIN replied at great length, insisting that the movements in the second convention were revolutionary in their character and tendency; that, under the proceedings of that convention, Michigan could not, constitutionally, be admitted into the Union, and that she should not be admitted until a convention, held by State authority, had acceded to the terms which Congress had presented.

Mr. VANDERPOEL obtained the floor, and moved that the House adjourn; but withdrew the motion, and, on the suggestion of Mr. THOMAS, moved that the bill be made the special order of the day for to-morrow.

Mr. E. WHITTLESEY asked for the yeas and nays on that motion.

Mr. MERCER moved that the House adjourn; which motion prevailed; and

The House adjourned.

FRIDAY, JANUARY 20.

MILEAGE OF MEMBERS.

The House then took up the following resolution, submitted on a former day by Mr. UNDERWOOD:

"*Resolved*, That the Sergeant-at-arms be directed to lay before this House a statement showing the mileage claimed and the sums paid therefor to the members of this House and the delegates from the Territories, respectively, during the last and present session of Congress; and that he also procure and lay before this House a similar statement in regard to the Senators in Congress."

Mr. BOON had moved to strike out of the resolution that part relating to the mileage of the Senators of the United States.

The question pending was the motion of Mr. BOON to lay the resolution on the table; and on this motion Mr. CRAIG had called for the yeas and nays, which were ordered.

The motion to lay on the table was decided in the negative: Yeas 40, nays 126. And the question recurring upon the amendment of Mr. BOON, it was rejected: Yeas 58, nays not counted.

Mr. ADAMS thought that the greatest respect was due to the Senate of the United States; he would suggest, therefore, that the Clerk of the House was a more appropriate officer to procure this information than the Sergeant-at-arms.

Mr. UNDERWOOD thereupon modified his resolution by inserting the word "Clerk," instead of "Sergeant-at-arms."

Mr. CLAIBORNE, of Mississippi, sent the following amendment to the Chair:

"*And be it further resolved*, That a select committee of five be appointed, with power to send for persons and papers, to inquire into and report to this House what deduction, if any, the members of the House of Representatives have made in their accounts for per diem compensation when absent in attendance on the Supreme Court of the United States, or on the courts of adjacent States, or on their own private business elsewhere."

Before the question was put, Mr. CLAIBORNE said that, personally, he cared nothing for the adoption of the resolution submitted by the gentleman from Kentucky, [Mr. UNDERWOOD.] He was as able to bear its pressure as any other man; but he protested against the imputation which it seemed to cast upon many members of this body. Sir, I charge my mileage by the river route, as being the way usually travelled to the seat of Government, upon a principle sanctioned by a distinguished gentleman, (Mr. Clay,) when he occupied that chair, and by every Speaker who has succeeded him. When my deceased colleague (General Dickson) and myself arrived here last winter, we were ignorant of the rule. He inquired, looked at the record, and found that our predecessors had charged by the river route—the only one ever travelled; that the members from Louisiana and other States had adopted the same practice for years; that it was sustained here by official decisions, and we charged accordingly.

Sir, for our privations, fatigue, and exposure, on our way hither, no money can compensate us. We were ice-bound in the Ohio for days, and detained week after week for want of a conveyance. My colleague sunk under its effects, and I have never recovered from it. Sir, print these facts in your resolutions; publish them in Roman capitals, and send an electioneering handbill to every plantation in Mississippi. Tell my constituents that you, who refused time after time to grant them relief—to give them the poor privilege of pre-emption to purchase their hard-earned homes; that you, who have monopolized all the public treasure; that you, who tax our labor and industry with a high tariff, and then distribute out the proceeds by millions to yourselves, and a few pitiful thousands to us; that you believe that their representatives are paid too much for travelling to the seat of Government! Sir, do you think they will disturb the honored ashes of the dead, to pronounce a verdict against him? If my colleague lived, if he could be revived, to reoccupy that still vacant seat, he would rebuke you in language that I cannot imitate. Thank God, Mr. Speaker, I represent a liberal and a generous people; none of your superannuated districts, where every thing is in its dotage; where you gloat upon a dollar, and starve upon the memory of a prosperity that is past. We have no lordly proprietors and fawning vassals among us; no miserable, half-fed wretches mourning over the vestiges of colonial affluence and bondage. Ours is a young and thriving country; mine a people liberal to a fault, prodigal in their benevolence, and who will never stoop to inquire whether their representatives are paid one hundred or one thousand dollars. Sir, we make no money here; not one man from the planting States carries home with him a cent. We do not come here to hoard up fortunes and save picayunes.

Mr. Speaker, the people of the South are a travelling people. Your public places, from Virginia to Saratoga, are crowded with the citizens of Mississippi and Louisiana every season; and out of ten thousand who leave home, probably not one hundred travel by land. Our roads, in fact, in the winter and spring, are impassable. We have no stages there; and I myself was twelve hours travelling twenty miles on horseback, on my way last year to this city—such was the condition of our roads.

Sir, I repeat it, the passage of this resolution would not affect me personally; but I protest against its injurious operation upon others in the distant States. It would completely change the representation in this House. It would cut off and exclude every man in moderate circumstances in the States to which I refer. Many of our public men are poor. The public men in the old States are, generally, men of fortune, and able to live here upon their own incomes. But we have no family influence in the new States; no hereditary representation; no descent of office from one generation to another; and the majority of our legislators, here and at home, are young men, without fortunes, who have risen by their own exertions. Sir, I will vote for no measure that will have the most remote tendency to check the aspirations or cripple the energies of those who have no fortune to depend upon. I will not consent to create an aristocracy here, or to fill this hall exclusively with rich manufacturers or purse-proud nabobs. Let it remain in the power of all to come here, who have the industry, or the talent, or the merit, to win their way, whether they be rich or poor.

In relation to the amendment, Mr. Speaker, it is right that I should say it is aimed at no particular individual. I have heard much, but my curiosity has never led me to inquire after names. I would scorn to examine the accounts of gentlemen; that I leave to those who choose to do so, and believe it is their duty. I will never attempt to win my way to fame or popularity by any legislation intended to injure others. But while I intend nothing personal, I must insist upon the equity of the investigation proposed in my amendment. It is notorious that gentlemen in both branches of Congress do absent themselves without leave, for days and weeks. They go to Philadelphia, New Jersey, Maryland, Virginia, and elsewhere, to attend the courts. What deductions have been made in their accounts? They attend the Supreme Court in this city. Yes, sir! the very men who are voting for this *ad captandum*, this popularity-hunting resolution, go there day after day upon professional business. Sir, do we go there? Do we pocket large fees for court services, when we are sent here to serve the

people? No, sir, not a man of us. Not one that this resolution is intended to prostrate ever leaves his seat here to receive fees in the courts of law; we leave that to those distinguished gentlemen who are so much alarmed about this miserable mileage. While they are making thousands out of this House, or feasting at some splendid mansion, we are industriously—perhaps unprofitably—attending to our duties here. Sir, we will not shrink from this investigation; we challenge it; let us have the ayes and noes on my amendment, and on another to be proposed by my friend from Arkansas, [Mr. YELL.] In the vernacular tongue of the West, "give us a fair shake," and we will balance accounts with you. We will leave it to the people to decide who are most censurable—the members from the new States who charge by the route that every one travels—by the only route that can be travelled—who charge according to immemoral usage, and by the official sanction of officers acting under oath—or those who leave this House, day after day, and the service of their constituents, to practice law for extravagant fees.

Mr. YELL sent the following amendment to the Chair:

"And that said committee be instructed to inquire into the expediency of providing by law for reducing the compensation allowed to members of Congress to six dollars per diem; and also into the expediency of providing by law for the removal of the seat of Government of the United States to some point on the Ohio or Mississippi river, on or before the first day of January, 1840."

Mr. YELL took the floor, and said that it was obvious that the original resolution was intended to throw censure upon the members coming from the distant West, although it has not the boldness, the candor, the manliness, to avow such intention. For one, he was willing to admit that he charged by the river route, under the authority of a distinguished predecessor (Mr. Clay) of yours, Mr. Speaker, under your authority, and that of your predecessor, and under the example of a gentleman (Mr. Sevier) as scrupulous, as honest, and as honorable, as any one on this floor, however immaculate they may wish to appear. He charged only for the distance he travelled, and that distance was accurately estimated, not mere guess work. Sir, let gentlemen look at home; let them pluck the mote out of their own eye; let them cut down their own compensation to six dollars per day; and then attend to the duties of the House instead of travelling off during the continuance of the session, to practice law, or riot in luxury on their splendid estates. He was disposed to test the sincerity of gentlemen. Let them stand up before the country, and vote for his amendment, and for the salutary proposition submitted by the gentleman from Mississippi, whose address has just produced so much sensation in the House. Let there be no skulking, but give us an unequivocal vote by ayes and noes.

Sir, why is this war upon the West? What new political evolution is to be made? Who does the gentleman from Kentucky propose to affect? It is strange, sir, very strange, that this proposition should emanate from a party opposed heretofore to retrenchment and an economical administration of the Government; a party that had endeavored to thwart General Jackson's administration, from its very organization, in all its salutary measures; a party that relies upon latitudinarian constructions alone to justify their extraordinary assumptions when in power. Sir, this their veil of gossamer will be stripped away, and the people of the West will see in it only an *ignis fatuus*, an artifice to gull and delude them. If they were sincere, let them vote for the proposition of his friend from Mississippi; let them vote for the amendment now submitted by himself; let them say whether they will favor the removal of the seat of Government from a lateral to a central position; from a poor, exposed, worn-out country, to a point central to the great interests of this Union; in the midst of a wealthy and improving region, surrounded by a population as brave, as patriotic, as any in the universe.

Mr. Y. addressed the House at length, and concluded by urging the adoption of his amendment.

Mr. UNDERWOOD observed that the gentleman from Arkansas [Mr. YELL] had not been here at the last session, or he would have seen that he (Mr. U.) had not moved in this subject with a disposition to criminate any of his brother members of the House; but that he had done so with the full conviction that some legislation was necessary. The keen perspicuity of the gentleman from Arkansas seemed to discover that Mr. U. intended to cast reflections and offer an insult to those persons who had charged by the river route. Mr. U. would assure the gentleman that he meant no such thing; but had only honestly endeavored to bring to the consideration of the House and the country what he believed to be an existing evil, and one, too, which he considered it his duty to endeavor to correct. It was a notorious fact, not to be denied, that a large portion of the members of the House from the South and West claimed and received compensation for their mileage by the river route, which amounted to a much larger sum than that charged by the land route; and gentlemen justified themselves in doing so. Now, Mr. U. did not propose to controvert the reasons which gentlemen assigned for their conduct, nor did he say that gentlemen acted corruptly in making these charges, but he conscientiously believed they misconstrued the law on this subject; and, as a member of the House, he considered it his duty to endeavor to correct what he conceived a misrepresentation of that law. The act fixing the compensation of members of Congress was passed at a time when there were no steamboats on the Western waters, and he believed it was now wrong for gentlemen to charge by these circuitous routes. If, however, gentlemen could reconcile this with their own consciences, he had nothing to say; but he thought they ought to have some uniform rule of action in these cases; and, for the purpose of procuring this uniform system, he had moved in this matter, and made these exertions, and for no other purpose whatever.

Mr. WHITTLESEY here moved that the House proceed to the orders of the day; which was agreed to.

Several bills from the Senate were then taken up, twice read, and referred.

The House took up the bill for the relief of

N. & L. DANA & CO.

The question pending was on the engrossment of the bill.

After some remarks by Messrs. SMITH, CAVE JOHNSON, REED, PEARCE of Rhode Island, BOND, CUSHING, CAMBRELENG, GIDEON LEE, PHILLIPS, and CRAIG,

Mr. CAVE JOHNSON called for the yeas and nays on ordering the bill to be engrossed; which were ordered, and were: Yeas 57, nays 89.

So the bill was rejected.

After acting upon some other bills,

The House adjourned.

SATURDAY, JANUARY 21.

ATCHAFALAYA RAILROAD.

Mr. LINCOLN, from the Committee on the Public Lands, reported a resolution proposing to discharge the Committee of the Whole from the further consideration of of the "bill granting a right of way through the public

lands the Atchafalaya Railroad and Banking Company;" which was concurred in. The bill having been brought into the House, on motion of Mr. LINCOLN, was taken up, on its engrossment.

Mr. PARKS had the same objection to the passage of this bill, in its present state, which he had to all other bills of this kind; which was, that it contained no provision for carrying the mails of the United States, public stores, &c.; consequently, these corporations charged the Government an extravagant price for carrying the mails. Where these charters were granted by the States, and they were under the exclusive jurisdiction of the States, the Government could do nothing with them; but, where they go through the public lands, he held it to be the duty of Congress to provide some power by which these corporations might be compelled to carry the mails, munitions of war, &c., for a reasonable compensation. It might be necessary (as, for instance, in the case of the Seminole war) that the Government should transport troops, provisions, and munitions, from one point to another; and, unless some provision was made by the Government for compelling these companies to carry Government property, they might charge their own price, or even refuse to carry it. He therefore moved that the bill be committed to the Committee on the Post Office and Post Roads, with instructions to inquire into the expediency of adding a section providing for carrying the mails of the United States for a reasonable and just compensation.

Mr. REYNOLDS, of Illinois, said that he hoped to be excused for a few minutes, while he would explain to the House the unreasonable grounds of opposition to the passage of this bill. He condemned the practice of detaining the House a long time on small matters; but the motion of the gentleman from Maine, [Mr. PARKS,] to refer this bill to the Committee on the Post Office and Post Roads, was in itself so decidedly repugnant to his (Mr. R's) notions of propriety and justice to the new States, that he could not remain silent and at his ease when such a question was under discussion. The gentleman wanted the company to be charged with the carrying the United States mail, and other services to the Government; and for what? For the simple right of way—say a few feet of land on each side of the railroad. This is the consideration on the part of the Government. Is this a reasonable consideration? Is this such consideration as the gentleman would have exacted in a private contract? Mr. R. hoped not.

Such great and national improvements were not only a great benefit to the United States in her commercial transactions, but, in fact, enhanced the price of the public lands to a vast extent; the Government was making more by this improvement than the company; thousands of dollars more would be realized to the Treasury of the United States, by the operation, than would be if the country were permitted to remain in its present unimproved state. Yet, with all this advantage to the Government, the gentleman wanted to clog and encumber the improvement with more burdens. This seems like a settled hostility to the growth and prosperity of the Western section of the Union.

Mr. R. observed that these great and laudable improvements are not only a great advantage to the United States, but an honor to the country, and should receive from the hands of Congress all the fostering care that is compatible with the rights and interests of other sections of the nation. The railroad from Charleston, South Carolina, is one of these stupendous works of improvement, which we all ought to hail as an honor to our common country. No unnecessary impediment should be placed in its march to completion and perfection.

Mr. R. said the same observations would apply to the improvement in the State of Illinois. A company had been chartered to construct a railroad four or five hundred miles in length, through the centre of that State, extending from the termination of the canal to the mouth of the Ohio. Should such notions and objections prevail as gentlemen urge, this great and national work must wither and die. This is the inevitable consequence. These companies are like all others of mankind; they will not do a great deal for nothing. Load them down, and our country is not improved. If the United States gave this company lands by which the road was to be made, it might be right to ask something from the company in consideration of the same. If the Government even granted a right of pre-emption to a part of the land over which the road would pass, a consideration with more reason might be demanded. But this is not the case. This company asks nothing but a small slip of land, not to die on, but to live on. Mr. R. hoped the gentleman's motion would not prevail, but that the bill would be passed into a law, which would be serviceable to the Government, and the people also.

Mr. PARKS was sorry the gentleman from Illinois should have become disturbed on this subject, by the simple proposition of referring it to a committee, to inquire into the expediency of adding a provision which Mr. P. considered right and proper. The gentleman had said that this provision would be requiring these corporations to carry your mails for nothing. This was not the case; the provision simply asked them to carry the mails for a liberal and just consideration. As to the idea which the gentleman from Illinois advanced, that Mr. P. held any enmity to the interests of the Western country, he must tell the gentleman that he knew no more about it than the man in the moon. The gentleman made charges against Mr. P. which were not justified by the facts; and he hoped the gentleman would forbear from setting him down as opposed to the interests of the West, until some subject came up which would make it more apparent than the present that he had any hostile feelings towards the West.

Mr. LINCOLN said this bill had been introduced for the purpose of getting a great public improvement completed. There was no pre-emption granted them, but they were merely granted the privilege of locating their road on the public lands. The company had asked for one hundred and sixty feet in width, but the committee had cut it down to one hundred feet, therefore, they thought it no more than reasonable to grant them this right of location. In regard to the motion made by the gentleman from Maine, [Mr. PARKS,] it seemed to him (Mr. L.) that it imposed an invidious distinction between the rights of this corporation and those granted to other corporations. No longer ago than yesterday, there were two bills ordered to be engrossed, containing the same provisions as this bill, without objection from the gentleman from Maine, or any other gentleman. There had been many bills passed containing similar provisions, and he saw no reason why they should place restrictions on this corporation which they had not imposed upon other companies. He would call to the attention of the gentleman the fact that there was a provision requiring these corporations to transport troops and munitions in time of war; and not only that, but the Government had the right to take the road, the engines, and all the fixtures, and convert them to its own use; and, in regard to the transportation of the mails on these roads, he considered that in a short time they would find it to their interest to carry them; and he had no doubt but that the transportation of the mail would be sought for by these corporations.

Mr. PARKS remarked that he was not aware that any bills had been engrossed on yesterday of the nature of the one now before the House. If it was so, and he had it in his power when they came up on their third read-

ing, he would have them amended as he proposed to amend this bill.

Mr. MERCER suggested that an arrangement might be made with these companies by the Committee on the Post Office and Post Roads.

Mr. ANTHONY was favorable to the amendment proposed by the gentleman from Maine, [Mr. PARKS,] but he did not think it necessary to go into details at this stage of the bill. He perfectly concurred in the views of that gentleman, that it was proper to begin with some restrictions of this kind. In relation to the suggestion of the gentleman from Virginia, [Mr. MERCER,] that the Committee on the Post Office and Post Roads might make some general arrangement with these corporations, he considered it fallacious. When these corporations once got privileges granted to them, it was impossible for committees of this House to make any arrangement with them, unless it was made on their own terms. We have seen already the evils arising from granting these unlimited privileges; we can now scarcely get our mails carried upon these roads, when, if we had taken them in time, we might have brought them to our own terms. From day to day, in this House, we are pointed to precedents and examples; and it is said now, that because we have granted other railroads the privilege of locating on the public lands without any restriction, that we should do the same with this company. He would submit it to the House, however, whether, because they had once done wrong, they must continue to do wrong. They now had the power of imposing a provision of this kind, and now was the accepted time. Let these corporations carry the mail at the same rate they carried other produce or property; or, if the risk was greater than on other property, pay them more; but let them be confined to something like a reasonable price. It was necessary for something of this kind to be done, because experience had shown that these corporations would not carry the mail unless they were paid a very extravagant price.

Mr. GARLAND, of Louisiana, made a brief explanation in reference to the importance of the passage of this bill to the United States, opening, as it would, a vast body of the finest lands in the State of Louisiana. He also adverted to the fact that, unless this bill were speedily passed, it would be useless to pass it at all, and entail ruin upon the company. The charter was incorporated, and bears date the 10th of March, 1835, and it was made compulsory on the company to commence their work within two years from that date, or forfeit their charter. Unless, then, this bill passed soon, it would be inoperative. The company were ready to proceed, had gone on to make contracts and prepare materials as they did last year.

At the last session of Congress it passed the Senate without the slightest hesitation; but on referring it to the Committee on Public Lands, that committee, conceiving the company justly merited some return for the advantages about to accrue to the United States in consequence of their labors, reported the bill back with an amendment, giving them the right of pre-emption to alternate sections along the line of the road. In consequence of that amendment the bill was then lost, and the original bill was now revived, merely giving them the right of way to the extent of one hundred feet in width.

Mr. G. further explained, that under no circumstances did the company anticipate a profitable return from the railroad, for its construction was imposed upon them as a bonus for their bank charter; and, so far from being a benefit, would be a heavy charge. Under these circumstances, therefore, he did hope the gentleman from Maine would not insist upon his motion to send the bill to the Committee on the Post Office, since it would lead to the inevitable loss of the bill.

Mr. JOHNSON, of Louisiana, also opposed the amendment, on the same ground as his colleague. He described the character of the country through which the road was designed to pass, which was overflown every spring; but it would pass a body of land, now inaccessible, that would bring millions into the Treasury. He expressed his surprise that there should be a solitary objection to the bill.

The motion of Mr. PARKS was disagreed to without a count.

On motion of Mr. MERCER, the bill was so amended as to give the company "eighty" instead of "one hundred" feet; and it was then ordered to be engrossed for a third reading on Monday next.

THE MINT.

On motion of Mr. OWENS, the Committee of the Whole on the state of the Union was discharged from the further consideration of the "bill to amend the act establishing branches of the United States mint," and the same was brought into the House.

Mr. OWENS explained that the bill related to the establishment of branches of the mint at New Orleans, Charlotte, in North Carolina, and Dahlonega, in Georgia. These several branches were now ready to go into operation, and the director of the mint was anxious for it; but, until the bill under consideration passed, the President could not appoint the necessary officers.

The bill was then read, and ordered to be engrossed for a third reading on Monday next.

The House took up the bill for the relief of

EBENEZER BREED.

This bill proposes to return to the memorialist the amount of duties paid on a quantity of wine imported into the district of Boston, in August, 1829, which was placed in a storehouse, by order and under the direction of the collector, under bond, which was given in the usual form in such cases, without surety for the duties; which wine, with other property of the memorialist, was destroyed by fire, while in the possession and under the key of the Government.

The question pending was on the engrossment of the bill.

After some remarks by Messrs. LAWRENCE, CAVE JOHNSON, INGERSOLL, PEARCE of Rhode Island, CAMBRELENG, PARKER, CUSHING, GIDEON LEE, HARPER, PHILLIPS, and ADAMS,

Mr. DUNLAP moved the previous question; which was seconded by the House: Yeas 99, nays not counted.

The main question was then ordered to be put, when

Mr. CAVE JOHNSON called for the yeas and nays on the main question, (which was on the engrossment of the bill;) which were ordered, and were: Yeas 87, nays 65.

So the bill was ordered to be engrossed and read a third time.

The remainder of the day was spent in the consideration of private bills.

MONDAY, JANUARY 23.

ABOLITION OF SLAVERY.

When the reading of the journal had been concluded,

The SPEAKER announced that the unfinished business was the petition presented on Monday last, by the gentleman from Massachusetts, [Mr. CUSHING,] from the merchants of Boston, praying the interference of the Government of the United States in relation to unnecessary quarantine imposed on American vessels by the Danish Government at Elsineur.

Mr. ADAMS rose to a point of order. A question was undecided on a petition presented by himself, this

day fortnight, from certain inhabitants of Dover, in the county of Norfolk, State of Massachusetts, praying for the abolition of slavery and the slave trade in the District of Columbia. The subject came up last Monday, (a gentleman from North Carolina [Mr. BYNUM] being entitled to the floor,) but was postponed until this day. At the time of its postponement the question on the reception of the petition was undecided, and the gentleman from North Carolina was in the midst of an argument in opposition to its reception. Mr. A. inquired whether this subject was not entitled to precedence.

The SPEAKER said that, strictly speaking, probably it was; but that, by a subsequent order of the House, that petition had been disposed of. It had been laid on the table by a resolution adopted since the petition was presented.

Mr. ADAMS inquired whether the Speaker considered that the question pending on the petition had been decided.

The SPEAKER said he felt himself constrained by the terms of the resolution so to decide.

Mr. ADAMS asked that the resolution might be read.

The resolution, which is in the following terms, was accordingly read:

"*Resolved*, That all petitions, memorials, resolutions, propositions, or papers, relating in any way or to any extent whatever to the subject of slavery, or the abolition of slavery, shall, without being either printed or referred, be laid on the table, and that no further action whatever shall be had thereon."

The SPEAKER said it was his opinion that this resolution embraced every possible case that could arise.

Mr. ADAMS said he wished the decision of the Chair to be entered on the journal. The question he made was, whether that resolution did, in fact, cut off, root and branch, debate on another subject which was under consideration at the time the resolution was adopted.

The SPEAKER said that, at the last session of Congress, a resolution of this character was adopted, anticipating the action of the House on this class of petitions. The Chair had given to that resolution the most liberal construction, and had been disposed to entertain the question of reception. An appeal was taken, and the House had given a different construction from that of the Speaker. In pursuance of this decision of the House, the Speaker felt himself compelled to make the decision he had now made. The decision now given, however, could be entered on the journal.

Mr. ADAMS said that this decision changed the order of the business of the House; it suspended and altered the rules of the House. The resolution was not introduced in the form required for all resolutions changing or suspending the rules of the House. Every such resolution required one day's notice; but this resolution had been offered without notice. The rule also required the vote of a majority of two thirds to change the order of business; this resolution had not been carried by a vote of two thirds.

The SPEAKER said that, in both respects, the very same thing had occurred at the last session of Congress; and the Chair was of opinion that this was not a change in the order of business. Petitions were presented in the same way, and at the same time, as though the resolution had not passed. But the House, in adopting the resolution, had determined what disposition should be made of a particular class of business. The order of the reception, or the time of presentation of these petitions, had not been changed.

Mr. ADAMS said that the question on the reception of the petition was, on his coming to the House this morning, a part of the unfinished business of a former day. The rule of the House, as he understood it, was, that, from Monday to Monday, the unfinished business should be first taken up. It was a part of the general rule of the House to the same effect. The Speaker now, as it appeared to him, (Mr. A.,) changed that rule by deciding that this suspended business should not be taken up, because it had, in the interval, been decided that the petition was thrown out of the House by a resolution adopted since that petition was offered—a resolution adopted without a day's notice, and without the votes of a majority of two thirds of the members. If this did not change the order of business, he (Mr. A.) did not know what did. So completely was this petition a part of the unfinished business when the House adjourned on the previous Monday, that the gentleman from North Carolina [Mr. BYNUM] was cut off in the very midst of his argument against the reception of the petition; and now he (Mr. A.) was told that the unfinished business had been, in the interval, decided; not by itself, not by any debate on its own merits, but by another resolution of a different character, introduced without notice, and carried without a majority of two thirds. He wished that the decision of the Speaker might be made on this statement of facts, and on those objections made by him (Mr. A.) to it. He intended to appeal from the decision of the Speaker, and to ask for the judgment of the House on that decision.

The SPEAKER again stated the question, and the grounds of his decision. He decided, without any difficulty, that the resolution adopted by the House disposed of all propositions whatsoever, having any reference to the subject of slavery, or the abolition of slavery, and that there was nothing in the terms of that resolution, taken in connexion with the construction given to a similar order at the last session of Congress, that would authorize him to pronounce the present case to be an exception to the general rule.

Mr. ADAMS said he wished the House to mark one strong difference which existed between this and other cases.

The resolution which had been read related to the petitions and memorials to be presented, which, by the terms of that resolution, were to be "laid on the table, without being printed or referred." The present was a petition which had been presented prior to the adoption of that resolution; the question was raised on its reception, and on that question of reception there was a debate pending. This was neither "a paper," nor "a memorial," nor "a resolution," to be presented; it was a debate pending in the House. The decision of the House at the last session of Congress had no application whatsoever to this principle. It was the crushing of a debate pending in the House, by a resolution referring to petitions to be presented in future in relation to slavery and the slave trade. So far as the principle was concerned, it was perfectly immaterial whether this petition related to slavery or any thing else. The debate was pending, and the question was an undecided question. This principle went to the suppression of all debate, after debate had once been commenced. He hoped the House would consider this distinction as existing. There could be no inconvenience in taking the question on reception at this time. The question was on reception. The petition was under the control of the House on the question whether it should be received or not; and that question could not be decided by this resolution, which had been subsequently passed. He wished, therefore, to have the judgment of the House; and if the House thought that debate should be suppressed, so be it.

There was another observation Mr. A. would submit. The injustice of this decision was made apparent by a vote on another petition of a similar character, which he had presented on the same day as the present. The question of reception was then entertained, and the

House, by a vote of a majority of nearly (if not quite) two thirds, taken by yeas and nays, determined that the petition should be received. Immediately afterwards, on the same day, he had presented another petition, (alluding to the petition before the House;) the question on reception was raised, and upon that question three gentlemen were heard so long as they thought proper to speak; and another gentleman, [Mr. BYNUM,] in the midst of his speech against the reception, was cut off, without either having himself a chance to close his remarks, or giving any other member a chance to reply to him; so that, on one side, that was to say, the free side of the question, debate was absolutely smothered. The Speaker had heard, with perfect complacency and satisfaction, every gentleman who had any thing to say against the reception of the petition, but would hear nothing in favor of it. He (Mr. A.) claimed the freedom of speech in this House, and would claim it as long as he could speak. He claimed the privilege of answering, here, the gentlemen who asserted, and maintained by argument, that these petitions should not be received. He did not doubt that this question would come up again, and, in the forward progress of the genius of slavery, he had no doubt that the next step would be to refuse to receive all such petitions as these. All the arguments used in favor of the suppression of debate on this subject, by previous questions and motions to lay on the table, which admit of no debate, might be brought to bear with equal force against the reception of these petitions at all; since it was no better than mockery to receive petitions, and then refuse to hear them read; and, for aught he knew, ere long, any member who should dare to raise his voice on the subject of the abolition of slavery would be expelled from this House. Sir, said Mr. A., I am ready to be that member, whenever the House shall come to that decision.

Mr. PINCKNEY said that the noise in the hall had been so great that he had not been able distinctly to hear the remarks of the gentleman from Massachusetts. Mr. P. inquired of the Chair whether the member had taken an appeal from the decision.

The SPEAKER said the gentleman from Massachusetts had appealed.

Mr. PINCKNEY said that this question had been fully discussed and finally determined at the last session of Congress. He moved, therefore, the previous question on the appeal.

And the House seconded the call: Yeas 99, nays not counted.

Mr. LAWRENCE called for the yeas and nays on the question of ordering the main question; which were ordered, and were: Yeas 129, nays 48.

So the House determined that the main question should now be taken.

And the main question, "Shall the decision of the Chair stand as the judgment of the House?" was then taken and carried: Yeas 145, nays 32.

So the House determined that the decision of the Chair should stand as the judgment of the House.

QUARANTINE AT ELSINEUR.

The House then resumed the consideration of the petition presented by Mr. CUSHING, in relation to the quarantine on American vessels at Elsineur.

Mr. CUSHIMG said that the memorial which he had presented complained of a very serious grievance, under which the foreign commerce of the United States has for some time labored. It pressed with peculiar severity on his immediate constituents; in consequence of which they had repeatedly, both verbally and in writing, called his attention to the subject. Under these circumstances, he did not feel justified in allowing the memorial to leave his hands without a brief explanation of its object, and of the disposition he proposed to make of it; which explanation he would give in the fewest possible words.

He said it was known to the House that the Danish islands are situated at the entrance of the Baltic sea, by means of which Denmark commands, to a certain degree, the navigation of that sea, in and out, owing to the narrowness of the various passages, whether between the islands themselves or between the islands and the mainland of Denmark and Sweden. The Sound, which is the principal of these passages, is guarded by the castle of Knowberg, at Elsineur, which, although it may be passed by armed ships, as happened in the case of the English attack on Copenhagen, yet is amply sufficient to overawe and arrest merchant vessels. In fact, Denmark holds the keys of the Baltic.

Denmark has taken advantage of this fact, for a long period, to lay a tribute on all merchant vessels passing up the Baltic, called the Sound dues. This tribute is paid without any value received by the merchant. It is not distinguishable in principle from the tribute formerly paid to the Barbary States. It is a gratuitous exaction of the most objectionable character, and ought not to be submitted to by the United States for another hour.

Denmark has recently taken similar advantage of her position, to subject our trade to another impediment; and that is, a most vexatious quarantine. Her conduct in this respect is, it is understood, countenanced inadvertently by Russia, in consequence of the fears of contagion entertained by that Power, and by the other Powers whose dominions are washed by the Baltic.

Our trade with Russia is highly advantageous to both parties. The cause of it is this, in a majority of instances: A ship sails from Boston, for example, for the island of Cuba, lays in a cargo of sugar, coffee, or other commodities produced in America, conveys them to Russia, and there purchases a return cargo of hemp, sail-cloth, iron, and so forth, for the United States. In addition to vessels with miscellaneous cargoes, there has gone up, during recent years, an average number of forty American merchantmen of the first class, laden with sugar, carrying 2,500 boxes, or 450 tons each, in all 100,000 boxes, of which vessels more than four fifths belong to the State of Massachusetts. They receive a freight at the rate of £3 10*s.* for the whole cargo, or £4 10*s.* for two thirds, and the remainder at half profits; and the House could judge, from these facts, concerning the value of the commerce, as well to Russia as to the United States.

It is the practice in the Spanish colonies to pack up their sugar in boxes, strengthened with strips of raw hide. The Danes stop the ship at Elsineur, compel her to put in at Kyholm, Kansoe, or Copenhagen, and to discharge and store the whole cargo for purification, or to tear off the hide from the sugar-boxes, and substitute clamps or hoops of iron. All this subjects the merchant to hazard of loss and damage in the discharge of his goods into lighters and otherwise; to the great expense of storing, and so forth, on shore; to many petty exactions; and to an average delay of fifty or sixty days, and sometimes to a delay of a whole winter, by being frozen up in the Baltic. It has been stated that a ship is thus liable to an expense of not less than three thousand dollars, without the slightest advantage to the health of the Baltic Powers, and to the common injury of Russia, the consumer of the cargo, and America, the carrier.

Mr. C. said there was no practical difficulty in the way of relieving the commerce of the United States from these evils. Our intercourse with Denmark is regulated by a treaty concluded the 26th of April, 1826, to be in force for ten years, and until notice from either party. That time has expired; and the United States now possesses the faculty of interposing, by negotiation,

to exact of Denmark a relaxation of all that is vexatious and unnecessary in the treatment of our ships at Elsineur. Mr. C. said he desired, in conclusion, to express his thanks to a gentleman of New York, one of the most honorable, intelligent, and estimable citizens of that great State, [Mr. James Tallmadge,] who had exerted himself recently, whilst in Russia, to have the matter rightly understood by the Emperor Nicholas.

It deserved, also, the careful consideration of Congress and the Government of the United States; and, to secure this object, he moved the reference of the memorial to the Committee on Foreign Affairs.

The memorial was referred accordingly.

ABOLITION OF SLAVERY.

An unusually large number of petitions and memorials, on the subject of slavery in the District of Columbia, were presented by different members, and were immediately laid on the table.

Mr. ADAMS asked the House at this time to take up and decide on the objection raised to the reception of the petition, presented by himself, from Lydia Lewis and others, [and subsequently returned to him,] praying the abolition of slavery in the District of Columbia. [This is the petition referred to in the preceding debate.*]

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* *To the Editors of the National Intelligencer:*

GENTLEMEN: There were three petitions referred to in the preceding debate:

First, this petition of Lydia Lewis and one hundred and fifty women of Dorchester. When I presented it and sent it to the Clerk's table, an objection was made to its being received. The Speaker had heretofore decided that, when objection was made to the reception of a petition, the motion to receive was debatable. But, to get round this decision, a motion was made that the motion to receive should be laid on the table, and then there could be no debate. The Speaker had been asked, if the motion to receive was laid on the table, what became of the petition? He said it remained in suspense and was not in the possession of the House. He accordingly ordered the Clerk to return to me the petition of Lydia Lewis and one hundred and fifty women of Dorchester, which was accordingly sent to me by the Clerk, and is now in my possession. It was the motion to receive it which had been laid on the table, and which I now asked the House to take up and decide.

Secondly, the petition of Eliza G. Loud and two hundred and twenty-eight women of South Weymouth. I had presented it immediately after the motion to receive the petition from Lydia Lewis and the women of Dorchester had been laid on the table. Some of the members from the South now insisted that the question upon receiving this petition from South Weymouth should be directly taken. It was taken by yeas and nays, and by a vote of 137 to 75 was received. I had moved that it should be read; but a motion had been made that it should be laid on the table, (not debatable,) and on the table it was laid.

Thirdly, the petition of Ralph Sanger and forty inhabitants of Dover. I had presented it immediately after the petition from the women of South Weymouth had been laid on the table; but, notwithstanding the decision of the House just before to receive the petition from South Weymouth, the question of reception was again raised upon this petition from Dover, which was also sent back to me from the Clerk's table. In the midst of a debate upon this question of reception, and in the midst of a speech by a gentleman from North Carolina, [Mr. BYNUM,] against its reception, the House on the 9th instant had adjourned. The petition from the women of South Weymouth had, therefore, on the 9th instant, been received and laid on the table.

The petitions from the women of Dorchester, and that from the men of Dover, had been declared by the Speaker not to be in possession of the House. The motion to receive the first had been laid on the table—the motion to receive the second was under debate at the adjournment of the House on the 9th instant.

These explanations are absolutely necessary to understand my remarks, as reported in the Intelligencer, and my exceptions to the decisions of the Speaker.

He had decided that the two petitions were not in possession of the House, and had sent them back to me. He now said that the resolution of the House intervening, had covered all the cases. I asked him if those petitions were by the intervening resolution of the House laid on the table. He said they would be laid on the table if I would send them to the Chair. This I declined.

The report proceeds: "Mr. Adams said he took it that the Clerk was responsible for the records of the House."

What I said was this: "The journals of the House show that at a former sitting of the House I presented these two petitions to the House. The Speaker now decides that, by a sweeping resolution of the House, they are laid on the table. If they are on the table, I take it the Speaker and the Clerk of the House are responsible for the truth of the House's journal, and for the possession of its archives."

With regard to the petition from L. Swackhamer and fifty-three ministers and members of the Lutheran church in the State of New York, the report is substantially correct; but as the Speaker, after refusing to allow the petition to be read, at the demand of Mr. HOAR, of Massachusetts, permitted it to be read when the reading was called for by Mr. PARKER, of New Jersey, and it was read, I ask of your candor and impartiality to publish it with this letter. The debate concerning it cannot otherwise be understood.

I am, with great respect, gentlemen, your obedient servant, JOHN QUINCY ADAMS.

HOUSE OF REPRESENTATIVES U. S., *Jan.* 26, 1837.

[Copy of the memorial referred to in Mr. Adams's letter.]

To the Senate and House of Representatives of the United States in Congress assembled:

The undersigned, ministers and members of the Lutheran church, in the State of New York, respectfully represent: That, since the people of the United States have given to our representatives, by the first article of the federal constitution, the right "to exercise exclusive legislation, in all cases whatsoever," over the District of Columbia, it is the duty of every citizen to watch the character of the law existing there. In this view, we call the attention of Congress to the condition of more than six thousand of the inhabitants of the District, for whose persons and civil and religious rights the laws of Congress have provided no protection. Instead of securing to them those rights, which our nation has solemnly declared to belong equally and inalienably to to all, your laws have deprived them of all personal rights, and subjugated their wills to the absolute control of others, to whom they are said to belong as property; and have also unconstitutionally deprived them of the power of obtaining redress for their wrongs, by prosecuting their claims in courts of justice, and of the right of trial by jury in many cases, and virtually of the right of petitioning Congress.

We, therefore, respectfully request Congress forth-

Massachusetts might send his petition to the Chair, and it would be laid on the table.

Mr. ADAMS said he did not doubt his right to send the petition to the Chair. The Speaker had decided heretofore that the petition was not in the possession of the House. Mr. A. now wished for a decision on the question of receiving the petition, which, on the journal, appeared to have been presented by him.

The SPEAKER said the gentleman might present his petition, and send it to the Chair, to be disposed of under the resolution.

Mr. ADAMS said it was not his intention to send it again to the Chair.

The SPEAKER said then there was nothing before the House, and the gentleman was out of order.

Mr. ADAMS said he took it that the Clerk was responsible for the records of the House.

The SPEAKER said the entry on the journal was, that the gentleman from Massachusetts "offered to present" a petition; it did not appear that he did present it.

Mr. ADAMS. But by a subsequent decision of the House, notwithstanding the petition had not been received, it was ordered to lie on the table.

The SPEAKER called the gentleman to order, there being no question before the House.

Mr. ADAMS. Then I understand from the Speaker that the petition is laid on the table.

The SPEAKER said it would be if the gentleman sent it to the Chair.

Mr. ADAMS. I do not propose to send it to the Chair.

[Mr. A. then presented a great number of similar petitions; all of which were laid on the table.]

Mr. ADAMS presented a petition which he thought could not be included in the resolution adopted by the House. It was a petition from fifty-four ministers and members of the Lutheran church in the State of New York, praying Congress to enact laws to secure to all the inhabitants of the District of Columbia the protection of the law and the rights of the declaration of independence. There was nothing about slavery or the abolition of slavery in it. He moved that it be referred to the Committee for the District of Columbia, and that it be printed.

The SPEAKER said the gentleman from Massachusetts knew the contents of the petition, but the Chair did not. If the petition related to the subject of slavery, it must be laid on the table.

Mr. HUNTSMAN thought the Speaker should read the petition, in order to ascertain whether it came within the meaning of the resolution.

Mr. PARKER insisted that the only way of arriving at the nature of the petition was to read its contents.

Mr. ADAMS. But the order of the House declares that the petition shall not be read.

The SPEAKER. Then the gentleman admits that it relates to the subject of slavery.

Mr. ADAMS. I do not admit any such thing. I have presented the petition in the form required by the rule, by giving a brief statement of its contents.

The SPEAKER looked for a moment into the body of the petition, and then said that, in his opinion, it fell clearly within the meaning and intent of the resolution.

Mr. ADAMS appealed from the decision of the Chair, and demanded the judgment of the House whether this petition should be received and read or not.

The SPEAKER said that the petition spoke of the absolute control held over a portion of the inhabitants of the District who were claimed as property. In his opinion it was embraced within the order.

Mr. PINCKNEY demanded the previous question on the appeal.

The SPEAKER said he had not yet ascertained that the gentleman from Massachusetts had yielded the floor.

Mr. ADAMS said he had performed his duty in giving a brief statement of the contents of the petition. There was not a word about slavery or the abolition of slavery in it. It was a petition asking Congress to enact such laws as would secure to all the inhabitants of the District the benefit of the law and the rights of the declaration of independence. This was the object of the petition; nor more nor less. If the Speaker decided that this was one of the petitions included in the resolution, he (Mr. A.) desired that the decision might be taken down, and that the records of the House might show what sort of petitions were rejected, even without a reading. What the paper might contain, what portion of argument was in it, the House could not know until the petition was read; and although the Speaker had read it, and was therefore able to decide whether his (Mr. A's) statement was true or false, yet, in the petition itself, there was not a word about slavery. And if the House should determine that a petition simply praying that all the inhabitants of the District of Columbia should be entitled to "the benefit of the law and the rights of the declaration of independence," he wished the decision and the judgment of the House to appear on the records.

The SPEAKER said he had no difficulty in arriving at a decision, from the statement of the gentleman himself, independent of his own observation, that the petition fell within the scope of the resolution. The petition had been endorsed by some one as a petition from these ministers "to abolish slavery in the District of Columbia."

Mr. HUNTSMAN contended that the Speaker, as the presiding officer of the House, was to be the judge whether the petition came within the prohibition of the resolution. The petition either contravened the rule, or it did not. Of this the Speaker was to be the judge, and had the right to look into the petition; otherwise the House would be left entirely in the dark.

Mr. PINCKNEY said that one half of the States were eternally prevented from presenting their petitions by discussions on this subject. He moved the previous question on the appeal.

Mr. ADAMS desired that, before the question was taken, the verbal statement he had made of the contents of the petition might be reduced to writing by the Clerk.

Mr. A. was called to order.

Mr. A. proceeded to argue that the Speaker had decided that this verbal statement should be made—

The SPEAKER called Mr. A. to order. The gentleman from Massachusetts had made his brief statement, and upon that brief statement made, the Chair had decided that the petition fell within the order of the House. From that decision an appeal was taken; the previous question had been demanded, and the Chair must ascertain if there was a second.

Mr. ADAMS. How can the previous question be taken, Mr. Speaker, without the House knowing on what it is to be taken?

The SPEAKER. The previous question will be on the decision of the Chair on the memorial presented by the gentleman from Massachusetts.

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with to pass such laws as justice and the character of our nation require, to secure to all the inhabitants of the District of Columbia, equally and alike, the protection of the laws, and the enjoyment of all those immunities and advantages which our declaration of independence and our constitution recognise as the inalienable right of every human being. And your petitioners, &c.

Dated September 28, 1836.

[Signed by L. Swackhamer, John D. Lawyer, John Selmser, Adolphus Rumpf, M. J. Stover, Philip Wieting, William Ottman, George W. Lewis, ministers, and forty-six members.]

Mr. ADAMS. And what is the memorial presented by the gentleman from Massachusetts?

The SPEAKER said the gentleman had no right to propound such questions.

Mr. ADAMS said he presumed he had a right to ask that the brief statement he had given might be made known to the House.

Mr. W. B. SHEPARD asked Mr. PINCKNEY to withdraw the previous question; which Mr. P. declined to do.

Mr. S. then said, amidst loud cries of order, that Southern men were compelled to sit and hear their constituents insulted, and the majority of the House denies them all opportunity of reply.

And the question being taken, the House seconded the demand for the previous question: Yeas 80, nays 51.

So there was a second.

Mr. REED asked for the yeas and nays on ordering the main question; but the House refused them.

Mr. HOAR asked that the petition might be read, in order that he might understand on what he was about to vote.

The SPEAKER said it would not be in order.

Mr. HOAR asked if it would then please the Chair to tell him on what he was about to vote.

The SPEAKER said the gentleman from Massachusetts [Mr. ADAMS] had presented a petition, and had made a brief a statement of its contents. The Speaker supposed the gentleman from Massachusetts [Mr. HOAR] had heard that statement.

Mr. ADAMS said he wished the Speaker would state what that brief statement was.

The SPEAKER said the gentleman from Massachusetts would take his seat.

Mr. ADAMS said he would take his seat. [And he did so.]

The SPEAKER said it was not the part of the Speaker to repeat the statements made by members of the House.

Mr. ADAMS said, if the House permitted, he was ready to repeat his brief statement, for the benefit of his colleague.

The SPEAKER said the demand for the previous question had been seconded, and he could not entertain a question of this character at this time.

And the question being taken, the House decided that the main question should now be taken: Yeas 85, nays 35.

So the main question was ordered to be put.

Mr. PARKER said it was impossible for him to determine the nature of the petition until it had been read.

The SPEAKER (after a few moments' consideration) said he doubted whether, under the circumstances, it would not be proper that the petition should be read, that the members might determine what direction should be given to it. It was very short.

The petition was accordingly read; and the SPEAKER said he had decided that it fell within the order of the House.

Mr. COLES called for the yeas and nays on the main question; which were ordered.

Mr. ADAMS inquired what the decision of the Chair was.

The SPEAKER said his decision was, that the petition fell within the following order of the House. [The Speaker read the resolution so often referred to.]

Mr. ADAMS said he then understood the decision of the Chair to be on the verbal statement made of the contents of the petition, and on the petition itself.

The CHAIR said he had stated the question several times.

Mr. ADAMS wished for information. Would the decision of the Speaker, laying this petition on the table, be entered on the journal?

The SPEAKER. Unquestionably. If it is not there at the reading of the journal to-morrow morning, the gentleman can require it to be put there.

Mr. ADAMS. Oh, yes, sir, by the vote of a majority of this House.

The SPEAKER. The Clerk will do his duty.

And the main question, "Shall the decision of the Chair stand as the judgment of the House?" was taken, and carried: Yeas 170, nays 3.

So the House affirmed the decision of the Chair.

After the reception and reference of numerous other memorials,

The House, at about half past 4 o'clock, adjourned.

TUESDAY, JANUARY 24.

TRANSLATORS TO THE HOUSE.

The unfinished business was the following resolution, heretofore reported by Mr. HUNTSMAN, from the Committee on Private Land Claims:

"*Resolved*, That the translator of the French and Spanish languages for this House, who was appointed under the resolution of the House of February 24, 1835, be continued as such until the 1st of February, 1838."

After some remarks from Messrs. HUNTSMAN, E. WHITTLESEY, G. CHAMBERS, and D J. PEARCE,

Mr. E. WHITTLESEY moved to recommit the resolution to the Committee on Private Land Claims, with instructions to inform the House what amount of translations the individual referred to had furnished within the last two years, and to report to the House the necessity, or otherwise, of continuing the said office.

After some desultory conversation, Mr. E. WHITTLESEY withdrew his motion, on the suggestion of Mr. C. JOHNSON that the resolution should lie over until the next session of Congress.

And the question being taken, the resolution was rejected.

After transacting the usual morning business, the House proceeded to the orders of the day, and took up the bill for the

ADMISSION OF MICHIGAN.

The pending question being on ordering the bill to a third reading—

Mr. VANDERPOEL said that the fair and statesmanlike manner in which the bill under consideration had already been discussed by the gentlemen who had preceded him was, he hoped, an omen that no extrinsic topics will be forced into this debate; that at least one subject would here be debated without conducing to the effusion of party spleen, unbecoming this hall and the high places we here occupy.

After all, said Mr. V., this is not a very complicated question. The truth and right of the case, for which, he trusted, we were all seeking, did not lie altogether hidden between the lids of ponderous volumes on constitutional law. They were as well within the reach and capacity of the plain every-day practical thinker as the constitutional scholar; and although he could not but commend the industry and research of his learned friend from Maryland, [Mr. THOMAS,] although he was forcibly struck with the force and applicability of most of the authorities which he cited, and subscribed to most of the doctrines which he urged, yet he (Mr. V.) fancied that we could attain a safe and a sound conclusion in this case, without consulting those sages and oracles with whose cogitations his learned friend had so liberally furnished us.

The sovereignty of the people, their right to change their Government whenever they please, the right of the majority to change their organic law whenever it becomes oppressive or inadequate to the purposes for which it was instituted; these, as general propositions, had not been, and would not, be thought, be denied. The right

of the people to change their Government, (if it were doubted,) might, however, be one question; but whether the people of Michigan, by accepting the conditions of admission held out to them by the last act of Congress, did, in fact, work such a radical revolution in their Government as to require any very labored vindication of the natural and inherent right of man to throw off the yoke of oppression when it becomes too galling to be borne, this was quite another matter. The two questions involved, as he understood them, were, first, have the conditions of admission held out by the act of Congress of last session been accepted by the people of Michigan? Secondly, was a change in the constitution of Michigan wrought, or attempted to be wrought, by the last convention, which accepted the conditions prescribed by the act of Congress; and if such change was, in effect, made, was it made by a competent body, and was it made *secundem artem?*—for it really appeared to him that there were some gentlemen who looked more to the form than to the substance of things.

In order correctly to understand the points that were involved in this case, it was necessary that we should understand the prominent facts that were connected with it, which, as introductory to the brief argument he proposed to submit, he would now succinctly state.

I. The Territory of Michigan, according to the ordinance of the 13th of July, 1787, for the government of the Territory northwest of the Ohio river, was entitled to be admitted into the Union, as one of the confederate States, when she contained a population of sixty thousand souls. In June, 1835, when it was ascertained that this Territory contained a population of more than one hundred thousand souls, the people of Michigan, through the medium of a convention chosen for that purpose, met and formed a constitution for a State Government. The preamble to this constitution declares the Territory of Michigan to be "as established by the act of Congress of 1805," which separated the Michigan from the Indiana Territory. That act would seem to include within Michigan the territory that formed the subject of dispute between the State of Ohio and Michigan. It might as well be stated here as elsewhere, and he (Mr. V.) begged the House to note this fact, the great importance of which would appear from a portion of his subsequent remarks, that the territory of which the State of Michigan was to be composed, according to her constitution, does not appear from the body of the constitution of Michigan, and is designated only in the preamble to the constitution. At the last session of Congress, Michigan came here with her constitution, and asked for admission into the Union. A question as to disputed boundary between Ohio and Michigan had already for some time agitated the great State of Ohio, and the growing and important Territory of Michigan, and had already assumed a very serious aspect. Congress was anxious to restore tranquillity between these contending parties, and instead of absolutely accepting the constitution of Michigan, and admitting her at once into the family of States, Congress, at its last session, passed an act by which the constitution and State Government which the people of Michigan had formed was "accepted, ratified, and confirmed," provided that a new boundary line was established, by which the whole or a part of the disputed territory should be given to Ohio; and, as a compliance with this fundamental condition of admission, Congress, by the third section of the act of last session, provided "that the boundaries of Michigan, as declared by the act of Congress, should receive the assent of a convention of delegates elected by the people of said State for the sole purpose of giving the assent required in the act of Congress." In September last, a convention of delegates, which assembled in Michigan pursuant to an act of the Legislature of that State or Territory, rejected the conditions of admission held out by the act of Congress of last session, by a vote of twenty-one to twenty-eight. On the 14th day of December last, another convention assembled, consisting of seventy-eight delegates, and unanimously accepted of the conditions contained in the act of Congress. The latter convention originated through primary assemblies of the people. After the first convention rejected the terms held out by the act of Congress, there was an election for members of the Legislature, held according to the constitution and laws of Michigan. This question of accepting or rejecting the terms of admission proposed by the act of Congress of June, 1834, was made a test question at this election; and it resulted in the election of members more than three fourths of whom were favorable to the acceptance of these terms of admission. The county of Washtenaw, one of the largest counties in the State, had returned seven members to the first convention, (which was a number equal to the entire majority of the disagreeing members,) by a majority of one hundred and eighty-one votes. Not more than 1,700 votes were given at this election, both for the assenting and dissenting members. After the first convention had rejected the terms proposed by the act of Congress, many prominent and respectable citizens of this county, convinced that a very large majority of its citizens were opposed to the result which the September convention had attained, addressed a letter to the Governor of Michigan, requesting him to call another convention. His excellency refused to comply with this request, on the ground that his power to call a convention was questionable; but, in his answer to the citizens of Washtenaw, who had thus addressed him, informed them that it was competent for the people in their primary assemblies to call another convention, and recommended that course of proceeding.

A convention was accordingly called by great numbers of the people, in their primary capacity. On the 5th and 6th days of December, elections were held in every county of the State except the counties of Monroe and Macomb. The judges appointed by law to preside at the elections in the State presided at this, counted and returned the votes, and saw that the laws prescribing the qualifications of voters were duly observed. The December election resulted in the choice of seventy-eight delegates, who subsequently convened, and unanimously voted in favor of coming into the Union on the terms held out by the act of Congress. This county of Washtenaw, which had given only seventeen hundred votes at the first election, and elected seven dissenting members, by a majority of only one hundred and eighty-one votes, at the second election chose assenting members by a large majority, and gave about nineteen hundred votes for the assenting members alone. It also appears to us most abundantly that, at the last election, more than two thousand votes more were given for the assenting delegates alone, than were given at the former election for both assenting and dissenting delegates.

Upon these facts, the first question which naturally arises is, has the condition of admission held out by the act of Congress of June last been complied with? Or, in other words, have the boundaries of Michigan, as declared by the act of Congress, received the assent of a convention of delegates elected by the people of Michigan "for the sole purpose of giving the assent required by the act of Congress?"

As to this point, said Mr. V., it must be observed that although the third section of the act of Congress of last session required the assent of a convention elected by the people of Michigan, yet it did not declare by whom, or by what authority, an election for such convention should be ordered. It does not provide that it shall be called by the Legislature of Michigan, as there was no

Legislature there that was recognised by Congress. The history of the act of Congress conclusively shows that such was the sense of Congress when the act passed. By a reference to the journals of the Senate of last session, it would be found that the bill, as originally reported to the Senate, provided that this condition "should be submitted to the Legislature of Michigan, and to their Senators in Congress, and the member elected to this House." An amendment was moved, to strike out this provision, and refer the subject directly to the people, on the ground that the Legislature of Michigan, as a sovereign State, was a body that Congress would not recognise before her admission into the Union was consummated. The Territorial Governor had resigned, or disappeared, the Legislature of the Territory, which had for so many years convened in a Territorial character, was no longer in existence, and there was, therefore, no intermediate body with whom Congress could or would treat in so important a matter as this. Hence Congress, by the act of June, 1835, dealt not with the Legislature, but with the people of Michigan; and the true question, therefore, was, whether the last convention, elected in the manner and under the circumstances which characterized the election of its delegates, sufficiently proved the sense of a majority of the people of Michigan.

This, said Mr. V., was altogether a question of fact; and, to dispose of it satisfactorily, a moment's recurrence to the evidence in the case was necessary. And upon this branch of the case there was one circumstance which appeared to him entirely conclusive. The second convention was held on the 15th day of December, the election of the delegates which composed it was fair and openly held in all the counties of the State except two. The proceedings of the second convention were notorious to every citizen of the State; it was well known that a messenger had been despatched to Washington (a personage no less than the president of the convention) with the proceedings of the convention, for the purpose of procuring an immediate admission of Michigan into the Union, on the ground that she had complied with the terms proposed by the act of Congress of June last; the subject had been openly and earnestly discussed in the other branch of the Legislature weeks ago, and yet not a whisper of remonstrance had been heard from any quarter. Should not this circumstance irresistibly lead us to the conclusion that there is good ground for the statement of the honorable Senators and Representative elect from Michigan, when they tell us they are satisfied that three fourths of the people of Michigan anxiously desire admission into the Union, even on the hard condition of admission prescribed by Congress? Who can, who dare, doubt as to the real sense of a majority of the people upon this subject, with this circumstance staring him in the face? But there were other items of evidence, tending to show that the last convention or last election formed a good criterion of the popular will. It would be recollected that at the last convention more than two thousand more votes were given for the assenting delegates alone, than were given at the former election for both assenting and dissenting delegates together. Nor was this all; he (Mr. V.) had already stated, that after the first convention had rejected the terms prescribed by the act of Congress, and in the month of November last, an election was held for members of the Legislature of Michigan. The question whether she should come into the Union on the terms prescribed by the act of Congress was a test question at this election, and it resulted in the election of about three fourths of the candidates who were in favor of assenting to the condition of admission to the two branches of the Legislature. To these circumstances might be superadded the very material fact, that this county of Washtenaw, which had originally returned the seven dissenting delegates who constituted the majority at the first convention, elected, for the second convention, delegates favorable to the terms of admission prescribed by the act of Congress, and that too by a vote so decisive as to leave no room to doubt the then state of feeling on this subject in that large and very important county.

It is said, however, that a very inconsiderable number of the persons who were qualified to vote actually voted at the second election. We are told that in December last the Territory of Michigan contained about two hundred thousand souls, and that only nine thousand votes were given for the delegates chosen at this second convention. It must be recollected, in regard to this point, that a residence of six months in the State is one of the qualifications of an elector in Michigan; and that it appears, from the documents before us, that about fifty thousand of the non-residents of Michigan moved into the State between the 1st day of June and the 1st day of December last, none of whom were qualified to vote. This argument, founded upon the inconsiderable number of voters, amounts to nothing, so long as it appears that about two thousand more votes were given for the assenting delegates at the last convention than were given at the former convention for the assenting and dissenting delegates together; and the same gentlemen who contend that it was competent for delegates chosen by much less than seven thousand voters at the first convention to give a valid negative to the terms prescribed by Congress, tell us that it was not competent for delegates chosen by at least nine thousand electors for the second convention to give a valid affirmative. This was, in his (Mr. V's) estimation, very strange argument. But, more than this, he was not altogether prepared to admit that nine thousand voters were so inconsiderable a number of the qualified electors of Michigan, especially in these piping times of peace. Those who remained home, and did not vote, must certainly be deemed to have assented to the terms held out by Congress. There were many congressional districts in the State which he had the honor, in part, to represent, that contained nine thousand voters. On occasions when there was not much public excitement, some of these districts would not probably give more than five thousand votes, and the prevailing candidate might be, and no doubt frequently was, elected by three thousand votes. Still, no one would doubt the validity of his election on this ground. Could not these nine thousand voters have elected a Governor and Representative to Congress? Why, then, hold them so entirely impotent in regard to this subject?

II. It has been strenuously contended that this act of acceptance of the second convention works an alteration of the constitution of Michigan; and it is urged, in the same breath, that the latter convention had no right, in this form, to make such alteration.

This objection, were it a sound one, would be as applicable to the doings of the first as those of the second convention. The first convention was called by the Legislature of Michigan; and if, as had been contended, the people of Michigan had no right to call a convention with power in any manner to alter, amend, or modify their constitution, in any other mode than that prescribed by the constitution of Michigan itself, he would ask what authority the Legislature of Michigan had to call a convention for such purpose? If the Legislature had a right to disregard the mode pointed out by the constitution, had not the sovereign people of Michigan an equal right? The constitution of Michigan prescribes the mode, and the only mode, in which it may be amended. According to the eleventh article of the constitution of Michigan, "any amendment or amendments to the constitution may be proposed in the Senate or House of Representatives; and if the same shall be agreed to by a majority of the members elected to each of the two

Houses, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and referred to the Legislature then next to be chosen, and shall be published for three months previous to the making such choice. And if, in the Legislature next to be chosen, such proposed amendment or amendments shall be agreed to by two thirds of all the members elected to each House, then it shall be the duty of the Legislature to submit such proposed amendment or amendments to the people, in such manner and at such time as the Legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the electors qualified to vote for members of the Legislature voting thereon, such amendment or amendments shall become part of the constitution."

Here, said Mr. V., we have the mode of amending the constitution of Michigan clearly pointed out to us. What stronger right had the Legislature than the people to call a convention to amend the constitution?—(if there were indeed any amendment of the constitution in the matter.) It was certainly too late to make this objection now. If it ever was sound, (which he very much doubted,) it ought to have been urged against the passage of the act of Congress of last session. Congress, when that act was passed, had the constitution of Michigan lying before it. It knew that the Legislature of Michigan (a body which Congress had never yet absolutely recognised) would have no right to give a binding assent, if it were true, as some gentlemen contended, that such assent involved an amendment of the constitution; and Congress, therefore, instead of referring it to any intermediate agency, whose powers were defined and limited, at once referred the matter to the sovereign power, the people of Michigan. Where were the vigilant guardians of the constitution of Michigan when the act of Congress passed, recognising the right of the sovereign people, through a convention, to accept of the terms contained in the act? They were not then at their posts, for this act passed very quietly through Congress, and no gentleman, to his (Mr. V's) knowledge, then imagined that, by referring the subject to the arbitrament of the people, we were authorizing measures that were anarchical and revolutionary. But if the act of acceptance by the last convention did alter the constitution of Michigan, if it were true that that Territory has so much of the essence of the constitution of a State as that a small portion of disputed territory could not be added or subtracted without working an alteration of the constitution of such State, he would, in such event, contend that it was competent for the people, through the medium of the convention chosen by them for such purpose, to make such alteration. When the people of Michigan made their constitution, prescribing the mode of amending it, as above quoted, with whom did they contract? They contracted with themselves; and have they not a right to revoke what they themselves have ordained? They contracted with themselves, and have a perfect right to exonerate themselves from the binding force of the contract. The Legislature is the creature of the constitution, and is therefore under it. It has no life and capacity other than what it draws from the latter. The constitution, on the other hand, is the creature of the people. It is their potential will alone that gave it all its efficacy and binding force. As had well been observed by one of the commentators cited by his friend from Maryland, [Mr. THOMAS,] the constitution was, in relation to the people, like clay in the hands of the potter. They could mould and fashion it as their sense of patriotism, or their views of public good, might dictate.

But it had been urged, that although the people are sovereign, they can only act through a legal organization when they undertake to change their organic law; that is to say, through the medium of forms and regulations, as to time and manner, prescribed by their Legislature.

This doctrine, said Mr. V., is contrary to the whole theory and sprit of our institutions. It puts the servant above his master, the creature above his creator. According to this doctrine, if the people are suffering grievances, be they ever so intolerable, and their lawmakers do not take the incipient steps towards remedying them, the people in their sovereign capacity are entirely impotent. The idea that every peaceable movement of the people to change their organic law is a factious or rebellious movement is indeed monstrous. But it was more particularly unsound, when applied to the subject-matter now under consideration; for be it remembered, that in the conditional compact which we made here, in the overture which we held out by the act of last session, we knew nothing about the Legislature of Michigan. We recognised no authority but the sovereign people of a particular Territory, over which, until they accepted of our condition of admission into the family of States, we had a right to execute jurisdiction. The Territory of Michigan was ours; he meant so far as sovereignty and jurisdiction were concerned. When called upon to surrender this sovereignty and this jurisdiction, we had a right to prescribe our own conditions, so long as they were reasonable and consistent with the constitution of the United States; and if we were satisfied that those conditions had been substantially, not technically, complied with, it was not only our right, but our duty, to make the promised surrender. We were dealing, as it were, with our own; not with a community whose sovereignty and State independence we had already absolutely recognised. We would not recognise Michigan as a sovereign confederate State until she complied with a certain condition; and whether that condition had or had not been substantially complied with was a question of fact, easy to be determined.

While upon this branch of the subject, said Mr. V., he would say a word or two as to the nature and weight of the evidence upon which the friends of the bill rely, for the purpose of proving the sense of the people of Michigan. It had been remarked by the honorable gentleman from Kentucky, [Mr. HARDIN,] that the evidence was not altogether satisfactory, and that it was not the character and degree of evidence upon which we could safely rely as the basis of our legislation. He entirely differed from the honorable gentleman upon this point. The evidence was not only full and overflowing, but emanated from sources that we could not but respect. it came to us, too, fortified with the strong circumstance that no effort had been made to impeach or falsify it in any particular. Indeed, it would almost seem that the disagreeing members of the first convention had themselves been converted to the faith of those from whom, at first, they had dissented; for not a syllable, by way of protest, had been heard from them. There was the official communication of General Williams, the president of the convention, informing us of the doings of the convention. There was the assent of the members of the convention, duly signed by them, to the condition required by the act of Congress; there was the letter of the Senators in Congress, and the Representative chosen to this House, from Michigan, containing answers to interrogatories propounded to them by the committee of this House to whom the bill on your table had been referred; there was an extract from a letter of the Governor of Michigan, and letters from various other gentlemen, well known to most of the members of this House, all going to prove the facts which he (Mr. V.) had detailed in the introduction of his argument. And was not this evidence abundant, especially when viewed in connexion with the fact that not a word of dissent

or remonstrance had been heard from any quarter? What evidence do you require as a legitimate basis for legislative action? Do you want seals, and bonds, and records, and subscribing witnesses, when you have no reasonable room to doubt as to the fact which is to form the ground of your legislation? Legislative bodies are not so trammelled with form and technicality as all this would seem to indicate. They pass very important laws upon mere newspaper accounts or representations. Does a tremendous fire lay waste a valuable portion of your great commercial emporium? You extend relief to some of the sufferers, without first sending forth a commission to take testimony, and report whether the devouring element has indeed committed the ravages told of by public journals and private letters. Do the public journals tell you that vessels are wrecked and hundreds of lives lost upon your coast, in consequence of a want of energy, vigilance, and efficiency, in the pilots whose duty it is to point out the safe passages to your harbors? You at once recollect that the constitution has committed to your hands the great trust of regulating commerce, and you forthwith set about inquiring the ways and means you had best put in requisition to prevent a recurrence of such shocking catastrophes; and that, too, without first appointing a committee to inquire how many ill-fated mortals had fallen victims to your past remissness. He who will not believe the testimony accumulated upon the points—first, that the election for delegates to the second convention were fairly conducted; second, that the votes for the assenting delegates for the last convention exceeded, by a large majority, that for both assenting and disagreeing delegates for the first convention; and, thirdly, that at least four fifths of the sovereign people of Michigan would rather come into the Union upon what they deemed the hard terms proposed by the act of last session of Congress, rather than be longer postponed—those who are yet unbelievers in these several propositions must be sceptical in the extreme.

The honorable gentleman from Kentucky [Mr. HARDIN] has asked me, in a tone of triumph, and challenged me to answer him, whether there could be in Michigan a constitutional Government and a revolutionary Government in operation at one and at the same time. Sir, said Mr. V., the gentleman begs the question when he assumes that it is necessary for our purpose to show that a constitutional Government and a revolutionary Government can legitimately coexist in a State. He contended, as will be remembered, that there was no constitutional Government in Michigan, which Congress had absolutely recognised, up to the time of the second convention. Congress had, be it always remembered, made no absolute recognition of any power in Michigan but that which was lodged in the people of the Territory. The gentleman, in one part of his speech, admitted that Michigan had been somewhat irregular in her first movement; that, strictly speaking, she could not change her Territorial relation, and form a State constitution, without first obtaining the assent of Congress; but that Congress, if it saw fit, could waive the irregularity of the proceedings of the people of Michigan, and ratify and affirm their doings. The gentleman had further contended that the first convention was the fruit of the constitutional Government, and that the last convention was an emanation of the revolutionary Government. Sir, said Mr. V., both were equally revolutionary in their character, if an amendment of the constitution was effected by the acceptance of the terms proposed by Congress. It had already too often been said that there was but one mode of amending the constitution of Michigan, according to the organic law which the people of that State had adopted; and that the first convention was no more the child of that constitution than was the second. Under and according to that constitution, the first convention had no right to amend it.

We have, said Mr. V., heard a great deal said about revolutions, and some portions of the elaborate argument of his friend from Maryland, as to the right of the people to revolutionize their Government, able as it was, was, (he spoke with great deference to the superior ability and experience of that gentleman,) he humbly apprehended, somewhat calculated to mislead those who had not attended very strictly to the facts and to the true points in this case. It was calculated to induce the suspicion or fear that some terrible revolution may have been wrought there. Sir, there has been no revolution in the Government of Michigan. Though a little territory may have been taken from her at one end, and a little more may have been added at another, all the guarantees thrown around the rights of person and property, by the constitution of Michigan, were still there, unchanged and unmodified in any particular. Was the Government provided by the constitution of Michigan republican? It is still so. Did it secure the freedom of conscience and religion, and the freedom of the press? It still does. Did it prescribe and define the duties of the executive, legislative, and judicial branches of the Government? It still does. Did it prescribe the qualifications of electors? It still does. Did it secure the citizen against unwarrantable searches and seizures, and guaranty the right of trial by jury? It still does. All these fundamental provisions—the life and soul and essence of the constitution—are still there, notwithstanding the terrible revolution we have heard so much of. What, then, is this monstrous revolution, this radical change of the constitution, about which we have heard such doleful jeremiads? Why, sir, a little piece of territory has been taken from one end of the State, and a little more than an equivalent has been added to the other, and all with the consent and direction of the Congress of the United States, before Michigan had absolutely passed from under her tutelage, and with the consent, too, of a large majority of the people of Michigan.

This, said Mr. V., brought him to another point, upon which he proposed to dwell for only a moment. He was not prepared to admit that territory was so much of the essence of even a regularly organized State (not to mention a mere Territory) as that a little addition to, or subtraction from, the territory which the jurisdiction of the State originally covered, could not be made without altering or amending its constitution. The constitution of the United States, when it was framed and adopted, did not contemplate the addition of Louisiana or Florida. It did not originally cover either; and yet this immense territory was purchased, and your federal jurisdiction was extended over it, without amending your federal constitution. Constitutions, after all, seemed to be a little more elastic, or a little more capable of contraction, than many gentlemen seemed to imagine. There have been various controversies between States, respecting disputed boundary lines; and they have all been settled without feeling it necessary to amend their constitutions, and without dreaming that their constitutions were in effect amended thereby. New York, long after the adoption of her constitution, claimed a considerable portion of what is now Vermont. She relinquished all claim of jurisdiction over it, without ever supposing that her constitution was amended by the operation. But, sir, let us come down to a later period. For many years, and until very lately, there has been a controversy between New York and New Jersey, respecting the true boundary line between those two contiguous States. The gallant Jerseymen were very pugnacious when they fancied that the Empire State was disposed to trespass upon their oyster beds. The matter was once brought

before the Supreme Court of the United States, and had, as he believed, been finally adjusted, without any amendment of constitutions on either side. The States, through their Legislatures, were constantly ceding jurisdiction to the United States, for military or naval purposes; and all this, too, without amending their constitutions. Constitutions, said Mr. V., are organic laws, that guard the cardinal rights of States and communities; and if, in the progress of events, a small portion of territory, or a few members of the community, once shielded by this law, be severed from it, it is idle to say that it is not operative and binding upon the main body that remain, without resorting to the process of amendment.

A change in the constitution of a State, a revolution in Government, is something more than the loss of a few miles of disputed territory over which the Government was originally extended. It is not quite so insignificant an affair. It is not a gentle breeze, that merely tears off a branch or a leaf, but a tornado, that sweeps away the main pillars and the very corner stones of the edifice, and levels the old order of things to the ground. It shakes whole nations, and marks its career with desolation and blood. To call the orderly proceedings of the free people of Michigan, in this instance, a revolution, is indeed contradicting all our former notions of revolutions of Government. It is disparaging and libelling that great and glorious struggle which secured to us the right of sitting here, and legislating for a great, a free, and a happy people.

At the same time that he deemed it unnecessary for the purposes of the question immediately before the House to have gone into all the profound and elementary learning extant, as to the right of the people to resort to this extreme remedy, he did not wish to be considered as entirely repudiating the doctrines of the gentleman from Maryland, [Mr. THOMAS.] Deny to the people the right of changing their Government, when it becomes either oppressive or inadequate to the purposes for which it was instituted, and you deny the very cause which gave existence to us as a nation. You open sources of sovereignty other than those which your fathers taught you, and array yourselves against the principles which were promulgated to the world in that immortal instrument which declared your independence as a nation. But, sir, neither the time nor the occasion will justify my going into an elaborate disquisition on the inherent rights of man and the origin of government.

It has been asked, and will doubtless again be asked, if Michigan was not, to all intents and purposes, a sovereign State when you passed the law of the last session admitting her into the Union, after she should have executed certain conditions on her part, how could she choose Senators in Congress, and a Representative to this House, before the act of Congress had passed? The gentleman from Kentucky [Mr. HARDIN] had himself given the answer to this. He had told us that although the proceedings of Michigan, in forming a State constitution and organizing a State Government, were premature and irregular, yet it was competent for Congress to waive this irregularity, and to ratify and confirm what Michigan had thus done. There is a difference between adopting and ratifying an unauthorized thing after it is done, and authorizing the doing of it before it is done. You are constantly passing laws confirming titles that are either void or voidable, yet it does not follow from this that the title which you are thus called upon to perfect was good before your act of confirmation passed. The adoption and ratification of an act, originally irregular, by a party competent to adopt or ratify, legalizes the act from its inception. If, as between individuals, a party, professing to be your agent, usurps authority which he had strictly no right to exercise, and does an act which he had no right to do, and you afterwards adopt and ratify the act, you make him your agent from the beginning. Mr. V. said there were too many lawyers, and, if not lawyers, too many gentlemen of sound discrimination and strong common sense, now in his hearing, to require him longer to dilate upon this topic.

Sir, said Mr. V., I have now said, upon the points involved in this case, all that I demeed myself called upon to say, as a member of the Judiciary Committee, to which this whole subject was referred. I have attempted, as is ever my study, so to discuss this subject as to give offence to no gentleman, and have endeavored to exclude from my discourse, feeble as it has been, all extraneous topics. I will not so far degrade the proud place to which my constituents have here elevated me as to pervert it on every occasion into the means of pouring forth party tirades against political adversaries. There are duties and topics that belong to the stump and the electioneering rostrum, and there are duties and topics that appropriately belong to your halls of legislation. There is a style, a tone, and a temper, that may well become the harangue occasions of political gladiators elsewhere, and which illy accords with the dignity and amenity that should always be observed in your halls of legislation. I wish not, sir, to assume the odious office of censor of the habits and practices of this House. I claim no exemption from those that are exceptionable. Standing, then, in the relation of *particeps criminis*, I will take occasion to say, that while I have had the honor of a seat in this House, there has been generally too great an inclination in gentlemen here to wander from the true point under debate, too great a propensity to deal in common-place party denunciation, rather than illustrate great questions of principle with fair, with terse and statesmanlike logic. Amid the thousand speeches that are constantly thrown off here about matters and things in general, compact, well-digested, and instructive arguments are indeed "like angels' visits, few and far between." It was not so, sir, in the early days of the republic, when your Madisons, your Hamiltons, your Marshalls, and your Ellsworths, illustrated the annals of your legislation. We now, at this late day, constantly consult their speeches, as if they were the gifts of oracles. It is, sir, because, when they entered the sacred halls of legislation, they disdained the miserable *trashy* ephemeral party topics of the day, and dwelt only on questions of interest. Yes, their giant intellects grappled only with great subjects of principle, that concerned the public weal, not only for a day or a year, but for ages to come. It is high time, sir, that we should begin to emulate their example. It is high time that we begin to realize that the people did not send us here as schoolmasters, to teach them what candidates they had better honor with their confidence, and to tell them of the foibles or the virtues of the ins or the outs, but as agents to originate measures and enact laws that may conduce to their permanent happiness and prosperity.

When Mr. VANDERPOEL had taken his seat,

Mr. TOUCEY addressed the House as follows: No one, Mr. Speaker, rejoices more than I do that the time has arrived when the just rights of the people of Michigan, as a State of this Union, are to be acknowledged and regarded. After every obstacle seemed to have been removed, and every difficulty overcome, new difficulties and new obstacles have sprung up, and the ground is contested to the very last moment. With the right secured to her, by the fundamental compact of the ordinance of 1787, to form a constitution and State Government, and to be admitted into the Union as an independent State, upon an equal footing with the other States, whenever her population should be sixty thousand in number, she applied to Congress to provide by law for that event, and was told there was no time

then to attend to her demand. She applied again and again, and the message was still borne to her, that Congress was not yet ready. Having a population far exceeding sixty thousand, no longer waiting for a preliminary law of Congress, she proceeded, under the ordinance of 1787, which is of higher obligation than any law, as unchangeable and more so than the constitution itself, formed a constitution and State Government, and presented herself at the doors of Congress for admission. She was again told that we were not yet ready, that her boundary was not settled, that her claims conflicted with those of another State, that we had unbounded authority to settle that controversy, (now of more than thirty years' duration,) and to prescribe her limits by law, and that she must wait until we could find time to exercise that authority. She again waited during an almost interminable session, her Senators and Representative standing at our doors for more than half a year, and we finally exercised that authority, settled the contested boundary, prescribed her limits on all sides, ratified, accepted, and confirmed, her constitution and State Government, and declared her to be a sovereign and independent State. By the same act, we declared her to be thereby admitted into the Union, upon the express condition that her boundaries should be those which we then assumed and exercised the authority to prescribe.

A mind of ordinary intelligence would have supposed that, having gone thus far, the next step was inevitable, and that her Senators and her Representative would have been admitted to their seats; that the right of participating in framing the laws which she was to obey would have been practically allowed; that taxation and representation would no longer have been forced asunder; and that her people, already become a powerful State, would no longer be denied the rights, privileges, and immunities, of American citizens, secured to them by the plighted faith of the nation, by the unalterable compact of the ordinance, and by the constitution of the Union. But their just rights and their just expectations were not regarded. The jealousy of controversy and the jealousy of questioned power were not so easily appeased.

The admission of the State of Michigan into the Union was not to be complete, and her Senators and Representatives were not to take their seats, until the boundaries prescribed by act of Congress had received the assent of a convention of delegates, elected by the people of Michigan for the sole purpose of giving that assent. And now, when that assent has been given, as I shall attempt to show, in the only possible mode, and the voice of remonstrance from that injured people is not heard, opposition is raised here, her convention is denounced as revolutionary, its authority denied, and the time for her admission into the Union, properly and constitutionally, it is said, has not yet come.

I ask the attention of the House to a plain view of this question. I apprehend the die is cast, the subject has gone from our hands, the only power we have is to acknowledge the truth, to recognise the existence of an independent State of this Union, and to admit the just claims of her delegates in both Houses of Congress.

Look to the peninsula of Michigan. What do we behold there? A State, in fact, with a population of two hundred thousand; with definite boundaries, now at all events fixed beyond the control of Congress; with a constitution and State Government; legislative, judicial, and executive departments; with laws enacted, administered, and executed by its own authority; all its officers performing their respective functions, without interruption and without question—Michigan is a State *de facto*.

She is rightfully a State. By the fundamental compact of the ordinance of 1787, she was entitled, when her boundaries were fixed, and her population amounted to sixty thousand, to form a constitution and State Government for herself. Her boundaries are fixed beyond the reach of any authority known in this country, except her own. Her population is sixty thousand three times told. She has formed her own constitution and State Government, in pursuance of the right secured to her by the compact; a right inherent in her people, which cannot be taken from them except by brute force, by a flagrant violation of the public faith, of the articles of compact, and of the constitution of the United States, which guaranties the perpetual obligation of that compact, and by violating the rights of every American citizen within her limits. The Congress of the United States, by the act of June last, has accepted, ratified, and confirmed, her constitution and State Government, without restriction or qualification, save that they are declared to be of force only within the boundaries, prescribed. Within those boundaries that constitution and State Government are of binding force, by authority of the people of Michigan, and by the sanction of an act of Congress. The Territorial Government is abolished; the Territorial jurisdiction is withdrawn; not a vestige of it remains. It has receded before the State jurisdiction, which has sprung up in its place. Michigan is a State *de jure* as well as a State *de facto*.

She is a State not out of the Union. She was a Territory under the authority of the Union. The transition was, from a Territory under the authority of the Union, to a State under the authority of the Union. The one necessarily succeeds to the other, unless a change is wrought by conquest; unless, by conquest, the new State goes out of the Union. The power of Congress can only be exerted by maintaining the Territorial authority; when that is withdrawn, and the State authority is recognised, the result in constitutional law is a State under the authority of the Union. The people of Michigan are citizens of the United States, subject to the federal authority, subject, like the citizens of other States, to the laws of Congress, and owe an allegiance to this Government, which may be violated by acts of treason against it. They are each and all of them not out of the Union. The State of Michigan can neither negotiate foreign alliances, declare war nor make peace, maintain armies nor navies, coin money nor issue bills of credit, regulate her own commerce, nor do any one act which is prohibited to any other State. All this, and more, she might do, were she out of the Union. But she cannot do it, for the plain and obvious reason that she is bound by the constitution. That a State and the people of a State should be under the constitution, and bound by it, and yet be out of the Union, and without the pale of the constitution, is a contradiction in terms. What must be the condition of a State, which has every essential quality and circumstance which define every other State in this confederacy, it is unnecessary for me to say.

Michigan is then a State *de facto*, a State *de jure*, a State not out of the Union, a State acknowledged by Congress, her constitution accepted by Congress, her State Government, revolutionary perhaps in its origin, ratified and confirmed by Congress.

What, then, will you do? Will you put her out of the Union? You cannot do it. Your decree would be impotent. Two hundred thousand American citizens cannot be put out of the Union by act of Congress. A sovereign State, whose constitution you have accepted, whose State Government you have ratified and confirmed, which is bound by the constitution and laws of the Union, cannot be put out of the Union by act of Congress, nor can she be put out of existence. *Verbum irrevocabile.* It has gone forth. It is too late. What, then, will you do? Have you the power to exclude her delegates

from these halls? Have you the power to exclude those of any other State? Have you the power to refuse to examine the electoral votes? You may do so, but you have not the right. You may exercise the power, but you ride over the constitution of the country, and trample under foot the rights of every man it.

Why, then, should you not now acknowledge and declare the admission of this State into the Union upon an equal footing with others? Are her limits not ultimately and absolutely prescribed? Congress either had or had not the power to prescribe them. If we had the power, we have exercised it, and the thing is done. The act is valid. It cannot be more than valid by any thing we can do, or by any thing others can do; and the condition of assent is little short of nugatory. If we had not the power, if the constitution had not granted us the power, the act is void, and by no indirection can we make it otherwise. And the condition of assent, in that case, is unconstitutional and void. As well might we annex a condition that Michigan should assent for all time to come to receive her Government from the President and Senate. If we have not the power to do it directly, we cannot do it indirectly. Will any member in this House rise up in his place and say that the object was or is to force the people of Michigan to give their assent to an unconstitutional and void act, by a denial of their constitutional rights, until the extorted assent should be given? I think not, sir. The act itself assumes that Congress had the power. That power is exercised in the form of absolute law. The object of the condition of assent was not to create power where it was denied, nor to give validity to that law. It had quite another object; and that was, to prevent dispute, conflict, litigation, agitation, between two sovereign States of this Union; and that in reference to a law which we asserted the power to enact, and did enact.

Why, then, I ask again, shall we not, without further delay, acknowledge and declare the admission of the State of Michigan into the Union upon an equal footing with all other States? She has fixed and unalterable limits given her by Congress, and your power is exhausted. She has a constitution which Congress has approved as republican, and that work is done. She has set up a State Government under it, without your previous assent, and Congress has ratified and confirmed it by its subsequent assent. All this has been done on the part of Congress unconditionally. And the act goes even further. It declares that she is thereby admitted into the Union, upon the express condition that her jurisdiction shall be confined to certain boundaries; and then the very act itself, if not founded in usurpation, effectually executes that condition, by prescribing absolutely those very boundaries. Why, then, I repeat, shall we not acknowledge and declare her admission to be absolute and complete?

Because it is said her admission, by the terms of the act of Congress, is not to be deemed complete, and her representatives are not to be admitted to their seats, until those boundaries have received the assent of a convention of delegates elected by the people of Michigan for the sole purpose of giving that assent; and it is urged that this assent has not been duly given. It is not denied, by any one, that a convention of delegates, claiming to have been elected by the people of Michigan for this sole purpose, have assented in their behalf to this act of Congress. But various objections to that convention have been made. If these can be removed out of the way, the assent will stand, and this condition—even this condition—will be acknowledged on all sides to have been performed.

In the first place, it is said that this convention was not called by the Legislature of Michigan. The constitution of Michigan was valid, or not valid. If not valid, the State Government set up under it was in the same predicament, and the Legislature had no authority whatever to call this convention. If valid, the objection is equally overthrown; for the Legislature, under that constitution, had no authority, in any event whatever, to call a convention for the purpose indicated in the act of Congress. It was authorized, in a certain mode, to submit an amendment to the people. It was authorized, also, in a certain mode, to submit to the people the question of a general convention; and, if ordered by the people, to make certain provisions in regard to it. But it was not authorized to call a convention for any purpose, much less for the purpose of giving the assent required by this act of Congress. It had no power over the subject, none whatever. Its sanction, given or withheld, would be of the same importance with that of any other equal number of men, in or out of Michigan, who had no power over the subject; that is, of no importance at all. By what process of reasoning the conclusion is reached, that the legal and constitutional effect of a legislative act, which cannot by possibility have any legal or constitutional effect whatever, should be deemed essential to the validity of this convention, I am utterly unable to discover. The process is quite too subtle for the grasp of ordinary minds.

The act of Congress requires no such thing. It is entirely silent on the subject, nor can it be implied by construction. The law never, by implication, requires a void act; an act which in itself would be unauthorized and void. And will any one say that Congress, with the constitution of Michigan before them, and accepted, ratified, and confirmed, by this very act, intended to exact an impossibility—the exertion of legislative authority which by that constitution had no existence, and which Congress well knew had no existence, and to exclude that State from the Union until that impossibility had been performed.

This disposes, also, of a second objection which has been made, not much insisted on—that the first convention, which refused its assent to this condition, had the sanction of the Legislature of Michigan, which, at the same time, disclaimed any authority over the subject. For it has not been and will not be denied, that if the second convention had the same authority without that sanction, it could reverse the doings of the first; that is, if it had the power of calling a convention of the people of Michigan.

The whole subject lies within a very narrow space. From its very nature, it admits of but two questions: one of fact, the other of power. Was there a convention elected by the people of Michigan? If so, had they the power to give the assent required? Both propositions have been denied; and it is that denial which raises the only two questions deserving of much notice.

I shall not detain the House at this late hour by an elaborate examination and argument of the question of fact. It has already been done in the most conclusive and unanswerable manner by my friends of the committee to which this subject was referred, the member from Maryland, who spoke the other day, [Mr. THOMAS,] and the member from New York, [Mr. VANDERPOEL,] who addressed the House this morning. Those who are not already convinced that this convention was elected by the people of Michigan, received the sanction of the people of Michigan, and spoke the voice of the people of Michigan, will not be convinced. They were required to elect this convention to obtain the benefits of this Union, which they had so much, so long, and so justly desired, and which they thought themselves unjustly deprived of. It was not a trifling occasion. They were appealed to with all the influence and authority of Congress; they were appealed to by their own Executive; they were appealed to by numerous assemblies, in vari-

ous parts of the State. The public will had been clearly disclosed in the recent elections, when convention or no convention, assent or dissent, was the test question. A great revolution of the public mind towards peace and harmony, and acquiescence in the doings of Congress, had taken place; so clear and decisive that it was not to be denied. The people were called upon, by irresistible considerations, to act—to express their dissent, if they did not assent. The vote was taken. Nearly three thousand votes were given for assenting to the act of Congress more than were cast on both sides at the previous election; and now, when the doings of the second convention are brought here, to be made the mere basis of our action, and to receive the sanction of this body, and that known to every man in Michigan, the whisper of remonstrance is not heard! It is in vain to say that this convention was not the convention of a large majority of the people of Michigan. It was not and could not have been called in pursuance of any provision in their constitution. It was not and could not have been called by their existing Legislature. It was not and could not have been called by the act of Congress. Aware of all this, it is to be presumed that Congress designedly left it to be the spontaneous act of the people, called by their authority, and clothed with their authority. At all events, Congress, claiming the power to establish the boundary line, without the assent of the people of Michigan, and having exercised that power by the enactment of a law, was content to require it, as a condition to her complete admission into the Union, that the line so established should receive the assent of a convention of delegates, elected by the people of Michigan for the sole purpose of giving that assent. That has been done in the only possible mode; and the condition has been complied with. Compliance is one thing; the effect of the act of compliance is another. It is immaterial what may be the effect of that assent. If Congress had imposed the condition that the Legislature of Ohio or Missouri should assent, and that assent had been given, the condition would have been complied with, though both the condition and the compliance might have been of very little importance. I am satisfied that this convention had the sanction of the people of Michigan; was the act of the majority, not of the minority; and that the assent required by the act of Congress, in its true spirit, to the very letter, has been given, and will be regarded.

But, sir, another objection has been made, which, I think it apparent, from what has already been said, can have but little application to the subject now under consideration; and yet the monstrous doctrine which it involves I cannot pass by without a word of comment. It is said that a majority of the people of a State cannot alter an existing constitution, unless it be in the manner pointed out by that constitution, or in pursuance of some provision of law. Sir, I cannot consent to this proposition. It is at war with the fundamental fact of political science, at least as understood in America—the supreme power of the people, their right to govern themselves.

Is there a man in this country who will deny that the people are the source of all political authority? If they are so, then the exercise of it is by their consent, and requires their consent. Consent of whom? Of every man? Of a unanimous people? That were impossible. Of necessity, the majority must give that consent. And when given, it continues until withdrawn. Its continuance is the continuance of that authority. Its withdrawal—clear, deliberate, and solemn withdrawal—is the termination of that authority. Otherwise, the supreme power is in the minority; and however small that minority, even if it be a single man, the right is the same. The fundamental principle of a representative republic is abandoned; the sovereignty of the people, the right of self-government, is abandoned; and an oligarchy, or tyrrany in some other form, is established.

By what authority exists every State Government in this Union? The impress is borne upon its face: the consent of the people. "We, the people of the State, do ordain and establish this constitution." It is the consent of the majority of the people; that is, of the people, by the voice of the majority. It is this consent which gives the constitution its authority. It is not a preliminary law. It is not the form of proceeding. It is the fact of this consent. The violation of form, or of previous law, does not invalidate it. It is the supreme power, which is superior to previous law or mere form, and by its essential character sweeps both out of the way, and the former constitution along with them. The forms and conditions, and embarrassments and entanglements, as long as they prevent the people from acting, are effectual; but when they break through these, when the people, by a majority, clearly and deliberately, in an authentic form, lay them aside, and declare it to be their will that a change be made, and with that solemn purpose decree that it is made, the supreme power is exerted, and the thing is done.

The supreme power of the people is very familiar in this country. They make constitutions and they unmake them. The same authority which does the one can do the other. They do not part with their sovereignty by setting up a State Government. They exercise it in that mode. It does not pass out of them and into others. There is no grantee, but there are agents—agents in executive, judicial, and legislative departments, who are authorized and restrained by that sovereign will. The constitution, while it continues, expresses that will. The will of the minority does not sustain it; neither can it overthrow it. The will of the majority, clearly and deliberately expressed, and with that purpose, necessarily does both.

Put the strongest case that can be supposed. A constitution is declared to be unchangeable and perpetual. Will any man contend the people cannot amend it? I think not. We should see the issue made between the supreme power of a former generation over the present generation, and the supreme power of the present generation over itself. The supreme power, the right of self-government, is at all times in the people. They cannot part with it. It cannot be taken from them. It cannot be transferred to a minority any longer than the majority consent; in other words, it cannot be transferred at all. If it could be, the minority would have the supremacy over the sovereign power; a proposition inconsistent upon its face. Disguise it as you will, the question is between the sovereignty of the people and the sovereignty of the minority; the right of self-government and the condition of being governed. The community of any State, not governed by its consent, but against its consent, not governed by its will, but against its will, deliberately expressed for the purpose of throwing off that control, is in bondage.

Sir, it is this principle of the supreme power of the people, of the right of the people to govern themselves, which was the chief controlling principle of the American Revolution, which is the foundation of all our institutions, which is the basis of every State Government in the Union, and without which liberty is but a name. It is the contest of liberty every where, and at all times, for the power of the people against a smaller number—a few, or one. In whatever place and with whatever fortune the contest may be going on, speed to it. Let not its champions be disheartened. The cause is a good one. It must ultimately prevail—it will finally triumph. It may be obstructed, it may languish, but, in the end, it is sure to triumph.

I will detain the House no longer. I would not have

detained it thus long, had not my sentiments been somewhat different from those expressed by others. The people of Michigan have been unjustly delayed. In this chosen and favored land, where liberty has taken her residence, where the rights of men are best known and most regarded, the whole people of Michigan have been made the victims of injustice. It is time that it should cease. I trust the House will not adjourn this night without giving a pledge to them, by its action upon this bill, that their rights are to be respected, without further embarrassment, vexation, or delay.

Mr. STORER spoke in opposition to the bill.

Mr. A. MANN said that, believing that Michigan was entitled to come into the Union under the conditions contained in the bill of the last session, and believing that, at this advanced stage of the present session, there was no general disposition to protract the debate, he moved the previous question.

Mr. JENIFER moved a call of the House.

Mr. BRIGGS moved that the House adjourn. Mr. B. desired to inquire from the Chair whether, if the motion to adjourn prevailed, the motion of the gentleman from New York would not come up first in order when the bill was again taken up.

The SPEAKER said it would.

And the question being taken, the motion to adjourn prevailed: Ayes 83, noes 37.

So the House adjourned.

WEDNESDAY, JANUARY 25.

WILLIAM HEROD, elected a member of this House to fill the vacancy occasioned by the lamented death of Mr. KINNARD, appeared, was qualified, and took his seat.

MILEAGE OF MEMBERS.

The unfinished business of the morning hour was the following resolution, heretofore offered by Mr. UNDERWOOD:

"*Resolved*, That the Clerk be directed to lay before this House a statement showing the mileage claimed and the sums paid therefor, to the members of this House and the Delegates from Territories, respectively, during the last and present session of Congress; and that he also procure and lay before this House a similar statement in regard to the Senators in Congress."

To which Mr. CLAIBORNE, of Mississippi, heretofore offered the following amendment:

"*And be it further resolved*, That a select committee of five be appointed, with power to send for persons and papers, to inquire into and report to this House what deduction, if any, the members of the House of Representatives have made in their accounts for per diem compensation when absent in attendance upon the Supreme Court of the United States, or on the courts of adjacent States, or on their own private business elsewhere."

To which amendment Mr. YELL heretofore offered the following amendment:

"And that said committee be instructed to inquire into the expediency of providing by law for reducing the compensation allowed to members of Congress to six dollars per diem; and also into the expediency of providing by law for the removal of the seat of Government of the United States to some point on the Ohio or Mississippi river, on or before the 1st day of January, 1840."

The pending question was on the amendment to the amendment.

Mr. UNDERWOOD said if he could perceive that there was any disposition to take the question on his resolution without further debate, he would move the previous question upon it, after he had made a brief statement personally affecting himself.

[Cries of "question! question!"]

Mr. U. then made a statement, in reply to some remarks of the gentleman from Kentucky [Mr. HARDIN] in relation to his (Mr. U's) mileage; and he then called for the previous question.

But the House refused to second the call: Ayes 38, noes not counted.

Mr. UNDERWOOD said that, as there seemed to be no disposition in the House now to put a stop to further debate on this subject, he was willing to gratify them with making some observations. And he was the more disposed to do this, because he thought that, when the House had heard what he had to say, they would find the necessity of adopting the resolution.

The amendment of the gentleman from Mississippi [Mr. CLAIBORNE] proposed the appointment of a select committee to inquire what members of the House had been in attendance on the Supreme Court, and (if he (Mr. U.) understood the purport of the resolution) how much money they had made; or, rather, how much money had been drawn from the public Treasury for time during which they were not in attendance here. He had no objection to the resolution, if the gentleman from Mississippi would offer it as a distinct proposition, so as not to throw obstacles in the way of obtaining the proper light in relation to the bill which would come up for consideration. If the gentleman was sincere in his proposition, why not offer the amendment as a resolution, when his State should be called in its order?

There was one aspect, however, in which he (Mr. U.) disapproved of the inquiry, and which he thought the gentleman from Mississippi had overlooked. The amendment seemed to contain an imputation against the practice, on the part of members of Congress, of attending this court. He (Mr. U.) believed that the practice of representing the people of the several States, and the States themselves, before this tribunal, ought to be sanctioned rather than suppressed. Mr. U. here alluded to the many questions of grave importance, involving the interest of the several States, which were constantly brought before the Supreme Court; and argued that the representatives of the people of those States were much better calculated to manage these questions to advantage, from their possessing a more perfect knowledge of the local laws and policy of the several States, than resident counsel here could possibly be. The State of Kentucky had not only sanctioned this practice, but had herself retained and paid fees to her members of Congress to attend at this court, and vindicate the claims of her citizens.

As to the amendment of the gentleman from Arkansas, [Mr. YELL,] Mr. U. thought it was liable to the same objection of irrelevancy as the other. He thought, also, that if any practical good was expected to result from this amendment, the gentleman should have extended it to the subject of mileage as well as to the reduction of pay.

Mr. U. moved for the yeas and nays on the adoption of the amendment.

Mr. BELL said that he thought, after the experiment of the gentleman from Kentucky, [Mr. UNDERWOOD,] he (Mr. U.) should be satisfied that the House was not disposed immediately to act upon, or, at least, to adopt this resolution. That this resolution should become the hack subject of the morning hour, was unfortunate both for the feeling and the character of the House. It was, however, taking that direction now. That such a resolution could pass was an idea which he had not for a moment entertained; not from any improper motive on the part of the House, but from feelings which were honorable to it. He did not impugn the motives of the gentleman from Kentucky. He spoke from the experience he had of similar questions to those, which had been heretofore submitted to the House. The object of that

gentleman was to correct the unequal rate of mileage—an object patriotic and proper. He (Mr. B.) would like to see it accomplished, and he trusted that it would ultimately be adopted by the vote of a majority of the House, without casting imputation upon any members who, in the opinion of other members, might have taken an extra mileage. A bill was now upon the table, on its third reading, which, when it came up, could be so modified as to embrace this desirable object—the equalisation of the mileage. That the mileage was at present unequal was a fact acknowledged on every side. What necessity existed, then, for adopting this resolution now? Why should the same subject be brought twice under discussion? Some gentlemen argued that the way to correct the evil would be to publish the statement of the mileage of all members. That was already done at the end of each session; and that object, therefore, was mainly accomplished. He thought the subject had better be discussed when the bill on the table should come up. With this view, he would move to lay the resolution and amendments on the table.

Mr. LANE called for the yeas and nays on that motion; which the House refused to order.

And the question being taken, the resolution and amendments were ordered to lie on the table: Yeas 95, nays not counted.

Resolutions were then called for, commencing where the call was last suspended.

FREEDOM OF ELECTIONS.

Mr. BELL said he rose for the purpose of submitting a motion, of which he had given so many notices, for leave to introduce a bill to secure the freedom of elections; but he had himself felt so much of the inconvenience and disadvantage under which gentlemen labored who had held resolutions for some time which they could not have an opportunity to present, that he was disposed now, after having submitted his motion, to move that, under the indulgence of the House, every gentleman who had resolutions to offer should now offer them, provided they would not create debate. If no gentlemen were desirous to present such resolutions, he was ready now to proceed with his observations.

No resolution having been offered,

Mr. VANDERPOEL rose to a point of order. He wished to inquire whether a motion for leave to bring in a bill was debatable.

The CHAIR said he thought it was. The gentleman had a right to state the character of the bill.

Mr. BELL then said that the remarks which he had intended to submit might perhaps be better comprehended if he were to send to the Chair, to be read, the bill and preamble which he proposed to read. If the Chair thought the proceeding regular, Mr. B. would be glad that the preamble and bill should be read.

The CHAIR said that the regular way would be to take the sense of the House whether the same should be read for the information of the House.

And the question being taken, the sense of the House was declared in favor of the reading.

The preamble and bill were accordingly read, as follows:

A bill to secure the freedom of elections.

Whereas complaints are made that officers of the United States, or persons holding offices and employments under the authority of the same, other than the heads of the chief executive Departments, or such officers as stand in the relation of constitutional advisers of the President, have been removed from office, or dismissed from their employment, upon political grounds, or for opinion's sake; and whereas such a practice is manifestly a violation of the freedom of elections, an attack upon the public liberty, and a high misdemeanor; and

Whereas complaints are also made that officers of the United States, or persons holding offices or employments under the authority of the same, are in the habit of intermeddling in elections, both State and Federal, otherwise than by giving their votes; and whereas such a practice is a violation of the freedom of elections, and a gross abuse, which ought to be discountenanced by the appointing power, and prohibited by law; and

Whereas complaints are also made that, pending the late election of President and Vice President of the United States, offices and employments were distributed and conferred, in many instances, under circumstances affording a strong presumption of corruption, or that they were conferred as the inducements to, or the reward of, influence employed, or to be employed, in said election; and whereas such a practice, in the administration of the patronage of the Government, will speedily destroy the purity and freedom of the elective franchise, and undermine the free system of government now happily established in these United States: Therefore, to prevent the recurrence of any practices which may give rise to similar complaints in future,

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the fourth day of March, one thousand eight hundred and thirty-seven, no officer, agent, or contractor, or other person, holding any office or employment of trust or profit, under the constitution and laws of the United States, shall, by the contribution of money, or other valuable thing, or by the use of the franking privilege, or the abuse of any other official privilege or function, or by threats and menaces, or in any other manner, intermeddle with the election of any member or members of either House of Congress, or of the President or Vice President of the United States, or of the Governor or other officer of any State, or of any member or members of the Legislature of any State; and every such officer or other person offending therein shall be held to be guilty of a high misdemeanor, and, upon conviction in any court of the United States having jurisdiction thereof, shall pay a fine not exceeding one thousand dollars; and any officer other than the President, Vice President, and judges of the courts of the United States, so convicted, shall be thereupon removed from office, and shall be ever after incapable of holding any office or place of trust under the authority of the United States: *Provided*, That nothing herein contained shall be so construed as to interfere with the right of suffrage, as secured by the constitution: *And provided, further*, That nothing herein contained shall so operate as to prevent the President, or the head of any department who is vested by law with the power of appointing inferior officers, from removing from office, at any time, any incumbent whom the President, or the head of a department, as the case may be, shall be satisfied has intermeddled in any election, State or Federal.

SEC. 2. *And be it further enacted*, That from and after the fourth day of March, one thousand eight hundred and thirty-seven, no officer who, by the constitution and laws of the United States, is authorized to appoint, or nominate and appoint, any officer or agent of the Government, shall, by himself, or by any other person or persons in his behalf, give, or procure to be given, or promise to give or procure to be given, any office, place, or employment, to any person or persons whatsoever, with intent to corrupt or bribe him or them, or upon agreement that such person or persons to whom, or for whose use, or on whose behalf, such gift or promise shall be made, shall exert his or their influence in any election, or by himself or themselves, or by any other person or persons, at his or their solicitations, endeavor to secure the election of any person or persons to represent any State, or any district in any State, in Congress, or of

any person to be President or Vice President of the United States, or of any person to be Governor or other officer of any State, or of any person or persons to be a member or members of the Legislature of any State; and every such officer offending therein shall be held to be guilty of a high misdemeanor, and, upon conviction in any court of the United States having jurisdiction thereof, shall pay a fine not exceeding five thousand dollars; and any officer, other than the President, or the judges of any of the courts of the United States, so convicted, shall be thereupon removed from office, and shall be incapable, ever after, of holding any office or place of trust under the authority of the United States; and every person who shall receive or accept, by himself, or by any other person or persons in trust for, or in behalf of, such person, any office, place, or employment, with the intent aforesaid, shall be held to be guilty of a misdemeanor, and, upon conviction in any court of the United States having jurisdiction thereof, shall pay a fine not exceeding one thousand dollars, be removed or dismissed from such office, place, or employment, and shall be incapable, ever after, of holding any office or place of trust under the authority of the United States.

SEC. 3. *And be it further enacted*, That the several fines imposed by this act shall, when collected, be paid into the Treasury, as other moneys belonging to the United States.

After the reading had been concluded,

Mr. BELL addressed the House as follows:

Mr. Speaker: In moving for leave to introduce the bill that has just been read for the information of the House, I have been actuated by a motive which, I know, will be more acceptable to honorable members than merely to lay the foundation of a speech for ephemeral effect, here or elsewhere. My object is, sincerely, temperately, but earnestly, to call the attention of both sides of this House, and of the country, to the expediency, the eminent expediency, not to say the necessity, of immediate legislation upon the subject which it brings to view.

I admit the obligation of every gentleman upon this floor, who ventures to bring forward charges of a grave nature, and upon which he proposes to call forth the action of the House, to be sure that they are not unfounded in fact, and to take care that he may not be justly charged with an attempt to create unjust and false impressions, for party effect, or merely to gratify some unworthy passion. In this respect, I feel that I stand upon perfectly sure ground. As to the allegations of improper practices and abuses, set forth or implied in the preamble to the bill, I stand prepared to prove them all by such evidence as would be satisfactory to any jury of honest men; and I challenge the opportunity, under the authority and in the name of this House, to do so, to the satisfaction of the whole country. As to some of the abuses assumed to exist in the preamble, I believe I will not be put to the proof. The practice which has obtained to some, I believe I may say to a considerable extent, of removals from office upon political grounds, or for opinion's sake, will not, I imagine, be denied by gentlemen representing the Middle and Northern States. Still, I may revert to this point again, inasmuch as in some sections of the country it has been denied that such a practice has obtained, under this administration, to any extent. I presume, sir, it will scarcely be denied that a large proportion of the officers of the Federal Government, from the President down to the lowest grade of persons employed in its service, have interfered, of late, in all federal elections, directly, openly, and industriously. Then, the only charge implied in the preamble of the bill which may call for explanation, or proof, is, that, in the late election of President and Vice President, offices and employments have been given and distributed as the wages of political profligacy—the rewards of hireling service in the support of particular and favorite candidates. I know the extent of the responsibility I assume in making this charge. I know full well the difficulty which always attends an attempt to make proof of any such charge, when there is so much power to influence and intimidate on the one hand, and none, often, even to protect, on the other. I know how often it happens that a whole community are convinced in their own minds, from circumstances known to exist, that crime has been perpetrated, yet the accuser is foiled in making out his charge by clear and positive proof. But, after taking a full view of the responsibility I incur, I here solemnly reaffirm the charge implied in the last clause of the preamble to the bill which I have submitted for the consideration of the House. I beg leave to explain the ground I mean to occupy in making this charge. I am not so illiberal as to infer a corrupt motive in giving or receiving an office, during an exciting election, from the circumstance that the politics of the parties are the same, even when the person receiving the appointment is an active partisan. Officers must be appointed; the appointing power must be exercised; and when the persons appointed are honest and capable, I have never complained that they were selected from among political friends. But, sir, when appointments are made from among political opponents, who thereupon suddenly change their politics, and become political adherents, or when the new convert from his late principles receives an office at the hands of his new political associates, I maintain that this is the highest and most conclusive evidence of a corrupt understanding which the nature of such a transaction admits. I have said as much upon this point as I designed on the opening of the subject. I may recur to it again before I sit down.

[Here Mr. BELL was interrupted by a call for the orders of the day. Next day Mr. B. continued his speech.]

I have said enough, I hope, to satisfy the House that I do not intend to raise an idle clamor, based upon vague and unsupported charges or rumors. Supposing them for a moment to be true, is there a man who hears me who does not agree that the subject is of such magnitude, and the evils so alarming, as to demand immediate attention and redress?

But, before I proceed further, I wish to anticipate an objection as to the time at which I have thought proper to bring forward this measure. Many gentlemen, feeling the pressure of the great variety of business demanding the action of the House, and considering the short period within which the session must necessarily terminate, may desire that this subject should be postponed until another Congress. It is my opinion, sir, that there is no time so fit as the present. The new administration is not yet committed, in practice, to the support of the abuses complained of. These charges cannot, therefore, be construed into an attack upon it; and I take this occasion to say that, for one, it is my intention to give to the new administration every support to which the members of it shall entitle themselves by the merit of their measures. I shall endeavor, as far as possible, to forget the very exceptionable circumstances and influences which brought them into power, in order that my judgment may not be improperly biased. I am the more inclined to this course, because, for any thing I now see in the condition of parties, those who are now in power will be likely to govern the country for a long time to come. At all events, the elements of opposition must undergo a considerable modification—there must be further decompositions, different combinations, new trials of political affinities, and a recasting of parts among the actors in the political drama—before there can be any just ground to hope for success in opposing the ex-

traordinary and powerful political union which now controls the public administration.

It must, I think, Mr. Speaker, strike every observer, who is not blinded by interest or party rage, that some malignant distemper has seized upon, and now deeply affects, our political system. At all former periods we had, it is true, great party excitement, much crimination and recrimination between the respective parties, more or less violent denunciation, complaints of gross infractions of the constitution, and other irregularities and abuses; and, doubtless, there have been irregularities and abuses under every administration; but, sir, it must be apparent to every one that there are some features in the character of the present times, some circumstances of excess or novelty developed in the practical operation of our peculiar form of government, which were unknown and unfelt at any former period. A new character is rapidly forming and attaching to our American institutions, and birth has been given to new theories as to their ultimate destiny. I can only glance at those general results, as conclusions which present themselves upon a review of the actual state of things. It is an old maxim, or proposition, that power is never so absolute, or the danger that it will become perpetual so great, as when it is commenced and wielded in the name and by the authority of the people. The truth of this saying is confirmed by the experience of this country at this time. It is demonstrated that the partition of power, established by the constitution between several departments of the Government, and all other barriers interposed by that instrument, have not been sufficient to prevent the practical accumulation of all power in a single department. That a complete change has taken place in the action of the Government, within the last few years, is too manifest to require elaborate illustration. Take one striking evidence of the fact, which has struck me painfully, yet forcibly. I have been in the habit of making long, and often circuitous, journeys to this Capitol, from a distant residence, during the last nine or ten years; and during all that period there have been subjects of more or less interest among the people, and which were to be settled and regulated at this seat of Government and power. For the first few years of my experience in passing over the country, the inquiry was, "What will Congress do?" when any subject of public and national interest or policy was spoken of. "What will the House of Representatives do? What will the representatives of the people do?" But, sir, we hear these inquiries no longer. No one now asks, nor seems to care, what the chosen delegates of the people in Congress may feel or think upon any subject. The form of interrogation is changed. The question is, both from citizen and foreigner, what will the President do? What will he say in his message? What will Andrew Jackson do? What will the people's President do? His will and purpose ascertained, it is understood that Congress will conform their action to it. This single fact in the history of this country will be sufficient to stamp the present as the period of transition from a popular representative Government to the Government of an elective presidency—of a political chief. A revolution in the Government is, in some sense, complete. We have no longer a Government constituted of two or more separate departments—of an executive and of a legislative department. All power, in substance and effect, is concentrated in the hands of one department—in one head; and that head, I am sorry to say, is the head of a party.

The only example of the independent action of this House upon any subject in which the President was pleased to manifest any decided interest, which has occurred within the last two years, was the passage of the deposite or distribution bill at the last session. But let all the circumstances under which that measure was sanctioned by this House be held in memory. Let it never be forgotten that it passed only by opposing patronage to patronage, money to money, and arraying corruption against corruption. The people and the States were brought to desire and demand a more equal division of the spoils—of that portion of the public moneys which, according to former practice, would have been employed in corrupting particular States or sections of the Union, and in attaching them to the party in power by appropriating it to various objects of local improvement. In no other way was it possible to have defeated the manifest determination of those in power to add the entire accruing surplus in the Treasury to the enormous patronage already within their control. It was by them decreed that the expenditures should be raised to the standard of the existing revenue. But mark the instant change in their policy: the moment it was ascertained, by a test vote in this House, that the surplus was about to be rescued from their insatiate grasp, the gentleman from North Carolina [Mr. McKAY] was upon his legs, proposing to reduce the revenue; and more patriots sprung up in one moment, in this House, than I had dreamed were to be found in the ranks of public men in the whole country.

The entire party now became satisfied that the revenue should be speedily reduced to the actual wants of the Government. The views of the President himself, it seems, underwent a great and sudden change. In his message to Congress at the last session, he thought the surplus might be well applied to the increase of the public defences, and to various objects of national importance. Then he was of opinion that the famous compromise act, as it is called, was too sacred to be touched; that it involved too many interests, connected itself with too many delicate sympathies, to be disturbed for the mere purpose of getting clear of a surplus revenue for a few years. The extraordinary increase of the revenue from the public lands in that year he regarded only as an evidence of the increasing prosperity of the country, and practical proof of the beneficient and successful administration of public affairs, of which he was at the head. A surplus then had no terrors in it. But since the passage of the act for distributing it among the States, it would seem that nothing is so replete with horrible mischief, in the mind of the President or of the party, as a surplus in the Treasury! The famous compromise act no longer presents any obstacle to the reduction of the tariff; the extraordinary increase of the sales of the public lands is discovered to be the result of a diseased instead of a healthful and prosperous action of the political system. It was worthy of note that the gentleman from New York [Mr. CAMBRELENG] suddenly discovered that corruption threatened the States by the distribution of the surplus, without seeming ever to have spent a thought about the corruptions which threatened the country from permitting the surplus to be expended, or rather prodigally squandered, by the General Government.

[Mr. BELL here gave way to a call for the orders of the day. The subject did not again come up till the following Tuesday, when Mr. BELL concluded his speech.]

Mr. BELL, after noticing an article in the morning's Globe, which reflected upon him, spoke as folllows:

Before I resume my remarks, Mr. Speaker, upon the subject of my motion, I beg leave to do an act of justice to the gentleman from North Carolina, [Mr. McKAY,] to whom I alluded when I addressed the House the other day. That gentleman has, I know, always been an advocate for a reduction of the revenue; and when I described him as having presented his resolution immediately after it became manifest that the surplus would be distributed, at the last session, I referred to him merely as the organ of the party in that step. I presumed that

he was glad to avail himself of the change of sentiment which had recently manifested itself among his political associates in the House, in carrying out his own long-cherished policy.

When I was interrupted by the call for the orders of the day when last up, I was digressing from the point which I had intended to establish, which was, that all actual power was now concentrated in the hands of the Executive; and I refer to the general acquiescence of this House in the will of the President, as evidence of the truth of my proposition; but the condition of the Senate will illustrate my position more clearly. According to all the early expounders of the constitution, the Senate was constituted upon the principle of long terms and a select constituency, the State Legislatures, for the purpose of giving greater stability and uniformity to the action of the Government. It was intended as a counterpoise to the Representatives of the people in this House, who were supposed to be more under the influence of popular impulses. I beg leave to quote a sentence or two from a celebrated volume, upon the subject of the peculiar structure of the Senate:

"As the cool and deliberate sense of the community ought, in all Governments, and actually will, in all free Governments, ultimately prevail over the views of its rulers, so there are particular moments in public affairs when the people, stimulated by some irregular passion or some illicit advantage, or misled by the artful misrepresentations of interested men, may call for measures which they themselves will afterwards be most ready to lament and condemn. In these critical moments, how salutary will be the interference of some temperate and respectable body of citizens, in order to check the misguided career, and to suspend the blow meditated by the people against themselves, until reason, justice, and truth, can regain the authority over the public mind."

These are the sentiments of James Madison. Now, sir, we know that the Senate is reduced to a state of absolute submission—given over to the guidance of every popular gale blown up by the artifices of as unprincipled and reckless a class of men as ever made their appearance in any age or country. If the sea of public sentiment, thrown into commotion by the puffings of that great political bellows, the Globe, shall happen to set in half a dozen different directions in the same fortnight, the unhappy Senate must tack and change its course as often, or be denounced as contumacious, and opposed to the voice of the people. In truth, the Senate described by Madison is no more. It is the most supple and compliant body of the two, not only as regards the sudden impulses of popular feeling, but also the mandates of power.

But, further, as to the Senate. The members of that body were designed by the authors of the constitution to be the advisers and counsellors of the President in the exercise of the appointing power. It is remarkable that it was the early opinion of both Mr. Jefferson and Colonel Hamilton, the leaders of the two extremes in politics, that the concurrence of the Senate was necessary before the President could remove a public officer; but I do not mean to press this point, nor do I wish to disturb the settled doctrine in relation to it. It is certain that the Senate was designed by the constitution to be taken into the council of the President in making treaties, as well as in making the most important appointments, when it prescribed, as a condition to the validity of all treaties and appointments, "the advice and consent of the Senate." But, sir, while the power of the veto, vested in the President over the proceedings of Congress, flourishes in excess, what has become of a similar power in the Senate over the treaties and appointments of the President? Abrogated, rescinded, expunged, practically, from the constitution, and trampled under foot. If any Senator shall dare to oppose any important nomination of the President, or to question the propriety of a treaty, he is denounced as the tool of a faction, or, if he belongs to the dominant party, his conduct is instantly branded as an act of infidelity to the party! Then, sir, I repeat that the Senate no longer exercises its most important constitutional functions; and that the design of its peculiar structure is defeated. It is also manifest that a revolution has taken place in the practical operation of the Government.

But there are other symptoms, indicating a highly diseased state of the body politic. The charges upon the people—the permanent annual expenditures of the Government—have been increased ten milions, or nearly a hundred per cent., during the present administration, and chiefly within the last two years! And, after careful examination, I am able to state, further, that this estimate of the astonishing increase of the public burdens is exclusive of the increased amount of pensions granted under the present administration, and of the large sums paid in extinguishing the Indian title to the public lands! The entire charge upon the people for support of the Government of their choice, in all the various departments of the public service, did not exceed twelve millions and a half, exclusive of the public debt, when the present Chief Magistrate assumed the management of public affairs. The present annual charge upon the people, for the same objects, and which appear to be permanent, exceeds twenty-three millions! What do you say, sir, to an increase of ten millions in eight years, and this under an administration which ousted the preceding one upon a charge of profligacy and extravagance, and came in pledged to retrenchment and reform? But what is still more surprising is, that none of the great establishments for the public defence have received any considerable augmentation in the mean time. Notwithstanding the liberal annual appropriations for the increase and support of the navy, that branch of the public defence was, last year, notoriously in a most disgraceful state of dilapidation; and what is still more surprising, although we have confessedly a military President, yet at no period since the foundation of the Goverment was the army in a more deplorable condition, nor our military operations more discreditable to the country! I affirm that the military service of the country is, at this moment, in the last stage of disorder and imbecility. Our officers, of the highest merit, are discontented and dispirited; our highest military talents discredited by defective organization, and the want of due attention and co-operation on the part of the Executive Government. Three major generals have had their "Northern laurels converted into Southern willows" in the course of little more than twelve months, and the spectacle has been exhibited of a handful of savages setting at defiance the arms and resources of this great confederated republic for years! Yet all that devoted and gallant men could do, unsupported by the Government, has been done by the subordinate officers and soldiers, both regulars and volunteers. These Indian wars, which will have cost the Government fifteen millions before they are concluded, it is now sufficiently manifest, had their origin in the gross misconduct of our agents, the frauds of our own citizens upon the Indians, and the culpable neglect, if not connivance, of the Government; wars which have entailed disgrace upon our arms and a stain upon our national character! Let us hear no more of the moneys extorted, by the energy and address of the President, from foreign Powers, when, for every million thus restored to the pockets of our merchants, the people are taxed two millions, by reason of the gross neglect of our domestic affairs.

I omit to notice the deranged condition of the currency and of exchange, because that is a subject which

must, for a long time, be judged of by prejudice. But I cannot pass over, in this enumeration of the actual state of the country, the condition of the public press. The great source of light and knowledge has been corrupted by the patronage which has been lavished upon it by this House and by the Executive Government. The most important instrument employed in the moral improvement of society has been polluted and broken up. No one knows what to believe or disbelieve, unless he shall have the evidence of personal knowledge and confidence. I, of course, do not mean that there are no exceptions among the public journals, which come under this description. A morbid appetite has been created, and fostered chiefly by the example of the official organ, (the Globe,) for violent denunciation, invective, and calumny; and party excitement and prejudices have risen to such excess, that the mass of the followers of the leaders on either side are prone to rush into the most ruinous extremes, to gratify their own or their leaders' passions or interest, heedless of truth, reckless of justice, and often, no doubt, unconscious of the injury which they inflict upon the country. When the most important branches of the public service have thus been neglected, and suffered to fall into disorder; when our arms are disgraced, the national justice compromitted, our expenditures doubled, and our free Government changed in its practical operation; what great boon has the administration, under which all these things have come to pass, bestowed upon the country by way of recompense? It has been able to propagate itself! This, the chief end of its existence, and the only single object kept in view from the beginning to the end of it, has been accomplished! A man has been elevated to the presidency who could and did boast, before the American people and the whole world, that he accounted it glory enough for him to have served under such a chief as General Jackson! And our boasted institutions have so soon developed such a result! The profound observer of the causes of human events will seek no other evidence, require no better proof than this simple fact, to convince him that the sun of American liberty is suffering an eclipse.

Is there nothing in this extraordinary catalogue, this enumeration of alarming results in the action of our cherished political system, to awaken inquiry or excite the fears of the patriotic citizen? But I have omitted to notice the most striking anomaly, the greatest phenomenon of the times. After all that I have said of the deranged and distempered condition of public affairs, I am still obliged to confess that the administration, which is justly responsible for every evil of the times, is popular. But it must be borne in mind that there are various kinds of popularity. It may be with administrations as it sometimes happens to individuals, that the glare of a single splendid achievement has been sufficient to cover over, as with a mantle, the errors and irregularities of a whole life, and still leave the fortunate actor in good odor with the public. Popularity, in general, follows success in all daring enterprises, and often when they are unlawful. It follows that popularity is not always the best test of merit or general propriety; it is sometimes artificial, factitious, and more seeming than real. When real, it is often the homage of the profligate and interested who are bought, or of the credulous and ignorant who are deluded. Then, whether popularity attaches to individuals or administrations, it does not always augur well for a republic. Without undertaking to decide upon which of these bases the popularity of this administration stands, I refer to the fact that it is popular merely as a further proof of the novel and alarming developments of our favorite system of government.

Now, sir, I proceed to notice the general nature and character of the malady which is attended with so many bad symptoms. Whence the action of our chosen form of government, in so many essential branches of it, so contrary to all that was hoped and predicted of its results by its immortal founders? I will endeavor to expound to you. In the first place, the patronage of the Government, we shall find, upon inquiry, to have been extended immeasurably beyond any thing anticipated, or even conjectured, by the framers of the constitution. I had occasion to refer to the historical fact, in addressing the House upon another subject, at a former session, that the entire patronage of the Post Office Department was wholly unnoticed and disregarded in the estimate of the amount of patronage about to be conferred upon the Federal Government by the adoption of the constitution in its present form. This single branch of patronage, unforeseen and unprovided against by the illustrious authors of the constitution, is now perhaps greater in influence than all the other branches put together. So erring and short-sighted are the wisest of mortals! In the second place, the weight and influence of this extended amount of patronage in the hands of the Executive, as an engine of power, has been increased one hundred fold, of late, by the unconstitutional abuse of it, as I will presently demonstrate. All former calculations of the probable amount and influence of patronage in our scheme of government are thus baffled and set at defiance. Some degree of influence, through the use of patronage, may be admissible in the Executive, in order to secure proper talents and respect for the office of President, and to insure a due co-operation from the other departments of the Government; but the basis of this influence has recently been enlarged to an extent which must, in the end, if not narrowed down, terminate in the entire destruction and overthrow of our system. A great misfortune is, that every other evil necessarily incident to a free Government is increased in an equal ratio. The same increase and abuse of patronage which have concentrated all power in the hands of the Executive has imparted a new stimulus, and consequently given increased fury, to party feeling and party contests. The competition for honors and offices, always a prolific source of party divisions in a free Government, has, by the multiplication of vacancies and the tenure of party service by which offices are held, become so fierce as to threaten the peace and security—much more, the comfort and happiness of society. From the same cause has also sprung the polluted and prostituted condition of the public press, and every other corruption of the times. The abuse of patronage is the Pandora's box of our system; it is the original sin of our political condition, to which every other sin of the times may be fairly ascribed.

It is idle, Mr. Speaker, it is in vain to point out, from year to year, in this hall, as has been done, the existence of the grossest irregularities and abuses in every branch of the public service. It is in vain that these abuses and corruptions shall be stripped of their disguises, and portrayed to the country in all the disgusting deformity with which a rich imagination, and an eloquence not often surpassed in this or any other country, can invest them. It is in vain that we institute investigations; resolve upon retrenchment and reform; that we enact laws to multiply checks, and increase the accountability of public officers. It will be only cutting off the heads of the Hydra, which will be eternally reproduced, until we shall have the courage to attack and destroy the monster itself. All, all, sir, will be vain, while we suffer the original source of the evil to remain undisturbed. I repeat that it is labor thrown away, it is time and talent exhausted in fruitless efforts, to pursue with research, however relentless and penetrating, the authors of corruption, of fraud and peculation, in the public offices, while the prolific parent of all is permitted to survive. When was

more time, a greater proportion of business talent, more patient investigation, bestowed upon such subjects than at the close of the late administration? When was the public mind better prepared, not only to sustain and carry out, but, as it appeared to me at the time, to compel the execution of the plan of reform then pointed out and announced to the country? But, sir, such was the charm of a new administration, so powerful was the effect of the siren whispers of executive power, that the commotion which had so recently threatened to unhinge society itself was suddenly hushed into a dead calm; and it has so turned out, that all the vices of the late administration, which gave rise to so much excitement, would not constitute a tithe of those, of the same nature, and others even of a more wicked and mischievous character, which exist at the present moment. As a most conclusive proof that we do not set about reform at the right point, or in the right way, I refer to the enormous mass of abuses which were lately laid bare in the Post Office Department. These abuses were accumulating for years; they were repeatedly charged to exist; but inquiry was evaded from year to year, until, like the smothered flames of a pent-up and consuming fire, they burst forth at once into light, too gross to be any longer concealed from the public eye. Well, sir, do we find the progress of abuses and corruption in the other departments of the public service checked by that disclosure? Not at all. Is the Post Office itself free from abuses? I answer, it is not. The administration, which winked at the abuses of the Post Office Department for so many years, instead of suffering any disparagement in public estimation on that account, acquired new laurels and increased popularity from its ready condescension in taking upon itself the reorganization of the Department and the reform of abuses, the moment they could no longer conceal their existence from the public. I beg leave, in connexion with this subject, to notice some portion of the remarks made in this House, not long since, by a gentleman from Ohio, [Mr. HAMER.] That gentleman took upon himself, rather hazardously, I think, to say that the charge of abuses in the administration was unfounded; and he said he knew about as much, in relation to the subject, as those who made the charges. That gentleman should remember that such was the unvarying response, session after session, in regard to the abuses in the Post Office Department. At the same time a gentleman, distinguished for his skill as a criminal lawyer, was placed at the head of the Committee on the Post Office in the Senate, and was heard to boast of his service to the administration in shielding the Department from the attacks of a powerful opposition! The denial of the gentleman [Mr. HAMER] is about as much to be relied upon now as were those made three years ago. But, sir, I am digressing from my subject. I was endeavoring to show that the only true and effective reform will be, to curb the abuse of patronage. Sir, if we should this day reduce the patronage of the Government one half, and suffer the remaining half to be administered upon the principles practised upon of late, it would still be sufficient in amount to taint the whole country; to make the business of politics a traffic in corruption, and drive every man of spirit and principle from the public service.

I come now, sir, to notice and identify the specific vices, in the action of the Government, which I regard as the cause and source of all public abuses of which we complain. I have given a summary of them in the preamble to the bill under consideration.

The first clause of that preamble assumes that the practice of removal from office, for opinion's sake, has prevailed under the present administration. Can there be a question as to the fact? I know there is no gentleman upon this floor, who represents any of the Northern or Eastern States, who will be bold enough to deny the charge. In the South and Southwest, I admit, public sentiment has restrained the course of the administration, and but few instances are to be found in these sections; but still, even there public officers have been taught that they indulge their independent sentiments at the hazard of their places. I have heard it stated, and I believe it to be true, that upwards of one thousand removals have been made since General Jackson came into office; and that, in almost every case, the only reason which could with truth or plausibility be assigned for them was their politics. If we examine into the effect of this system of punishment, we shall find that a few removals, judiciously distributed over the Union, would have all the effect, in general, of a much greater number. Acting upon this principle, to some extent, the whole army of officials was decimated at the commencement of this administration. Sir, under the direction of a skilful tactician, ten removals would be sufficient to keep ten thousand office-holders in obedience. But, notwithstanding the general notoriety of this practice in some sections of the Union, there are districts in the South and Southwest in which its existence is denied. I do not mean to trouble the House with proofs, in detail, at present. I will content myself with affirming that this practice has been pursued in some sections of the Union to a most shameful extent. I have myself heard gentlemen of influence and standing in the party, from every quarter of the country, avow and vindicate the propriety of such a practice. I confess I never heard any man defend a proposition so monstrous to my mind, who, in my opinion, had ever troubled himself to inquire what was either right or wrong in the practice, or who cared whether it could be defended upon principle or not; they were what are called good party men, and they feared no other responsibility. A good party man, we know, sir, fears neither God nor his own conscience, provided his party approve his conduct. I am able, sir, to make this further statement upon this subject, that I have heard gentlemen of distinction, as party leaders, maintain the doctrine that by no other device or invention can a party be kept together; that is to say, that bribery and corruption are the only lasting cements of party! It is not only the party in power which practices upon this odious policy. I am sorry to say that the opposition is not entirely free from this sin. In several of the States, as I am informed, where they have chanced at any time to succeed in the State elections, the practice has been to sweep the public offices of every incumbent, from the highest to the lowest; even a petty receiver of tolls, or a lock-keeper upon a canal, cannot escape their proscriptive vengeance. Such a practice I consider a disgrace to any Government, but more especially to a free Government like our own. Nor do I believe that any Government can continue free under its operation. All party divisions must soon come to be founded upon the desire and a calculation of the chances of office among politicians; all elections must come to be a mere contest for the offices and employments of state; and there can be but one end to such a system: first, general corruption; and, finally, violence and disorganization. I can neither sympathize with nor wish success to one party more than another, whether the contest be for power in the State or in the Federal Government, when both are, in my judgment, alike mercenary, corrupt, and unprincipled. Sir, when I think of the effect of this precedent, or rather what must be the effect of this practice of removal for opinion's sake, when it shall once be fully established and acquiesced in, I am utterly amazed that any public man who countenances such a practice should escape the open expression of public indignation, instead of receiving the applause and support of the people. What is the inevitable tendency of this practice? To corrupt, to reduce to the con-

dition of mere creatures of executive will, every man who fills any office or holds any employment under Government; to compel them, whatever may be their own sentiments, or whatever they may think of the conduct of our administration, to support its measures, right or wrong, or be driven from their places. Since the precedent has been established of a Government candidate for the presidency, they must support him also under a like penalty. It is proper, upon a question of this magnitude, to have clear ideas. I have said that this system tends to corrupt the public officers. What is corruption? Whenever any public officer or other citizen is induced, either by the hope of office or promotion, or the fear of losing an office or employment already in his possession, to give his influence or vote in favor of any man's election, contrary to his private unbiased judgment, it is a case of corruption.

In the preamble to the bill which I have submitted for the action of the House, the practice of removal from office upon political grounds is denounced as a violation of the freedom of elections. It is so. Every improper or undue influence, or, in other words, every interest or temptation brought to bear upon the mind of a qualified elector, in Great Britain, to induce him to vote for men or measures contrary to the suggestions of his free and unbiased judgment, has ever been declared by the laws, and denounced by every commentator upon the British constitution, as a violation of the freedom of elections. Elections cannot be free where the voters or electors are either bribed by actual gifts or the promise of office, on the one hand, or intimidated by the fear of the loss of office, and often the means of subsisting their families, to support any particular candidate for the presidency or vice presidency. The elective franchise, or the right of the people to choose their own legislative or executive functionaries, so far from being an adequate security for the protection of the great objects for which Government was establisned, if it may be made dependent upon and subservient to the will of any man, or any set of men, will be no security at all. It will be a mere mockery—an imposition upon the people. It will only afford an opportunity to the ambitious and unprincipled to possess themselves of unlawful power, through the medium of the ordinary constitutional forms. By the theory of the constitution, all elections are to be determined by the will or choice of a majority of the qualified electors in the several States; and this is the means provided for securing a good administration and preventing a bad one—for putting good men into office and power, and keeping out bad ones. But here are one hundred thousand voters or electors, who come to the polls and declare not their own will and choice, but the will of those who gave them their employments, and who hold the power of dispossessing them. Power over a man's support and the subsistence of his family is, in general, power over his will. I am not left free to vote as I please, in elections, when I am made to understand that the office or employment which gives me bread, or supplies my family with the comforts of life, will be taken from me if I do not vote for a particular candidate; and the election is not free in which one hundred thousand such votes are given. If it be said that there are not so many office-holders, I answer that all who are employed on the public works of any kind, and all who are engaged in furnishing supplies, or in any manner dependent upon the Government, may be fairly included in the number. Let it not be said that the number is at last insignificant. The power of the office-holders is immense, if we estimate their votes at one hundred thousand only. We have seen, by the result of the recent election, that the individual votes of the dependents upon the Government were sufficient to decide the vote of several of the States. But this is a very fallacious view to take of the powers of the official corps in elections, as I will presently show.

But it is further declared, in the preamble to the bill which I have had the honor to submit, that the practice of removals from office for opinion's sake is an attack upon the public liberty. It is so. Whoever weakens or destroys any of the great and fundamental securities of the public liberty, attacks liberty herself. The elective franchise is undoubtedly the foundation stone of liberty in this country; and he who seeks to corrupt it is a foe to that liberty which it was intended to secure, and which cannot survive the loss of its purity and independence. Every public officer who avows and practices upon this policy is, in practice, a foe to the liberties of his country.

This practice is also denounced in the preamble as a high misdemeanor in any public officer who is guilty of it. After what I have already said, I believe I need not occupy the time of the House in establishing this point. Any public officer who violates the freedom of elections is guilty of a high misdemeanor. Any officer who attacks the public liberty, by the corruption of any of its guards, is surely guilty of a high misdemeanor. But I will establish this proposition by an authority higher than mine, or any other living authority, however great and venerable. When the question was raised, in 1789, whether the President possessed the power of removal, under the constitution, without the consent of the Senate, Mr. Madison maintained the affirmative of the proposition; and in answer to the objection that such a power would enable the President to exercise a dangerous control over the public officers, and cause them to become the creatures of his will, Mr. Madison contended, in an able argument, that no such danger was to be apprehended, for the reason "that the wanton removal of meritorious officers would subject him to impeachment and removal from his own high trust." To displace a worthy man from office, Mr. Madison was of opinion, would be an act of maladministration, and consequently subject the President to an impeachment. The sentiments of Mr. Jefferson, in reply to an application from his republican fellow-citizens of Wilmington, to remove an officer of the customs against whom no charge of official delinquency could be made out, was worthy of his high character and known devotion to the principles of civil liberty.

"We have," said that illustrious man, "no passions or interests different from those of our fellow-citizens. We have the same object, the success of representative government. Nor are we acting for ourselves alone, but for the whole human race. The event of our experiment is to show whether man can be trusted with self-government. The eyes of suffering humanity are fixed on us with anxiety, as their only hope; and on such a theatre, and for such a cause, we must suppress all smaller passions and local considerations. The leaders of federalism say that man cannot be trusted with his own government. We must do no act which will replace them in the direction of the experiment. We must not, by any departure from principle, dishearten the mass of our fellow-citizens who have confided to us this interesting cause."

If, sir, we are disposed to be guided by the authority of the great founder of our system, we have it here presented in the most authentic form.

The second clause of the preamble to the bill declares that the interference of public officers in elections is a gross abuse. I have already remarked that it was a very fallacious view to take of this subject, to say that one hundred thousand votes was the extent of the power of of the office-holders, and other dependents of the Government, in elections. The doctrine now is, that it is the duty of the office-holders, not only to vote in elections in favor of the administration candidates, but to support them with all their influence and all their energy. Such is the necessary result of the doctrine that

office-holders are bound by gratitude, or any other obligation, to conform to the wishes of the appointing power in elections. The suspicions and misrepresentations that office-holders are exposed to in an excited canvass for the presidency, and the eagerness with which hungry office-seekers, and other informers with whom the country is filled under this system, are looking out for some delinquent to denounce to the Government, will compel them, for their own safety and protection, to take an active part in elections, and to become officious and open in their interference. Another powerful incentive to such interference will always be found under an administration which fills the public offices chiefly with men whose principal merit has been their zeal and activity in past elections. In nine cases out of ten, honest and competent public servants were removed, to make way for these new incumbents, and the latter are under the most powerful inducements to make a desperate struggle to uphold the administration or party that put them in office. Hence the desperate, the death-struggle of the office-holders in the late election, wherever the contest was doubtful; and it is due to their exertions to say that they saved the election of Mr. Van Buren.

As to the fact of the interference of public officers in the late elections, openly and directly, is there any one here who will deny it? Is there one member in this House who will deny that this interference was general? If there is such a member present, I call upon him to stand up in his place and make the denial. Sir, I go further, and I put the question whether the whole machinery of party, so far as it was composed of caucuses, conventions, and committees, employed in the late elections, was moved and guided by office-holders and applicants for office. I do not say that a majority of the delegates in these conventions were office-holders or office-seekers; but I do mean to say that the exciting spirit, the soul of them, consisted of that class. But, for fear that I may be thought to exaggerate, I must ask leave to refer to a few facts. At the convention which assembled at Columbus, Ohio, on the 8th of January, 1834, to nominate delegates to the Baltimore convention, which sat in 1835, there were thirteen postmasters, three registers and receivers, two light-house keepers, two superintendents of the national road, one collector of customs, one inspector, one bearer of foreign despatches, a commissioner under the treaty with Naples, and four printers of the laws of the United States, besides numerous officers under the State authority; and we have the authority of the gentleman from Ohio [Mr. HAMER] for saying that they make common cause with the federal officers, wherever they belong to the same party. In the State convention of New York, which sat at Albany to appoint delegates to the Baltimore convention, there were eighteen postmasters, thirteen judges of courts, seven masters in chancery, three sheriffs, two surrogates, and a State comptroller. Among the delegates appointed to the Baltimore convention there were seven postmasters, a collector of customs, and a superintendent of the custom-house in New York. I give these details as a specimen of the voluminous evidence which might be adduced of the same nature. It would present a singular result if a statement were made of all the office-holders and office-seekers who attended the Baltimore convention; and the interest of the statement would be increased if it should include an account of all those delegates who have since received appointments. But I have been informed of a mode of interfering in elections by office-holders which far outstrips all that I had imagined could exist at this day under our free Government. It is alleged that the office-holders, in some sections of the Union, and especially in the State of New York, are in the habit of contributing a portion or a per centage of their salaries—that, in other words, they are regularly taxed for the support of the candidate of the party in power. If this be true, it is proof of the progress of corruption in our political system, that should carry alarm into the bosom of every patriot in the land. What, sir! and can the money exacted from the people for the support of Government be converted by their own agents, with impunity, into a fund for their own corruption? If I am mistaken as to the fact of the existence of such a practice, I hope some gentleman will correct me.

But I now proceed to notice the interference of office-holders of a higher grade. I will first call the attention of the House to the letter of the Postmaster General [Mr. Kendall] to a committee of gentlemen in Philadelphia, written on the 22d of October last, (1836.)

"Did public duties permit an acceptance of your kind invitation," says Mr. Kendall, "no occasion has presented itself since the late war with Great Britain on which it could have given me more gratification in festivity, gratulation, and triumph. A direct attempt has been made to govern your State by corruption, and it has been rebuked and repelled in a spirit worthy of '76. It is not a triumph of one man over another; it is a victory of principles over profligacy—the triumph of a virtuous people over concentrated wealth, mercenary talent, and licensed corruption."

When it is recollected that this letter was written by a member of the executive cabinet, in reference to the result of a State election, which was expected, and no doubt did produce a decided effect upon the presidential election, which ensued during the next month, a more audacious and unwarranted act of interference cannot be readily conceived of. I hope I shall be excused the digression, while I remind the House of the statements made by the gentleman from Ohio, [Mr. HAMER,] the other day, upon the subject of the abusive epithets, the gross charges of corruption, and violent denunciations, which he said members of the opposition were in the habit of dealing out upon this floor against the President and the party in the majority in this House. That gentleman said that it had been too much the habit of the friends of the administration to sit silent and make no reply to such tirades of abuse as were constantly pronounced against it. I am not one of those who are in the habit of employing abusive epithets either against the administration or the majority of this House, in debate; but I might appeal to the gentleman from Ohio, if those who do take that liberty might not find some countenance in the language employed by the Postmaster General in the letter to which I have referred. In what speech delivered upon this floor did he ever hear stronger language, or more abusive epithets, applied to the motives and principles of a party, than those deliberately penned and given to the people by a cabinet officer of the Government? But, I would further inquire of the gentleman from Ohio, whether he and his friends, during all the period of their silence and forbearance under those violent and abusive denunciations of which he complains, did not steadily look to the Globe to answer all the arguments as well as the denunciations of opposition members; and whether it was not found much the most convenient as well as effective mode of reply? Does not that gentleman know that the columns of that paper, during the past session as well as the present, have been devoted to the perversion and misrepresentation of every thing that is said, as well as done, by the opposition in this House—that its daily sheet is a daily libel upon the motives and character of every man who dares to arraign the course of the party or of its favorite leaders? Well may the gentlemen of the administration be silent, when they have such a pensioned engine of falsehood and calumny in their daily service.

I now come, sir, to speak of the interference, in the late election, of another high functionary of the Government. It is no less a personage than the President himself. The President exhibited himself a devoted partisan of Mr. Van Buren at an early period of the canvass. The proof of his interference I consider so notorious that, but for the singular and unexpected assertions which I have lately heard upon the subject, I would not think necessary to notice it. Those, sir, upon which I shall rely in establishing the first act of his interference are not dependent for their validity upon the uncertain memory of any man, nor can they be weakened or evaded by the denial or misrepresentation of any man's friends. But I think proper, at this time, to state that, if the subject shall be regarded as of sufficient importance by the House to appoint a committee with the proper power, all the statements of my colleague [Mr. PEYTON] in relation to the language and denunciations of the President, while in Tennessee, last summer, without exception, so far, I believe, can be established by the evidence of gentlemen of the most unquestionable character. I feel warranted in making the same statement in relation to the charge made by a Senator from Tennessee [Judge WHITE] in a speech at Knoxville. The first overt act of the President, in which he gave evidence of his interference in the late presidential election, was to dictate the Baltimore convention, and to give the sanction of his name and station to a party movement, intended, from the first, for the benefit of Mr. Van Buren. In his celebrated Gwinn letter he says:

"Discarding all personal preference, I consider the true policy of the friends of republican principles is to send delegates, fresh from the people, to a general convention, for the purpose of selecting candidates for the presidency and vice presidency; and that to impeach that selection before it is made, as an emanation of Executive power, is to assail the virtue of the people, and, in effect, to oppose their right to govern."

Here, sir, we have a denunciation, in advance, of every man who should dare to oppose the nomination of the Baltimore convention. I have heard it said that this letter was written in answer to a charge of preference for Judge White. There never was any thing more untrue.

In fact, this letter was foretold, and some of the friends of Judge White were admonished that the President would take a decided and open part in the election of Mr. Van Buren, before Judge White was generally regarded as a candidate. In a letter to a committee of gentlemen in Bedford county, Tennessee, while the President was on his late electioneering tour, he uses the following language:

"We live, fellow-citizens, in evil times, when political apostacy becomes frequent; when public men abandon principles, their former party attachments and associations, and, for selfish ends and personal aggrandizement, are attempting to undermine our republic system."

Here is a direct attack upon the motives of the supporters of Judge White in Tennessee—a direct charge that they were attempting to undermine our republican system. That there may be no mistake as to the intention of the President to excite the people of Tennessee against the supporters of Judge White, as the enemies of republican government, is manifest from a paragraph which appeared in the Union, the organ of the Van Buren party in Tennessee, in which the editor, referring to the President's letter to the Bedford committee, says:

"The President's views of the existing state of political affairs in Tennessee are here clearly and distinctly indicated, and are so just and strictly conformable to truth that he who runs may read."

I might refer to the sentiment delivered by the President, at the same period, to a large assembly of his fellow-citizens who had honored him with a public dinner at Nashville; and to numerous letters besides, which were industriously circulated, all containing evidence of the deep interest and the open zeal which he manifested in the late election. I might refer particularly to a letter written to the late Willie Blount, which denounced the course of Judge White, and his leading friends in Tennessee, in the strongest terms; and which I am informed a member of this House [Mr. JOHNSON, of Tennessee] was in the habit of reading at public meetings in his own canvass before the people for a seat in Congress. A letter to the late B. F. Curry was of a similar character; but I have already devoted more time to this point than I intended. The fact of the President's interference is indisputable; it was also notorious; and the knowledge of this preference had a decided effect in favor of Mr. Van Buren. It is true, sir, that there were some minds upon which the course of the President had a contrary effect; but they were too few to control the result. The open and decided stand taken by the President was a signal for the interference of all office-holders and office-seekers throughout the Union; and, from that moment, Mr. Van Buren became, emphatically and truly, the Government candidate; and, of course, had the full benefit of the patronage of the Government in strengthening his interests.

But, as might have been expected, when the highest officer of the Government stepped aside from the line of his official duties to become the electioneering partisan of a favorite candidate for the presidency, it was almost impossible that any appointment could be made of a public officer, without exciting some distrust that it was intended to advance the interest of the Government candidate. I consider this state of things a great calamity of itself—that the Chief Magistrate should place himself in a position which afforded no escape from the imputation of improper motives in administering the patronage of the Government; and, what is equally to be regretted, it was at the same time next to an impossibility that he could administer it without reference to the interests of his own candidate. And, accordingly, it will be found that various offices and employments have been conferred under such circumstances that it is impossible to come to any other conclusion than that they were given and received with improper motives.

Whether the President was privy to the object of all these appointments, or whether they were in all instances bestowed through the agency of some political office broker, I know not; but the effect is the same upon the public interests and the public virtue. However this may be, it accidentally came to my knowledge that Government favors of some kind were distinctly offered in a letter from a person in the confidence of the President, and franked by him, to a gentleman in my own congressional district, upon the condition that he would take a more active part in the election against Judge White and one of his leading friends. I have seen the open partisan of one candidate become the supporter of another, and that other the Government candidate, and employment under Government following in the rear of conversion. I have seen the representative seduced from his constituents, and made to act in opposition to their wishes and his own professed principles, by artful suggestions of future rewards. I have seen gentlemen of distinction and high standing change their politics, and violate their personal honor, upon the promise of executive support and influence in accomplishing their plans of individual promotion. I have seen the corrupt apostate from his former principles and professions, too weak to resist the promise of office, but lacking courage to pocket the well-earned reward, when offered to his

acceptance. When, sir, the practice of official interference has arrived at this height; when rewards are openly bestowed for open apostacy and treachery to party engagements; when corruption walks abroad through the land in her own nakedness, without a veil or a mantle to cover her native deformity; when neither regard for principle nor the honor of the country can restrain such practices, so far, at least, as to preserve the semblance of purity; when disguises are rejected as unnecessary; is it not time to sound the alarm to the sleeping sentinels, and call every patriot to his post?

Let us pause here for a moment, and inquire how this subject of the interference of public officers in elections has been regarded and provided against, in the only country in which the principles of free government are correctly understood and appreciated besides our own. I mean Great Britain. Ever since the revolution of 1688, when the English Government assumed something like a regular plan of civil liberty, the people of England have been extremely jealous of the interference of public officers in elections. The slightest interference on their part, in the election of members of Parliament, has always been promptly met, complained of, and redressed as a grievance, and a violation of the freedom of election. As early as the 5th William and Mary, (1694,) an act of Parliament was passed, which, after reciting that elections of members of Parliament "ought to be free and uncorrupt," prohibited all excise officers from endeavoring, "by word, message, or writing, or in any other manner whatsoever," to persuade any elector to give or to withhold his vote in the election of any member of Parliament, under penalty of one hundred pounds, and disqualification to hold any office or place of trust ever afterwards. The act of 12 and 13 William III (1700) contained a similar prohibition, and prescribed the same penalties, against the interference of all custom-house officers in elections. By the act of 10 Anne, c. 19, several new excise duties were laid; and so tenacious was Parliament upon the subject of the influence and interference of public officers in elections, that, by a separate section of the act, all the new officers created by it were prohibited from intermeddling, under the same penalties provided by former acts. But when, towards the middle of the reign of George III, it was found that the public officers and other persons in the employment of the Government, by their own numerical force, in some counties and boroughs, were often able to carry the election of the court candidates; and that the influence of the Crown over them was so great that they generally voted in mass for the Government candidates, the whigs of England—the true old English whigs—made a bold rally of their strength in Parliament, and by one act (22 George III, 41, 1782) disfranchised every officer employed in the customs, in the collection and management of the excise duties, and in the post office—forty thousand in number. A glorious triumph for Englishmen and English liberty! This act, which stands a glorious monument of the spirit of Englishmen, is entitled "An act for the better securing the freedom of elections of members to serve in Parliament." It was at this period that the celebrated Mr. Dunning introduced and carried the resolution in Parliament, that "the influence of the Crown had increased, was increasing, and ought to be diminished." The first measure which followed was to deprive forty thousand office-holders of their right to vote in elections! The subserviency of Parliament to the will of the Crown had been too gross and palpable to be longer endured. The ministry had carried every measure by a dead, invariable majority, just as we have of late seen measures carried through the Congress of the United States. This great measure of reform was justified and sustained by the English people, under the firm conviction that their proudest possessions in the new world—the "imperial crown of America"—had been wrested from their King by the blunders of an incompetent ministry, supported by a corrupt Parliament. But the remedy came too late to prevent the catastrophe. It would be a singular incident in the vicissitude of human affairs, if the liberties of America should be lost by the same errors which afforded the opportunity for their existence.

I must now, sir, go a little back in the order of time, to speak of the course of the English Parliament, and how the spirit of Englishmen has always treated the interference of any of the high grade officers of state in elections. The first case of the kind which I have been able to find on record occurred in the reign of Queen Anne. A bishop of Worcester, who filled at the same time the office of almoner to the Queen, having some ground of resentment against Sir J. Parkington, a candidate for Parliament in the county of Worcester, wrote to several of his friends, soliciting them to oppose his election. His influence was unavailing, and one of the first acts of the member elected, after taking his seat in the House of Commons, was to complain of the violation of the privileges of Parliament, and the freedom of elections, by the bishop and almoner to the Queen. The House of Commons, upon hearing the proof, which was the production of some of the bishop's letters, instantly voted his conduct to be a violation of the liberties of the people of England; and, at the same time, voted that an address should be carried to the Queen, requesting her to dismiss the bishop from the office he held under her Majesty. The address was presented to the Queen, and she sent a gracious answer to the House of Commons, informing them that she had complied with their desire. The next example of the manner in which this abuse has been treated in Great Britain occurred in 1779, when the power and influence of the ministers of that day were at the highest, and the condition of Parliament was consequently low indeed. A lord lieutenant of a county, an officer appointed by the Crown, was detected in writing to his friends in the county of Southampton, urging them to give their support to his friend, who was also the Government candidate for Parliament. When his conduct was brought before the House of Commons, and some of the letters which he had written exhibited, Lord North ventured to say that he thought the case presented no great cause of alarm, and instantly, and it would appear from all sides of the House, there arose such indignant clamors that it was some time before order could be restored, and Lord North was obliged to explain and qualify his meaning. But the most decisive proof of the spirit which prevailed upon the subject, even in corrupt times, and the odium in which all intermeddling of office-holders in elections has ever been held in Great Britain, is to be found in the following resolution, which the House of Commons adopted upon that occasion, without a division, and without a dissenting voice:

"That it is highly criminal for any minister or ministers, or any other servant of the Crown, in Great Britain, directly or indirectly, to make use of the power of his office in order to influence the election of members of Parliament; and that an attempt to exercise that influence was an attack upon the dignity, the honor, and the independence, of Parliament, an infringement of the rights and liberties of the people, and an attempt to sap the basis of our free and happy constitution."

Sir, this resolution has been regarded, ever since, as expressing the true principles of the constitution of England. In every debate which has arisen since 1779, it is referred to as a standard authority. And, upon the subject of official intermeddling in elections, let it be remembered, to the eternal honor of Englishmen, that no party, that no member of any party in that country, how-

ever weak, or however debased by corruption, has ever dared to question the soundness of the principles of the resolution of 1779.

In this review of the course of British legislation in securing the freedom of elections, I must not omit to notice the act of 49 George III, c. 118, (1809.) Notwitstanding the numerous legal provisions which had been adopted to secure the purity and freedom of elections, it was notorious that members of Parliament were often returned through the influence of ministers, in giving or promising offices and employments to influential persons in the several counties and boroughs of the kingdom entitled to send members to Parliament. To reform this abuse, Mr. Curwan brought forward a bill prescribing a penalty of five hundred pounds, and forfeiture of office, against every person who should be found guilty of selling his influence in an election, and a penalty of one thousand pounds against any person holding an office under the King, who should be guilty of giving any office, place, or employment, to any person, upon any contract or agreement that they should exert their influence in the election of any member of Parliament; but the ministry had the address to get it so amended that no officer of the Crown could be punished for such an act of corruption, unless the contract upon which the office was given was express. This amendment defeated the salutary design of the bill in a great measure; but still, in the shape in which it passed, it attests, by its preamble as well as by the manifest spirit of the act, the sentiments of the English people in relation to this subject. The preamble recites that all "such gifts and promises of office are contrary to the usage, right, and freedom of elections, and contrary to the laws and constitution of the realm."

These are some of the securities which the wisdom of Englishmen has provided for the preservation of the freedom of elections; these are some of the bulwarks which the spirit and sagacity of that renowned people have created to defend their liberties, and to operate as barriers against the inroads of arbitrary power.

Let us next see what we have done to secure the purity and freedom of elections—to guard and preserve our liberties. All that we have done presents but a barren catalogue. The constitution contains the only provision bearing upon this subject to be found in our statute book. But, sir, we have had the most salutary doctrines laid down by some of our most distinguished and venerated statesmen; and it will be our own fault if we do not carry them into execution by prompt and effective legislation. I have already referred to the authority of Mr. Madison and Mr. Jefferson, upon the subject of removals from office for opinion's sake. Upon the subject of the interference of public officers in elections, Mr. Jefferson is, if possible, still more explicit and satisfactory. I beg leave to read an extract from his letter to Governor McKean, of Pennsylvania, in 1801, upon this subject; written, it appears, while the election between him and Colonel Burr was still pending in the House of Representatives:

"The event of the election is still *in dubio*. A strong portion in the House of Representatives will prevent an election if they can. I rather believe they will not be able to do it, as there are six individuals of moderate character, any one of whom, coming over to the republican vote, will make a ninth State. Till this is known, it is too soon for me to say what should be done in such atrocious cases as those you mention, of federal officers obstructing the operation of the State Governments. One thing I will say, that, as to the future, interference with elections, whether of the State or General Governments, by the officers of the latter, should be deemed cause of removal; because the constitutional remedy by the elective principle becomes nothing, if it may be smothered by the enormous patronage of the General Government. How far it may be practicable, prudent, or proper, to look back, is too great a question to be decided by the united wisdom of the whole administration when formed."

After Mr. Jefferson was made President, he took steps immediately, in compliance with his pledge to Governor McKean, upon the subject of the future interference of public officers in elections; and the circular which I hold in my hand, and which I ask leave to read to the House, appears to have been issued by his order, to regulate the conduct of all in authority under him.

"The President of the United States has seen, with dissatisfaction, officers of the General Government taking, on various occasions, active parts in elections of the public functionaries, whether of the General or of the State Governments. Freedom of election being essential to the mutual independence of Governments, and of the different branches of the same Government so vitally cherished by most of our constituents, it is deemed improper for officers depending on the Executive of the Union to attempt to control or influence the free exercise of the elective right. This I am instructed, therefore, to notify to all officers within my department, holding their appointments under the authority of the President directly, and to desire them to notify to all subordinate to them. The right of any officer to give his vote at elections, as a qualified citizen, is not meant to be restrained, nor, however given, shall it have any effect to his prejudice; but it is expected that he will not attempt to influence the votes of others, nor take any part in the business of electioneering, that being deemed inconsistent with the spirit of the constitution, and his duties to it."

It seems that Mr. Jefferson did not think it expedient to remove all public officers who had intermeddled in elections before he came into power; but he took care to prescribe a rule for the future, which would leave no ground of complaint for any removal from office for any act of subsequent interference in elections. The gentleman from Ohio [MR. HAMER] claimed to act with a party which practised upon Jefferson's principles. I call upon him and his friends now to confirm what they say by their example, and turn out every man in office in the United States who interfered in the late election. Sir, it is due to principle—the purity and freedom of elections demand this course it is due to consistency, among those who call themselves republicans and followers of Jefferson. It is due to the cause of liberty and free government, that every public officer who has dared to interfere in any election, State or National, should be made an example of in all time to come. But, sir, this is the business and duty of the Executive, so far as the past is concerned.

What I propose that Congress should do, is simply to declare the removal of any public officer, upon political grounds, and for opinion's sake, to be a high misdemeanor, and leave the punishment to be applied by impeachment, or by the action of public sentiment at the ballot-box, as heretofore. I propose to leave the power of removal in the President, as it is now, believing that any attempt to limit it would be injudicious. But we are under no such restraint in providing an adequate penalty against all public officers who interfere in elections, except to cast their votes; nor is there any reason why we should not declare any gift, or promise of any office or place under the Government, as the consideration of service in an election, to be bribery, and to punish such offences for the future in a manner proportionate to their enormity. Until the National Legislature shall take this subject up, and act upon it, experience has shown that we have no security for the purity or the freedom of

elections—none for the protection of our free institutions. The only popular objection to the principles of the bill which I propose to enact into a law, is the principle of rotation in office. Whatever objections exist to the adoption of that principle, (and they are very serious and important,) still I infinitely prefer the adoption of it, according to the views recently expressed by some of the people of good old republican Pennsylvania, than the present practice of the Government. If we can agree upon no remedy for present abuses, let us adopt a uniform rule, at least, and let all officers go out at the end of four or eight years. Now, sir, when the President or any head of a department wishes to remove a meritorious officer, of offensive politics, in order to make way for some favorite partisan, he may cite the popular principle of rotation in office to support his conduct; but still the great mass of tractable and obedient office-holders, who are ready to become the creatures of executive will, are permitted to remain in office for life, in defiance of the salutary and popular principle of rotation in office. The rule, sir, should work both ways, or be discarded altogether.

Mr. Speaker, experience, I think, has conclusively demonstrated, of late, that patronage is the vice, and is likely to be the euthanasy of our political system. The Virginia objectors to the constitution were mistaken. It is not the great powers of peace and war, of the purse and of the sword, vested in the Federal Government, which are most to be feared; nor is it so much the aggregate amount of patronage within the control of the Government, as it is the want of proper legal limitations and restrictions upon the use of it in the hands of the Executive, which is to be dreaded and guarded against. All other dangers in the operation of the Government will wear out by time, and are of small moment in comparison with this of patronage.

Let it be understood that I do not propose to divest the President of one particle of the patronage which the constitution has conferred upon him, in giving him the power of nominating to all the important offices; nor do I wish to deprive the Executive of that due and proper influence over the public councils and people of the country which the legitimate exercise of it naturally brings to him. The legitimate exercise of the patronage vested in the President insures to him a vast influence in the country, sufficient of itself to keep alive the jealousies and vigilance of a free people. The power of nominating to all new offices—to fill all accruing vacancies, by death, resignation, or removal for unfitness—the power of appointing all the heads of the executive departments, all foreign ministers, and the judges of the Supreme and other courts of the United States—a vast power of itself, and operating directly upon the highest talent and ambition in the country; beside these, the power of promotion in the army and navy, and the patronage of the Military Academy, exclusive of the other great branches of the public service, would of themselves, when exercised with an eye single to the interest of the country, as it should be, constitute an aggregate influence great enough to be trusted in the hands of any one man. To this measure of influence, and more, the President is entitled. The constitution bestows it, and I seek not to deprive him of it. But, sir, this vast power was a necessary deposite for the public good; and not the smallest portion of it was given for the personal gratification, or to advance the private interests or wishes, of the President. It was a sacred trust, to be administered according to the spirit and intention of the great deed by which it was vested. The trustees have, in my opinion, abused this trust; they have converted the public estate to their own private uses; they have caused the public service to be regarded as subordinate to private interest and ambition.

It is an old maxim that money is power. Patronage is even more powerful than money; for patronage is money, and more. It bestows honor, rank, and consideration, along with money—it gratifies every passion of the human heart. It is the most successful instrument of power ever employed by artful and ambitious men in a State. It is, of itself, sufficient to overturn and revolutionize Governments—it is able to neutralize all forms, and to consolidate all actual power in the hands of the possessor. Let us see what has been said upon this subject by one of the most acute and able writers upon this or any other subject; and one, too, who was no enemy to a strong Government. I allude to Dr. Paley. In his chapter upon political philosophy, and in giving his views upon the British constitution, he lays it down that,

"When the constitution conferred upon the Crown the nomination to all employments in public service, the authors of this arrangement were led to it by the obvious propriety of leaving to a master the choice of his servants; and by the manifest inconveniency of engaging the national council, upon every vacancy, in those personal contests which attend elections to places of honor and emolument. Our ancestors did not observe that this disposition added an influence to the regal office, which, when the number and value of public employments increased, would supersede, in a great measure, the forms, and change the character, of the ancient constitution. They knew not, what the experience and reflection of modern ages has discovered, that patronage is, universally, power; that he who possesses, in a sufficient degree, the means of gratifying the desires of mankind after wealth and distinction, by whatever checks and forms his authority may be limited or disguised, will direct the management of public affairs. Whatever be the mechanism of the political engine, he will guide the motion."

Sir, these are the maxims of wisdom and experience. We have seen that the King of Great Britain, even since the revolution of 1688, has, by the sole power of patronage, been able several times to annihilate the independence of Parliament, and to rule with absolute sway. How the spirit of Englishmen has as often broke the power of corruption and re-established the Government upon its free foundation, we have already seen. Sir, human nature is the same in this new world that it is in the old. Patronage is the same in its power to seduce and its liability to abuse; and the same jealous vigilance is demanded in this country to prevent the consolidation of all power in the hands of the Executive.

The abuse of patronage, Mr. Speaker, and every other incidental evil of which I complain, it was supposed by our ancestors, when they framed and adopted the constitution, would no sooner become known than they would be redressed by the ballot-box—the panacea of the constitution; but, sir, in the language of Mr. Jefferson, "the constitutional remedy by the elective principle" has "become nothing, 'because' it is smothered by the enormous patronage of the General Government." It is to me, sir, matter of real wonder and amazement that a degree of abuse in the administration of the patronage of the Government should excite no particular alarm at this day, which, but eight years ago, would have caused such a commotion in the land as must inevitably have terminated in revolution, if no other remedy could have been applied. Undoubtedly, many causes peculiar to the times have combined to produce this extraordinary result—the unrivalled popularity of the President—the blunder of opposition in relation to nullification and the United States Bank; but the most subtle, powerful, and successful element of evil has been the introduction of the spoils principle, as an avowed and defensible incentive to party association and party ser-

vice--the disgrace of American politics. It will be perceived, and must be acknowledged, that this principle is founded upon the abuse of patronage. It can have no existence or operation but in the abuse of patronage. The doctrine is, that all the public offices and employments belong, as a matter of right, to the successful party in a political contest, and should be distributed among them in the same manner that the spoils, whether of lands or goods, plundered from a conquered people in war, belong to and ought to be distributed among the victors. It is impossible that a principle so odious and tyrannical, and one which has been discarded as dishonorable, and against natural law, even in war, among civilized nations, could have received the sanction of any respectable portion of the people, if they had not been deluded and their confidence abused by their favorite leaders; if the principle itself had not been arrayed in the guises of patriotism. And accordingly we find that such was the fact. The people have been told that their best friends, and the only true patriots, were contending against a powerful combination to change the character and administration of the Government from a government of the people into an aristocracy—a Government of and for the rich only. The President, as we have already seen, condescended to give his sanction to this artifice, by charging that the supporters of Judge White, in Tennessee, were "attempting to undermine our republican system." Upon such grounds as these the people have been prevailed on to bear with, and, in some sort, to sanction every abuse; and if they believe half the statements made to them upon this subject, they are right. They act upon the same principle upon which General Jackson, in the defence of New Orleans and the liberty of his country, called in the aid of notorious pirates. The people suppose that the defenders of their liberty and of our free constitution, against the wealth and aristocracy of the land, whatever may be their merits in other respects, are at least entitled to all the offices and employments in the public control. The circumstances that many of the leaders of the party which thus claims to be arrayed against the rich are themselves, among the most wealthy citizens of the country; and that many of those profligate incendiaries, who have been most active in exciting the poor against the rich, have actually become rich themselves upon the spoils of office, and are taking their stand in the ranks of the wealthy, even while they are yet hoarse with bawling the fire-cry of the party, with which they have alarmed the slumbering senses of the country, appear to have had no effect in undeceiving those who set out the victims of delusion.

But, sir, is it not a little remarkable that those who claim all the public virtue, all the disinterestedness, all the patriotism, and exclusive devotion to free and equal rights, should be the champions of a system of plunder; affecting to despise and fear riches, as the source of all oppression and injustice, yet seizing upon, and appropriating exclusively to themselves, the entire national Treasury; a capital which yields an annual income of at least twenty-five millions! Is it not remarkable that such men, with such professions daily upon their lips, should be the inventors and supporters of a principle of party association, a motive to party action, the most mercenary, the most tyrannical, the most corrupting, and founded more exclusively in a thirst for riches, than any which has ever been known heretofore in the history of Government!

Sir, what is the true spirit and character of the spoils principle, as avowed by some of the leaders of the party in power? That it is detestable, is felt by many; but how dangerous it is, I believe has not yet been duly considered. Have you, sir, ever reflected upon its nature? Do you know that this principle is the foundation of the largest class of crimes known in the criminal code of every country? Do you know sir, that this same spoils principle has been the cause of more devastation, wretchedness, and guilt, individual and national, than any other in the history of human suffering; that it is the incentive alike to the burglar who breaks and enters your house at night, and the highwayman who waylays your path and takes your life; that, rising from individuals to multitudes and nations, it is the actuating motive to all the plunderings and desolations of military conquests; that it forces the gates of cities, plunders temples of religion, overturning in its course, indiscriminately, republican States and imperial dynasties? It is the great despoiler of private rights and of national independence. It was the spoils principle which united the barbarians of the North, and finally overthrew the vast fabric of Roman policy, law, and civilization—the work of ages; and it is the only principle which can ever shake the solid fabric of our own free and happy institutions.

The charge that the British general encouraged the troops before New Orleans, during the late war, by holding out the beauty and booty of the city as the rewards of their valor and success, was thought so dishonorable to the British army as to have led to a correspondence with the American general, as I have been informed, with a view to procure a retraction of the imputation. But in what does this new principle of party association differ from that which was thought so disgraceful to British arms? I repeat the question: how does the spoils principle of the party now in power, in this country, differ, as regards the honor or safety of it, from the watchword of the British general? If, in war between civilized nations, the spoils principle is regarded as too great a temptation to licentiousness, and too dangerous for the general safety of property and society, how much more dangerous and insufferable must such a principle be, when applied to the contests for power between political parties in a free Government? In truth, sir, what is this principle but the watchword invented by a political chief to animate his followers to a savage and unscrupulous warfare: sparing neither sex; practising every species of fraud and hypocrisy; confounding right and wrong; and often robbing the innocent and virtuous of their only treasure—their honest fame? What is it, I repeat, but a proclamation to the venal and corrupt, of all parties, to rally to the standard of a chief who, like the leader of an army of bandits, points to the Treasury, and says to them, that shall be the reward of victory? Sir, this is no exaggeration. Disguise it as you will, it is a system of corruption and plunder.

There was a time, Mr. Speaker, in the history of modern Europe, when, whatever discord prevailed among the Christian nations which occupied that fair continent, however bloody and furious the wars which raged between them, the moment it was announced by pilgrim messengers that the infidel Powers of the East were assembled, and advancing their standard to the confines of Christendom, the sacred tocsin was sounded! "The truce of God" was proclaimed, and Christian armies which had lately met in deadly strife, upon many a bloody field, were now seen advancing harmoniously in united columns, a consolidated phalanx, rolling back the tide of war upon the haughty Turk! I will not say, sir, that the parallel is complete. It would be profane to do so; but I will say, that next to the Christian religion, as an instrument for the improvement of the condition of the human race, that which is most precious on earth is in peril. The constitution of the United States is invaded! The janizaries are mustered; the infidel powers advance; already are the outworks carried; they approach the citadel, and nothing but a united effort, and the most determined courage and good conduct, can save it from irretrievable destruction.

ADMISSION OF MICHIGAN.

Before Mr. BELL had concluded his speech, as given entire in preceding pages, the House passed to the orders of the day, and resumed the consideration of the bill from the Senate entitled "An act to provide for the admission of the State of Michigan into the Union on an equal footing with the original States."

The question pending was the demand for the previous question, made yesterday by Mr. MANN, of New York, and the motion of Mr. JENIFER for a call of the House.

Mr. JENIFER withdrew his motion for a call of the House.

Mr. MERCER inquired of the Speaker whether, if the demand for the previous question should be seconded, the question could not be separately taken on the preamble and the bill?

The CHAIR replied that there was no precedent for such a division.

Mr. MANN asked if, when the bill was on its passage, after its engrossment, a motion to recommit it, with instructions to strike out the preamble, would not be in order.

The CHAIR. Every member of the House must know that that motion would be in order.

The House seconded the demand for the previous question: Yeas 84, nays 67; and the question recurring on ordering the main question to be put—

Mr. THOMAS rose, and said he had voted in the negative on the seconding the previous question. But now the position of the bill had been changed, and he hoped the House would not refuse to order that the main question be now put. If that was done, the further action of the House on the bill would be postponed until to-morrow. The bill would be open for discussion after it has been read a third time, on the question of its final passage. By ordering the main question, the House will not close the debate, but it will signify a willingness to take the bill as it is, without further amendment.

The question was then taken, on ordering the bill to a third reading, and was decided in the affirmative: Yeas 140, nays 57, as follows:

YEAS—Messrs. Adams, Anthony, Ash, Barton, Bean, Bell, Black, Bockee, Boon, Bouldin, Bovee, Boyd, Brown, Buchanan, Bunch, Burns, Bynum, J. Calhoon, Cambreleng, Carr, Casey, Chapman, Chapin, N. H. Claiborne, J. F. H. Claiborne, Cleveland, Coles, Connor, Craig, Cramer, Cushman, Davis, Denny, Doubleday, Dromgoole, Dunlap, Fairfield, Farlin, Forester, Fowler, Fuller, Galbraith, J. Garland, R. Garland, Gholson, Gillet, Glascock, Graham, Grantland, Haley, J. Hall, Hamer, Hannegan, S. S. Harrison, A. G. Harrison, Hawes, Hawkins, Haynes, Henderson, Holsey, Holt, Howard, Howell, Hubley, Hunt, Huntington, Huntsman, Ingham, J. Johnson, R. M. Johnson, C. Johnson, H. Johnson, B. Jones, Kennon, Kilgore, Klingensmith, Lane, Lansing, Laporte, Lawler, Lay, G. Lee, J. Lee, T. Lee, L. Lea, Leonard, Logan, Loyall, Lucas, Lyon, A. Mann, J. Mann, Martin, W. Mason, M. Mason, May, McComas, McKay, McKeon, McKim, Miller, Montgomery, Morgan Morris, Muhlenberg, Owens, Page, Parks, Patterson, F. Pierce, D. J. Pearce, Peyton, Phelps, John Reynolds, Joseph Reynolds, Richardson, Rogers, Schenck, Seymour, A. H. Shepperd, Shields, Sickles, Smith, Sprague, Standefer, Sutherland, Taylor, Thomas, J. Thomson, Toucey, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Webster, Weeks, White, T. T. Whittlesey, Yell—140.

NAYS—Messrs. H. Allen, Bailey, Bond, Briggs, W. B. Calhoun, G. Chambers, J. Chambers, Chaney, Chetwood, Darlington, Dawson, Deberry, Elmore, Graves, Grayson, Griffin, H. Hall, Hardin, Harper, Hazeltine, Hiester, Hopkins, Ingersoll, Janes, Jarvis, Jenifer, Lawrence, Lewis, Lincoln, Love, S. Mason, McCarty, McKennan, McLene, Mercer, Milligan, J. A. Pearce, Phillips, Pickens, Pinckney, Potts, Reed, Rencher, Russell, Slade, Sloane, Steele, Storer, Taliaferro, W. Thompson, Underwood, Vinton, E. Whittlesey, L. Williams, S. Williams, Wise, Young—57.

So the bill was ordered to be read a third time to-day.

The bill was then read a third time, and the question being on its final passage,

Mr. JENIFER inquired if the bill was then open for discussion.

The CHAIR replied that its merits were open in the broadest latitude at that stage.

Mr. JENIFER then addressed the House as follows:

Mr. Speaker: The question being on the final passage of the bill, the previous question having been carried on the third reading, precludes the motion, which I had intended to make, to strike out the preamble. I cannot see the propriety of having a reason assigned which does not exist in point of fact. The preamble in reference to the act of Congress of the 15th June, 1836, providing for the admission of Michigan into the Union, declares "that a convention of delegates elected by the people of the State of Michigan, &c., did, on the 15th of December, 1836, assent to the provisions of said act," when it is so notoriously the reverse, that the advocates of the bill have themselves admitted that not one third of the legally qualified voters elected that convention; still, an impression is attempted to be made, that it was by the assent of the people of Michigan that that convention was held. I do not desire to be considered as opposed to the admission of Michigan; but I am unwilling she should be admitted illegally or unconstitutionally.

During the last session of Congress, I opposed the bill for the admission; because, after confirming her constitution, it prescribed terms different from the provisions of that constitution; and because it did not accomplish that which it professed to do, the settlement of the boundary line between the States of Ohio and Michigan, but left still open that controversy; and because I believed it was then pressed from other considerations than the desire to benefit the State of Michigan. I have now other and additional reasons. My objections are to the manner in which she is proposed to be admitted; because the people of Michigan have not given their assent to the act of Congress of the 15th June, 1836, admitting her into the Union; and because her admission is predicated upon revolutionary principles.

By the act of last session it is made a "fundamental condition" that the boundaries of the State of Michigan, as defined in that act, shall receive the assent of a convention of delegates elected by people of said State, for the sole purpose of giving the assent herein required; and as soon as the assent herein required shall be given, the President of the United States shall announce the same by proclamation; and thereupon, and without any further proceedings on the part of Congress, the admission of the said State into the Union, as one of the United States of America, shall be considered as complete. Let us examine how far these conditions have been complied with. The President of the United States, in his message to Congress of 27th December last, in relation to Michigan, says: "In November last, I received a communication enclosing the official proceedings of a convention assembled at Ann Arbor, in Michigan, on the 26th September, 1836, and which are herewith laid before you. It will be seen by these papers that the convention therein referred to was elected by the people of Michigan, pursuant to an act of the State Legislature, passed on the 25th July last, in consequence of the above-mentioned act of Congress, and that it declined giving its assent to the fundamental condition prescribed by Congress, and rejected the same."

Thus it appears that the President of the United States recognised this first convention as legal and constitutional, as elected by the people, pursuant to an act of the State Legislature, in consequence of the act of Congress; and that they declined acceding to the terms therein prescribed, and passed the following resolution:

"*Resolved*, That this convention cannot give their assent to the proposition contained in said proviso, but the same is hereby rejected;" and further protest against the "condition contained in the act of Congress of Juue 15, 1836, as being contrary to the articles of compact contained in the ordinance of 1787, and the constitution of the State Government."

Thus a convention, regularly organized under the law of the State, and according to the act of Congress, reject the conditions upon which Michigan is proposed to be admitted into the Union, and communicated the facts to the President of the United States.

This was then the determination of the people of Michigan, expressed by her delegates, regularly elected under the law of the State, and in pursuance of the act of Congress. This determination has not been authoritatively revoked, as far as the facts are presented to Congress. Still it is pretended that this second convention—or, more properly speaking, caucus—expresses the opinion and wishes of the people of Michigan. Let us examine how far the facts in the case support these pretensions. This second convention, without authority, was held on the 5th and 6th of December last. It will be recollected that the refusal of Michigan to accept the terms proposed by the act of Congress rendered the election of the Vice President, if not the President, uncertain. This second convention was urged to relieve that doubt. A meeting, called together without authority, (two whole counties unrepresented,) undertake to reverse the authorized act of the former convention; and, after declaring "that the Congress of the United States have no constitutional right to require the assent aforesaid, as a condition preliminary to the admission of Michigan into the Union," they "resolve that the assent required in the foregoing recited act of the Congress of the United States is hereby given;" thus assenting to that which they themselves pronounce to be unconstitutional. Can any gentleman believe that these proceedings were gotten up for other than political purposes? The proceedings of this meeting were also communicated to Congress by the President, but he does not recognise it as a convention of the people of the State of Michigan, so as to justify her admission into the Union; but he says, in his message, "this latter convention was not held or elected by virtue of any act of the Territorial or State Legislature." But "had these latter proceedings come to me during the recess of Congress, I should therefore have felt it my duty, on being satisfied that they emanated from a convention of delegates elected, in point of fact, by the people of the State, for the purpose required, to have issued my proclamation thereon, as provided by law."

I have quoted the President's language to show that he did not believe that this latter convention was elected, in point of fact, by the people of the State, as required by the act of Congress; because, had he so believed, he would have issued his proclamation as required, without referring the matter to Gongress. His proclamation was alone necessary to admit Michigan into the Union; and, although it has been urged that his respect for Congress induced him to submit it to their decision, no man, who knows the President, will believe that consideration to have influenced him in any degree whatever. When has he ever shrunk from responsibility, or evinced such a respect for Congress as to part with one iota of power, when once within his grasp? Where was his respect for Congress when he removed the deposites, to prevent his recommendation of the measure being almost unanimously rejected? When has he ever evinced any regard for their opinions? Has he not, on all occasions, exercised whatever power may have been placed in his hands, without regard to any tribunal? And had he believed that the latter convention was held by authority, he would not have hesitated to issue his proclamation, according to the act of Congress, and declare Michigan one of the United States. But, sir, the presidential question was then settled; the vote of Michigan was not necessary to insure the succession, and President Jackson was unwilling to take the responsibility without a benefit.

The error into which gentlemen have fallen, if error it be, is the denominating this second convention a convention of the people of Michigan. Whenever illegal and unjustifiable measures are adopted, an effort is made to induce a belief that it is the will of the people. But, in this particular case, they have not the benefit of that argument, because it is admitted that not more than nine thousand votes, less than one third, were given, with a population, in 1835, of upwards of eighty-seven thousand, and now claimed to exceed two hundred thousand, and this without any act of the Territorial or State Legislature. Thus, then, we have the proceedings of a regularly called convention, held in pursuance of the act of the Legislature, rejecting the condition contained in the act of Congress of the 15th of June, 1836; and of a subsequent convention, in the language of the President, "not held or elected by virtue of any act of the Territorial or State Legislature," accepting those conditions.

It is not contended that Michigan is proposed to be admitted in the usual manner of admitting States. But her admission, from the proceedings, is justified upon revolutionary principles. If any doubt existed before, upon this subject, it will be only necessary to refer to the opening speech of the chairman of the Judiciary Committee [Mr. THOMAS] to satisfy them on that point. The honorable chairman who reported this bill did not attempt to conceal the fact that those proceedings were revolutionary; and his whole argument was a justification of their principles. In support of which, he has referred to the manner in which Arkansas, Tennessee, and other States, have been admitted into the Union; to the opinions of distinguished citizens of Virginia; in fine, to all the authorities which he could bring to bear on this subject since the formation of our Government. Sir, the honorable chairman finds no analogy between the cases cited and the present. Those States were admitted after the authorized and expressed will of the people was ascertained, by their consent, legally and constitutionally expressed. How is it with Michigan? Her legally, constitutionally authorized convention rejected the terms proposed by the act of Congress, and the President of the United States recognised it as such. She now proposes to be admitted, by application of a convention got up without authority of law of either Territorial or State Legislature, and which the President has not recognised as being the expression of the will of the people; yet my colleague finds in those proceedings sufficient to justify his doctrines. He does not consider law, constitution, or any authorized Government, a barrier to his principles. He sets out with taking certain positions, the correctness of some of which had never been denied, and of others which it is only necessary to state to show their absurdity. He tells us that "all power emanates from the people;" that "the people have a right to throw off their Government whenever it becomes tyrannical and oppressive;" that a "majority of the people have a right to make a constitution, and, when oppressed, to abolish the old or set up a new one."

Sir, these may be considered as the fundamental prin-

ciples of all republican Governments. But when he assumes "that no Government, no constitution, is necessary, because all power emanates from the people; that meetings called by unknown, irresponsible persons, collected together upon the spur of the occasion, by inflammatory addresses or insidious publications, undertake to constitute a convention to uproot the foundations of Government, then his doctrines become those of anarchy and revolution. It will be recollected that the honorable chairman commenced the debate, and, before any objection was made to the admission of Michigan, he developed his views, and the grounds upon which he supported her admission. No gentleman who has succeeded him has had the temerity to sanction them. It is true, the gentleman from New York, [Mr. VANDERPOEL,] in reference to his friend's remarks, says, "he cannot endorse nor can he repudiate them." This, in the spirit of the present times, is truly non-committal. But all who listened to my colleague, who had not heard him before upon this subject, must have been astonished at the latitude of his opinions. He does not recognise any sort of law which may not at a moment be abrogated and annulled; and, in the language of the anarchists, bases his position upon the rights of the people. None could doubt the object of his remarks. They were intended to cover and to justify past transactions, the effect of which would be to delude the country as to the position he and his friends held in relation to recent revolutionary movements. And, although he thought proper to refer to Virginia and other States for examples to justify the measure, he might have found ample materials nearer home. The honorable chairman need not have gone to Virginia for the support of such doctrines. And here permit me to say that he has done great injustice by calling to his aid the names of some of her distinguished sons who took a prominent part in her convention, both before and at the time of its organization. They held no such doctrines as those advanced by my colleague; they would have repudiated them, as inconsistent with all good government.

They have not been sanctioned, to any considerable extent, except in my colleague's own State. He need not have travelled elsewhere for examples of disorder and attempts at revolution. I say it with deep humiliation, that Marlyand has been the theatre of revolution and anarchy.

I am aware, Mr. Speaker, that the subject under consideration is the bill to admit Michigan into the Union. I am also aware that this bill did not take the usual course of being referred to the Committee of the Whole on the state of the Union, because it was decided that the discussion should be confined to the question immediately before the Chair. And, sir, if, in following the honorable chairman who opened this debate by promulging the principles upon which Michigan is to be admitted, I show that the practical results of such measures, if carried into effect, will be the prostration of constitutional Government, and the substitution of revolution and anarchy, if not despotism, I trust I shall not be viewed as transgressing beyond the limits of parliamentary rules.

This is not the first occasion upon which my colleague has advanced those or similar opinions; this is not the first time he has denounced constitutional Government; nor is it the first time that he has raised his voice in favor of revolution! During the last session of Congress, not satisfied with expressing his opinion in favor of republican Government, he thought proper to denounce, on this floor, the constitution and Legislature of his own State, and then to predict that the ensuing election would purge her of her tyrannical oppressors; "that the republicans, the democratic republicans of Maryland, were in motion, roused by the recollection of many wrongs; that State will heave, from the Atlantic to the Alleghanies, to throw off that incubus which has long weighed upon her heart!" Sir, the means by which this was to be accomplished, and which were resorted to, within the last six or eight months, in Maryland, should admonish this House and the country of the danger of sanctioning such measures. In exposing the conduct of those who, forgetful of the high obligations they owed to their Government, and reckless of the consequences to their fellow-citizens, for political purposes were willing to sacrifice the best interests of the State, I do not desire to do injustice to my colleague, and therefore shall confine myself to that which has become matter of history, or fairly deducible from facts as they existed.

I feel that the character of Maryland has been at stake. I know that a misapprehension has prevailed, to some extent, throughout the country, with regard to her Government and her people; this misapprehension was for a time entertained within her borders, and it has been the policy of those who produced it to continue it. It is too true that a dark cloud for a while hung upon her horizon; that she had within her limits men whose want of principle would have led them to the perpetration of any act, for personal or political preferment; whose every nerve was strained to bring her constitution and laws into disrepute, to render her citizens dissatisfied with their Government, and to plunge the State into anarchy and revolution.

But Maryland stands redeemed—redeemed by the virtue of her people and the energy of her Government!

I hope I may be indulged on this occasion (although it might have been more proper elsewhere) in defending my native State from the obloquy which has been attempted to be heaped on her constitution, her Legislature, and her people. I know that an impression has been attempted to be made, that such was the aristocracy of her constitution, and the tyranny of her Executive and Legislature in the administration of the Government, that the people were oppressed and their wishes disregarded; and this coming, too, from some of her own native citizens. The people have never desired an alteration in her constitution, which has not been made. The constitution and laws of Maryland, like all other fallible instruments, require changes according to time and circumstances. The former is altered or amended by an act of the Legislature, (submitted to the people, who annually elect their delegates to the popular branch,) and confirmed by the subsequent Legislature. And no case can be cited where the people have expressed a desire at the polls, or otherwise made known their wishes for a change, which has not been made. But the Legislature is too enlightened, too regardful of the rights of the people, to permit themselves to be influenced by self-constituted conventions or caucuses, without authority of law, to subserve the views of political demagogues, although they may call themselves the proper exponents of the popular will. Sir, the people know and feel that anarchy is not liberty, that revolution is not reform, and without law there can be no security. It is by professing that the people desire those changes that these disorganizers endeavor to render their own acts acceptable to popular feeling.

Before we can properly appreciate the motives of the originators of the intended revolution in Maryland, it will be necessary to understand the origin, the progress, and the result of those movements.

A reform in the constitution was the ostensible object; the real one, a political ascendency in the State. It was intended to give the vote of Maryland to Mr. Van Buren and Mr. R. M. Johnson, and thereby insure for themselves places of high preferment. The means by which this was to be accomplished will show their

total disregard of honorable engagements, and a treacherous abandonment of their own friends.

A reform in the constitution of Maryland had been, at repeated sessions of her Legislature, a subject of consideration; and, in fact, during the last session, a bill had passed making some changes approximating more nearly to the wishes of the larger counties, and a spirit was evinced to carry it much further. Various propositions had heretofore been made to give a more numerous representation to the more populous counties; but no digested plan had ever been agreed on by themselves, much less to have a representation according to population. The peculiar situation of Maryland, having a large commercial city, so dispr portioned in her population to the other parts of the State, that but few intelligent men, from any section of it, would advocate a representation according to population. Many of her voters are transient residents; hundreds vote at the election without any residence whatever.

I speak from a knowledge of the fact, that many of the most respectable citizens of the smaller counties are, and always have been, willing and anxious to increase the representation, in either branch of the Legislature, from the city of Baltimore and the larger counties. But those alterations were not before attempted to be made by revolution. It was reserved for the patriots of the present day to signalize themselves by so inglorious an achievement.

In 1836 the Jackson party proposed a union with their political adversaries, to further the objects of reform. This was acceded to by the whigs, and both parties in several of the counties sent delegates to a convention which assembled in the city of Baltimore on the 6th June, 1836. In that convention the counties of Cecil, Harford, Baltimore, Frederick, Montgomery, and Washington, and Baltimore city, were represented. The following resolutions were adopted:

"1st. *Resolved*, That it be recommended by this convention, to the people of the counties and cities friendly to a reform of the constitution of the State, to elect, at the next October election, delegates faithfully pledged to the people to introduce and support a bill to provide for taking the sense of the people on the question of reforming the constitution of the State, on the first Monday in May, 1837; and in the event of a majority of the people declaring themselves in favor of such reform, providing in the same bill for the calling of a convention for that object.

"2d. *Resolved*, That in the bill providing for the call of a convention, the members of the convention ought to be distributed equally among the several congressional districts of this State, with the exception of the fourth, which, being a double congressional district, ought to have twice the number of representatives of any other district; that the members of the convention should be elected on the first Monday in June, 1837, to assemble in the city of Annapolis, on the 4th day of July thereafter, to prepare and present a constitution for the ratification of the people of Maryland at the following October election."

Amongst honorable men of all parties this would have been considered binding, and the period to which they had referred would have been awaited, so as to have ascertained the wishes of the people, and to have adopted measures accordingly. But instead of waiting until the October election, to see whether delegates were chosen to the Legislature favorable to a reform, as desired, the moment the September elections for electors of the Senate had taken place, and it was ascertained that twenty-one whigs and nineteen in favor of Mr. Van Buren had been elected, the arch intriguer put in operation his insidious plans, not to reform her constitution, but to revolutionize Maryland.

By the constitution of the State, the duties of electors of the Senate are defined and limited. They are pointed out in the 15th article of that instrument, which ordains:

"That the said electors of the Senate meet at the city of Annapolis, or such other place as shall be appointed for convening the Legislature, on the third Monday in September, 1781, and on the same day in every fifth year forever thereafter; and they, or any twenty-four of them, so met, shall proceed to elect, by ballot, either out of their own body or the people at large, fifteen Senators, (nine of whom to be residents of the Western, and six to be residents of the Eastern Shore,) men of the most wisdom, experience, and virtue, above twenty-five years of age, residents of the State above three whole years next preceding the election."

This very article (which shows the spirit of compromise which formed the constitution) gives to the Eastern Shore six Senators out of the fifteen, was to represent and protect the minority of the State; and without such compromise the constitution could not have been formed. With their duties thus defined, most of them under the solemn obligation of an oath to support the constitution, all of them pledged to the people for a faithful discharge of the duties which they had solicited to be intrusted with, these nineteen violators of pledged faith, usurping powers not given them, have the unparalleled effrontery to refuse to go into the electoral college and perform their duties, unless the twenty-one electors will pledge themselves to violate their honor and their oaths, by bargaining away the rights of their constituents.

Mr. Speaker, I do not desire to reflect on those electors, who are not here to protect and answer for themselves; nor do I consider them responsible for the iniquity of their acts. With but few exceptions, they knew not what they did. They were not capable of originating or carrying out those revolutionary objects. No, sir, they were not men for such a crisis. The honor or the renown of originating and enacting the traitorous deed is justly due to others in another sphere. Who those men are, who should be held responsible for this attempt at treason against their native State, and who "with the will to do, had not the heart to dare," after the facts which I shall develop, I leave to this House and the country to determine.

Sir, the first meeting which took place after the September elections, to instruct the electors to violate their solemn duty, was held in the county of Frederick, the county and district which my colleague, the chairman of the Judiciary Committee, [Mr. THOMAS,] represents upon this floor. I wish it to be distinctly understood that I am not about to give vague or doubtful rumors, but a recital of facts as they occurred; in doing which, if I err I desire that my colleague may correct me. I intend not to do injustice; but I feel that it is due to the State of Maryland and her people, that they should be disabused from the odium attempted to be cast upon them, and that no language can be too strong (confined within parliamentary limits) in reprobation of such conduct.

At this meeting in Frederick county, a committee of five, Mr. Francis Thomas one of the number, reported sundry resolutions, amongst which were the following:

"Whereas the fifteenth section of the constitution declares that no Senate can be formed unless twenty-four electors agree to meet for the appointment of the members of which it is to consist: therefore,

"*Resolved*, That the senatorial electors of this county be instructed to require of the twenty-one whig electors a pledge that no member of the former Senate, and no member of the House of Delegates who opposed the bill calling a convention of the people, shall be elected to the next Senate of the State. That at least eight of the members of the Senate, to be chosen by the electoral college, shall be selected from among persons known to

entertain opinions and sentiments coinciding with the principles and opinions held by, and governing, a majority of the people (205,922) who have elected nineteen Van Buren electors; and that, in the formation of the Senate, there shall be a majority of members known to be favorable to such a thorough and radical reform of the constitution of the State as will insure to all citizens living under it equal political rights and privileges.

"*Resolved*, That, unlesss the pledges required by the preceding resolution are solemnly given, in true faith, the two electors from this county be requested to refuse to enter into an election of Senators: *Provided*, That the electors from other counties and cities, having a majority of the white population of the State therein, will co-operate with them to defeat the election of a Senate hostile to a reform in the constitution, to the extent required in the first resolution.

"*Resolved*, That our friends in the counties and cities, that have elected Van Buren reform electors, are earnestly invited and recommended to join us in these measures, as the only means by which we can avoid the fate of being again compelled to submit, for five years at least, to the tyranny of a Government wielded and controlled by a small and aristocratic minority of the people of the State."

From the foregoing it will be seen that those patriotic reformers, who had pledged themselves to wait until after the October elections, and until the Legislature then to be elected should refuse to call a convention for a reform, still under a voluntary agreement with the whig reformers to wait that result, wrest from the people and the Legislature the powers of both, and constitute themselves a tribunal to revolutionize the State, by electing a Van Buren Senate. This was the measure of their reform; this was the great political manœuvre which opened the eyes of the whig reformers to the intrigues by which they had been deceived. Responsive to this meeting was one held in Cecil county. They have since paid the forfeit due to their treachery. Next was one called in the city of Baltimore. This was held on the Saturday night previous to the Monday when, under the constitution, the electors were to meet at the city of Annapolis, to elect a Senate to serve for five years.

At that meeting were present nearly all the electors, then on their way to the seat of Government, to discharge their duty. My colleague [Mr. THOMAS] was there, and was expected to address the meeting; it was one of the largest which had assembled for several years, called together to instruct their electors to betray the trust reposed in them. My colleague was long and loudly called for to address the meeting. His fame for revolutionary discussion had spread far and near, and the most intense anxiety was evinced to hear him; but the deed had already been done; it was understood that seventeen of the nineteen had already pledged themselves not to go into the college unless the twenty-one would accede to their terms. Doubts were expressed whether they would adhere to their pledges; the meeting was addressed by several, and resolutions approving of the Frederick and Cecil proceedings were adopted. I wish I could draw a veil over the proceedings of that night. I was, by accident, in the city, and although my colleague from the upper district did not respond to the reiterated calls made upon him, another of my colleagues did. Then it was I heard, with deep anguish, proclaimed from the hustings, revolution or reform, by one from whom I had least expected it. The words were greeted and re-echoed by the boys, by the mob, and by the conspirators themselves. It was in sight of the monument erected to commemorate the glorious 12th of September, 1814, erected to perpetuate the memory of those gallant heroes who fell in defence of that country which was now threatened to be plunged in civil war. It was in sight of the monument erected to the immortal Washington. It was amidst such recollections as those I heard a descendant of one of the heroes of the Revolution—a son of one whose name and deeds stand recorded upon the page of history, as being identified with the best interests, prosperity, and honor of his country—one whose name cannot be mentioned at the present day without calling forth feelings of admiration and gratitude. It was from a son of him who bore the name of Howard that the doctrine of revolution or reform was proclaimed.

It was then I felt the degeneracy of the times. It was then I felt as if a dark cloud was impending over my native State, as if the spirit of our fathers had departed from amongst us. But, sir, no more of that. The next day the electors proceeded to Annapolis. It was not believed, up to that moment, that the nineteen would prove recreant. Such was the doubt entertained by their aiders and abettors, that my colleague, the chairman of the Judiciary Committee, accompanied them to the seat of Government, and took them into his holy keeping. Upon their arrival, they refused to go into the electoral college, unless upon terms dishonorable to the twenty-one, had they acceded to them—not reputable to those who proposed them. Had those terms been acceded to, at the moment the electors were taking the oath "to be faithful, and bear true allegiance to the State of Maryland, and to support the constitution and laws thereof," they held in reserve a pledge to violate both; and with the 59th article of the constitution before them, which provides the manner in which alterations shall be made, in the following words:

"This form of government, and the declaration of rights, and no part thereof, shall be altered, changed, or abolished, unless a bill so to alter, change, or abolish the same, shall pass the General Assembly, and be published at least three months before a new election, and shall be confirmed by the General Assembly after a new election of delegates, in the first session after such new election. Provided that nothing in this form of government, which relates to the Eastern Shore particularly, shall at any time hereafter be altered, unless for the alteration and confirmation thereof at least two thirds of all the members of each branch of the General Assembly shall concur."

They persevere in their revolutionary designs, and address a letter, proposing their own terms, to the twenty-one electors. This was met at the threshold by the twenty-one, as high-minded, honorable, faithful public servants ever should meet insidious, designing, intriguing efforts to corrupt or to intimidate. They refuse to make any terms, much less to bargain away the rights of their constituents, with faithless, irresponsible public agents.

The conspirators then, urged on by their advisers, held a meeting, or rather caucus, denominating themselves "the democratic republican members of the electoral college," and "*Resolved*, That this meeting do now adjourn." They did adjourn, and quit the posts assigned them, without discharging their duty; and, feeling that a deep indignation would follow their faithless proceedings, they issue a paper calculated to deceive the people they had so egregiously misrepresented, and return to their homes elated with their own treachery.

The twenty-one electors remained at the seat of Government, trusting that better counsels would prevail, and that the nineteen recusants would come back to their duty. They responded to their address in a calm, dignified, and argumentative, though firm, bold, and decisive manner, calling upon the people of Maryland to come to the rescue; and here I quote from this address some few passages, which may be taken as indicative of the whole. They remark that

"We could not suppose that we, who were known to be under the most solemn obligation to execute a trust faithfully and conscientiously, could be approached with a proposition of bargain touching the performance of our duty. We never for a moment entertained the idea of trafficking upon such a subject; and a proper self-respect, together with the palpable obligations of duty, precluded all of us from listening to such a proposition, coming from any quarter, however respectful in its language; and still less could we receive it from any other than a member of the college, duly qualified as such. Our duties were most clearly pointed out by the constitution, and we were not only bound, as good citizens, to support it, but our very oath of office made it our particular and sacred duty to uphold it in all its integrity. The votes we were to cast for Senators were not to be given as our votes, but as those of the people of Maryland. They had, by their constitution, laid down the rules, and the only rules, which were to govern us; and we should have been false to them, and false to our oaths, if we had permitted any other to be prescribed to us."

And conclude with the following admonition:

"People of Maryland, the crisis is an awful one; the times are big with the fate of freedom; if the revolutionary spirit, now stalking abroad amongst us, is not promptly subdued by the majesty of your power, upon you will rest the fearful responsibility of being the first in the country of Washington to give to Liberty a mortal wound. We shall, to the last, endeavor faithfully to perform our duty to you and to ourselves. We have remained patiently at the seat of Government, keeping the college open from day to day, to the present time, and here are resolved to continue until all hope is lost of the return of the absent electors. We are determined that, if confusion and anarchy and ruin are to come upon us, if all the bright hopes of the people of Maryland are to be forever blasted, and our once fair and happy land is to become a scene of desolation and terror, we will have the consolation of reflecting, in the midst of our afflictions, that we have faithfully performed our duty.

George S. Leigh.	Samuel J. K. Handy.
Benedict I. Heard.	William W. Lake.
George Vickers.	Thomas H. Hicks.
James P. Gale.	George W. Duval.
James Kent.	Thomas G. Pratt.
James A. D. Dalrimple.	Thomas A. Spence.
Henry Brawner.	Henry Franklin.
William D. Merrick.	Ephraim Gaither.
Solomon Dickinson.	Richard Beall.
George W. Dudley.	Andrew Bruce."
William Williams, jr.	

I pronounce those names with great satisfaction. They should be transmitted down to the latest posterity, as faithful public agents. Those gentlemen had quit their homes and families, under the expectation of returning in a few days; but, by the traitorous conduct of their colleagues, had to remain at the seat of Government for near two months, anxiously and patiently waiting their return to a discharge of their duty.

As soon as it was understood that the nineteen had refused to go into the electoral college, and had quit their posts, and called on the people of Maryland, by an address replete with disorganizing principles, to support them in their unholy purposes, the alarm was felt; the deep indignation of insulted constituents was manifested by meetings called to express their opinions upon the momentous crisis.

In the city of Baltimore, the "supporters of law, order, and constitutional reform," expressed their opinion in town meeting, and "resolved that they were in favor of reform, and against revolution."

This was followed by a presentment of the grand jury of Alleghany county, against the conspirators, in which they charge them as follows: "The conduct of those men is without excuse or palliation. They intended to secure the triumph of a party; and, failing in that, to subvert the Government and endanger the public tranquillity." This was signed by twenty of the grand jurors, a majority of whom were friends of Mr. Van Buren. But, to their honor be it said, they loved their country more than their party. This was the first step taken in the district represented by my colleague, which struck dismay and terror in the minds of the conspirators. Next were held public meetings in the same county, without distinction of party, at one of which presided a gentleman, a warm friend of the present administration, a man without reproach, one who at an early day had quit his native isle to seek an asylum in this land of liberty and law. It was the venerable, the patriotic William McMahon, who, disenthralling himself from his party, stepped forward to save his adopted State from the pollution of her native citizens. His feelings are expressed in the following words:

"*Resolved*, That we condemn the conduct of the aforesaid recusant electors, who, having solicited and obtained the appointment at the hands of the people, betrayed the trust reposed in them, by basely and treacherously refusing to attend the electoral college, (as enjoined by their positive obligations to the constitution,) with a view to dissolve the Government of the State."

Other meetings were held in different parts of my colleague's district, of similar import, to one of which I now call more particularly the attention of the House, the proceedings of which I read as matter of history. And if the application is made more directly to him, I am not responsible, but his immediate constituents. They were his political friends; they are in favor of reform; but they, too, are against revolution. At a meeting held at Selby's Port, Alleghany county, the following preamble and resolutions were adopted, with but three dissenting voices:

"Whereas Francis Thomas, Esq., our present Representative in Congress, has taken an active part in promoting a change in our State Government, by such means as we believe to be against our best interests, as also the interest of the State of Maryland; and whereas, from his course in this matter, he has given us reason to believe that he has no regard to our interest, but that he is seeking self aggrandizement at the expense of his constituents: Therefore,

"*Resolved*, That we view him guilty of base ingratitude to the citizens of the State, and especially the people of Alleghany county.

"*Resolved*, That he has no longer any claim to the confidence or respect of the people of Maryland or of this congressional district; and that, in our opinion, he ought forthwith to resign his seat in Congress, that the voters of the district may select another to fill the vacancy, who would pay more respect to their interests."

The result of the September election was twenty-one to nineteen in the electoral college. In October, with the same mode of election, except that four delegates were elected from each county, instead of two electors, the result was sixty-one whigs and nineteen in favor of Van Buren. Notwithstanding this indication of the popular will against the conduct of the conspirators, still they were advised to persevere in their refusal to unite with their brother electors and elect a Senate. Some one or two of them began to relent, and did propose to meet the college, but not a sufficient number to elect a Senate. The indignation of the friends of law and order throughout the State was roused. It was too apparent to deceive any one, that they did not, as they professed, respect the will of the people. Their own

political purposes were the sole object. An election had been held, and turned upon this question; yet they pertinaciously adhered to revolution. Still the twenty-one faithful, honest, fearless electors held to their posts, and determined to await the presidential election, which was to take place in November. This election was by general ticket in the whole State, thus affording an opportunity of testing the very principle the conspirators professed to advocate, to wit: that a majority of the people had a right to control, and that their expression of opinion was binding upon their agents. The result of the November election was a larger majority in the whole State, in favor of the whigs, than had ever been given since the present political parties came into existence. Every county in the State of Maryland, except two, gave majorities for the advocates of law and order, and each of the three counties represented by my colleague [Mr. THOMAS] gave majorities against his principles.

When this result was known, the presidential election over, the State, by an unprecedented majority, voting by general ticket, put the stigma of reprobation upon the conduct of the revolutionists, it was to have been expected that the recusant electors would have joined the college to perform their duty, by electing a Senate, and thereby save the State from further anarchy. But they were otherwise advised. They were told that no danger could ensue to the State; that, if no Senate were elected, the Government would still go on, and, by perseverance, their objects would be accomplished. And such was the degradation to which they were willing to bring their native State, it was announced, in the official organ of the party in the city of Baltimore, that, if they held out, and no Senate was elected, President Jackson would appoint a Governor and other officers to preside over the destinies of Maryland! Yes, Maryland, one of the old thirteen, was to be stricken from the number of stars which adorn the American banner, to return back to a Territorial Government, and the President of the United States to administer to her people! Is there a man within these halls so debased by party subservience, is there a freeman throughout the country whose cheek is not suffused with a blush when he hears that this was the remedy for the revolution? Is there any one who now can doubt that the object of these revolutionists was other than self-aggrandizement? In this state of things, the Governor of Maryland, anxiously trusting that the result of the repeated elections, expressing the will of the people, would have influenced the recusants to return to their duty, finding that they were still betraying the delegated trust, and that their aiders and advisers were urging them to adhere to their faithless pledges, issues his proclamation, on the 8th November, calling together the Legislature of the State, and admonishes the revolutionists to beware of the consequences. This proclamation does great credit to the mind as well as energy of Governor Veazy. He felt as if forbearance was no longer a virtue. Time had been afforded them to retrace their steps; more than two months had elapsed since the election, and they still proved recreant. "The crisis was big with the fate of Maryland." He saw the twenty-one faithful agents, true to the people, clinging to the constitution of their creation, with a determination to save it from desecration. He comes to their support, and, in the parental language of a father, advises, persuades, forewarns, and then concludes with the following notice:

"And I do furthermore declare and proclaim, to all whom it doth or may concern, that, as Chief Magistrate of the State, I shall exert to the utmost all the powers which have been or may be vested in me by the constitution and laws, and which it may become necessary to employ, to curb the spirit of anarchy, disorder, and revolution, manifested by the aforesaid conduct and proceedings, and to support the constitution, and enforce the laws upon all offenders against their majesty, who shall proceed, by overt acts, either of resistance to the constituted authorities of the State, or of carrying out or consummating the revolutionary designs and purposes of the aforesaid recusants and their abettors; and I do hereby require and enjoin all civil officers of the State to be vigilant in the performance of their several and respective duties at this important crisis; and upon all military officers and citizens to hold themselves in readiness, in case their services may become necessary in aid of the civil authorities, to maintain the public peace, repress disorder, uphold the constitution, or enforce the laws; and, finally, with humble supplication for and reliance upon Divine Providence for direction and aid, and also with the firmest reliance upon the people of the State, to support, and, if necessary, enforce the declaration, I do solemnly declare and proclaim that the constitution of the State must be preserved, and the Government maintained, as they now are, until 'altered, changed, or abolished,' in the manner constitutionally provided for."

Although this proclamation began to alarm, for fear of the consequences, yet they did not abandon their iniquitous designs, but held another meeting, and postponed the contemplated convention until the first Monday of January, to assemble in the city of Annapolis. The object of that postponement is expressed in the following resolution:

"*Resolved*, That the unexpected call, on the part of the Executive, upon the members elect of the House of Delegates and of the old Senate, to assemble at Annapolis on Monday next, has rendered it expedient to postpone the meeting of the reform convention to a day when ample opportunity shall have been afforded to understand fully the reasons which have induced the Executive to adopt this extraordinary procedure, and to ascertain the results of their deliberation."

I find by the proceedings of this meeting, which was held in the city of Baltimore on the 19th November last, that my colleague's [Mr. THOMAS's] name appears amongst those of the committee which draughted those resolutions also. This convention has not met according to adjournment. My colleague, it is presumed, knows the true reason, and I desire to know, why it has not. He does not inform me why it failed to meet. I will endeavor to show what has been surmised to have been the cause. After all efforts had proved unavailing to induce the recusant electors to return to their duty; when all the popular elections were over; when the proclamation of the Governor, which received universal approbation from the lovers of law and order, was promulged; when it was advised that, if a Senate were not elected by the period of the annual assembling of the Legislature, the constitution would be abrogated and annulled, and that Maryland would become an appendage to the General Government, the spirit which animated the framers of the constitution burst forth throughout the land, and incited to action the sons of those sires. It was on the soil within sight of this Capitol that the first move was made which struck terror in the minds of the conspirators. A meeting was called in Prince George's county, composed of the first men of the State, without distinction of party, to organize a corps to tender their services to the Governor of Maryland.

"On motion, it was *Resolved, unanimously*, That we will with our lives and fortunes support the existing Government of Maryland against any violence that may be attempted, and we tender to the Executive our services, whenever they may be called for."

Here, Mr. Speaker, I cannot permit the occasion to pass without doing justice to a friend and patriot. Not a revolutionary patriot of the present day, who would

sacrifice his own State to purchase preferment from this Government; but one who has met the enemies of his country, and risked his life in her defence; one who has received, by the unanimous vote of his State, a sword, as a reward for his gallant deeds, in one of the most glorious naval victories achieved upon the ocean; who, upon the presentation of that sword by the Governor of the State, returned it to its scabbard with this characteristic declaration, "that it should never be unsheathed until his country was in danger from the assaults of her enemies." It was Major John Contee who called that meeting. It was he who proposed a tender of services, which was unanimously united in by his whole command. It was then he felt that the time had arrived for him to redeem his pledge. But he little thought, when he received that sword, that the period ever could arrive when his duty as a soldier, as a citizen, as a man, would compel him to draw it in defence of his native State against the unhallowed assaults of native citizens. But the crisis had arrived. He was the man for such a crisis. From that day the sun of Maryland was above the horizon; her star held its station amidst the stripes of the Union; the impending clouds were dispersed, and conspiracy overawed.

It is with feelings of no ordinary character that I refer to those proceedings. But, sir, I do feel an honest pride in being the representative of such men. Eight of the twenty-one electors who, during these trying, exciting times, patiently, firmly, nobly, stood by the constitution and the laws, were from my congressional district—a district immediately adjoining the seat of this General Government, yet far enough to remain uncontaminated by the incentives which gave rise to that intended revolution. It is not a little remarkable that those instigators of this resistance to the laws of their State should have been amongst the warmest advocates of the President's proclamation and measures against South Carolina. They were then willing to carry war and desolation throughout that devoted State, to arm the Government with power to march the soldiery within her borders, and to deluge her fair land with civil war. The same spirit which prompted them to those measures has been revived in relation to their own State.

But, sir, order is restored, the citizens repose in peace, and treason is no more. And when the future historian shall make a record of the present times, the names of the twenty-one will be transmitted to posterity as the noble protectors of law and liberty; whilst the same page will present those of the recusants as a beacon to all anarchists. Maryland is regenerated.

Mr. Speaker, I have said much more upon this subject than I had intended; but I know it has not been uninteresting to the House, from the unremitted attention they have bestowed. If, in the discharge of a duty which I considered imperative, I should have used strong language to express the convictions of my mind, I shall feel justified in the extraordinary circumstances which prompted it. When my own honor or that of my native State is at issue, I know no discretion within the limits of parliamentary rules; that I have not transgressed those has been evinced by the fact that my remarks have not been interrupted by you.

The immediate question before the Chair is the bill providing for the admission of Michigan into the Union. I shall vote against the bill. I believe much less injury will be done by a delay, than by sanctioning the principles upon which her admission is advocated. By a delay until the next session of Congress, an opportunity will be afforded of ascertaining the true wishes of the people; of settling the irritating controversy between her and the State of Ohio; of admitting her upon the terms of other States of the Union. But if she comes in now, predicated upon the principles which have been promulged upon this floor, this House will have countenanced measures which, in future times, may be taken as a precedent for anarchy.

[When Mr. JENIFER had concluded, Mr. THOMAS again addressed the House. After which, Mr. HOWARD rose, but gave way at the request of Mr. JENIFER, who said he desired to make an explanation.]

Mr. J. said it had been suggested to him, since he resumed his seat, by his friends, that an interpretation had been placed upon his remarks, in relation to his colleague from the city of Baltimore, [Mr. HOWARD,] which he desired to correct. He said they were understood to apply personally and offensively. Mr. J. said the general terms upon which he was with his colleague, and the gentlemanly deportment which had always characterized him, would forbid the application of any remark in an offensive sense; but he could not conceal the fact of his deep mortification at the countenance given to those measures, by his colleague, which had brought Maryland to the verge of a revolution. When he spoke of the degeneracy of the present day, he meant to apply it to the principles now advocated, as contrasted with those which gave birth to our glorious independence. He considered this explanation due to his colleague, for whom he could have no unkind feeling. Mr. J. said, as to his colleague from the upper district, [Mr. THOMAS,] he had no explanation to make; but lest a misapprehension might prevail as to an inquiry made by his colleague, which remained unanswered, he would take occasion to notice it. My colleague, in referring to a meeting in one of the counties of his district, where resolutions had been passed reprobating, in strong terms, his conduct as their representative, after denouncing the resolutions passed at that meeting as calumnious, and the members as unworthy of credit, calls upon me to know whether I intend to endorse those proceedings or not. Sir, whatever may have been my opinion of those men or their proceedings, however I may have believed them entitled to credit, I certainly now cannot endorse them. They are my colleague's immediate constituents; they are his political friends, some of whom have been his supporters; he, therefore, ought to know them better than I do; and if, as he says, they have been purchased from their duty, and not entitled to credit, being his constituents, I cannot endorse for them, and thereby make myself liable for irresponsible men. But, sir, I have yet seen nothing, have heard nothing, to change my opinion of the correctness of their position.

When Mr. JENIFER had concluded,

Mr. THOMAS replied to his colleague, and went into a statement showing the irregularities of the present constitution and Government of the State of Maryland.

The debate was further continued by Mr. HOWARD.

Mr. PEARCE, of Maryland, then rose and addressed the Chair as follows:

Mr. Speaker: It is with great reluctance that I participate at all in the discussion of the theme which has occupied the House for the last four hours. I do not mean the bill for the admission of Michigan into the Union; for that seems to have been "in the deep bosom of the ocean buried."

The domestic controversies of Maryland are again the subject of debate here. We are not allowed the repose of victory; but have to fight over here the battle which we fought and won last fall, before the people of Maryland. I am not responsible for the introduction of this foreign topic. I deprecate now, as I had occasion to do at the last session of Congress, any debate upon our domestic feuds. This is not the tribunal before which such matters are properly triable. The hall of the National Legislature is the very last place where State constitutions should be arraigned, and the internal action of State Governments be made a theme of invec

tive, or a subject of investigation. Before the people of Maryland, whose sovereignty I recognise, and practically respect, I have discussed these matters fully and freely; and they are the only tribunal whose jurisdiction I admit.

It is curious to trace this debate to its origin. I had not the good fortune to hear the speech of my colleague, the chairman of the Committee on the Judiciary, on the introduction of the bill for the admission of Michigan into the Union; but I understand it to be the general sense of the House that it had no necessary or direct connexion with the Michigan question; and that, although the name of Maryland was not mentioned, and no immediate application of his theories to our controversies was made by him, yet it was almost universally supposed to be intended to apply, solely, to the State of Maryland. It was considered a masked battery—a sort of Maryland war in disguise. Under these circumstances, it was not unnatural for my other colleague [Mr. JENIFER] to reply, and endeavor to repudiate such of these doctrines as seemed to him unsound, and to show the misapplication of others to Maryland politics. Much as I regret it, I must say that it was a necessary and inevitable consequence that my colleague should go somewhat into detail in relation to these matters. Now, sir, I have heard, in the rejoinder of the honorable chairman, the constitution of Maryland violently and, as I think, unnecessarily denounced. While the recent condition of things there has been stated very vaguely, and to me unsatisfactorily, I desire to say a few words in reference to that vilified constitution, and to state accurately, according to my views, the condition of Maryland during our late convulsions. In doing this I shall endeavor to follow the example of my colleague who represents the city of Baltimore, to speak dispassionately, and not to fall into "King Cambyses' vein" and tear the passions to tatters.

The constitution of Maryland, which has been denounced here as so odious, so abominable, so atrociously oppressive upon the people of the State, that they would be justified in rising, with arms in their hands, to destroy it by violence, is no royal charter, conceding to the people a few poor privileges—nor an admission of rights, extorted by rebellion from despotic power. Neither was it the work of the mushroom politicians of the present day, who are springing up all over the land, ready and anxious to engage in a patriotic scuffle for those spoils of victory which are too often the object of conventions, and such reforms as aim at whole systems of government. Agitators, in all periods of the world's history, have generally had an appetite for office which swallowed up their zeal for principle. It was not by such men that the constitution of Maryland was formed, but by the heroes and sages of 1776, the conscript fathers of our State, who pledged life, fortune, and sacred honor, for the achievement of their country's freedom, and who nobly redeemed that pledge.

When this traduced constitution was formed, it received the general approbation of the gallant men who were then engaged in an unequal and perilous strife for the vindication of those rights of the people which my colleague seems to think they misunderstood so strangely. When its provisions were read to one of the signers of the declaration of independence, and particularly that one which fixes the organization of the Senate, he exclaimed, "it is virgin gold."

The framers of our constitution did not consider political power as the sole end and aim of Government. They endeavored to establish such institutions as would secure the welfare of society, and maintain inviolable the rights of person and of property. Under the constitution thus formed, with occasional alterations, the State has flourished for sixty years, with as few, perhaps fewer, abuses of government than have fallen to the lot of other communities in the same period. The people have been insensible of any thing like tyranny or oppression. In general, mild and wholesome laws have been enacted; the Executive has been guilty neither of corruption nor of extravagance—while justice has been equally dispensed by an honest, able, and independent Judiciary.

Suddenly, an attempt is made to subvert this form of government—not by pursuing the constitutional method of change—not by the free, spontaneous, unforced action of the people, nor by representatives elected for that purpose by a commanding majority of the people—not because of any grievances too intolerable to be borne, nor because of a universal or very general sentiment that the good of the community imperatively required it. No, sir; this revolution was attempted by nineteen individuals, elected for a far different purpose. How many of these nineteen were the dupes of the bolder and more talented electors—how many were coerced, by threats of party vengeance, into an acquiescence in the schemes of the factious—I know not; nor can I tell who first planned this conspiracy against the people of Maryland. But the public voice has already pronounced, that the recusant electors were guilty of a gross abuse of power; of a shameful perversion of their trust; of a reckless and arrogant assumption of the rights of the people, whose servants they were for a special purpose, and whose master they assumed to be for the highest of all political purposes. Let me give you, sir, a true history of the transaction. In September last, the people of Maryland, by counties and cities, chose forty electors to appoint a Senate. The constitution requires that the electors chosen by the people shall meet, at the city of Annapolis, on the third Monday of September next ensuing their election, and proceed to the appointment of fifteen Senators. Any twenty-four of the electors constitute a quorum for that purpose; but, before they can act, they must qualify in a prescribed manner, part of which is the taking an oath to support the constitution. The election of a Senate having been completed, their duties cease, and their offices expire.

In the late electoral college, twenty-one members, composing the majority, happened to entertain opinions as to the National Executive distasteful to the minority; and these "immortal nineteen," as they have been called, because they could not wield the Government to the purposes of their faction, determined to paralyze or destroy it.

They refused to enter into the college, and qualify according to the constitution. They assumed that the minority of the college had a right to control the majority. They had the audacity to demand of the majority, who were true to their duty and to their constituents, that they should surrender their judgments and consciences to the dictation of the minority. With an effrontery unparalleled in the history of arrogance, they required that the majority should give a pledge to select, as members of the new Senate, eight persons to be nominated by themselves, so as to give their party the ascendency in the Senate—upon the penalty, that otherwise they would not qualify as electors, and would thus prevent the formation of any Senate at all. Thus they claimed that right of election which the constitution expressly vested in the majority, and undertook to destroy the existence or defeat the operations of that Government which it was the sole purpose of their appointment to preserve and continue in regular action.

These gentlemen belonged to a party whose scrupulous political morals could not bear the least suspicion of bargain and corruption. Without proof, and contrary to evidence, they had clamored for eight years against the gentleman from Massachusetts and the Senator from

Kentucky, and charged them with a dishonorable compromise to obtain power. How circumstances alter cases, and principles, too, sir! What was charged, upon suspicion only, as a scandalous bargain between the eminent statesmen to whom I have alluded, as a disgraceful fraud upon the people, a gross violation of constitutional duty and republican virtue, was openly and boldly attempted by themselves. They even endeavored to vindicate it, as evincing immaculate purity, patriotic honesty of purpose, strict fidelity to their constituents, the highest and most exact regard to the limits of delegated power.

Sir, the twenty-one knew too well their rights and their duty to listen for a moment to so flagitious a proposal. They were not to be menaced into intimidation—not to be bargained into a compromise—not to be seduced by any consideration into a desertion of their duty. They knew that the organic law, under which they held their appointment, had prescribed, in the plainest manner, the single specific purpose which they were to fulfil, and how they were to fulfil it. They refused, therefore, to enter into the political traffic proposed to them, and left it to the others to look beyond the single object of their duty, and pretend to an enlarged guardianship over the general good.

Besides, the nineteen had not qualified, and were as yet clothed with no official authority. They had failed in the very first step of their duty. They had not even begun to fulfil their constitutional obligations. No proposal, of whatever description, therefore, could be received from them; least of all, such as would have led the majority to betray their constituents and violate their constitutional oaths.

These were among the men who considered nullification as the great political heresy of the times. They thought it at least moral treason in a sovereign State to pass an ordinance nullifying an act of Congress. Yet it was no crime in them, who were invested only with a little brief authority, to play the fantastic trick which I have described upon the sovereignty of their own State.

When they became candidates for the electoral college, they pledged themselves, expressly or impliedly, "to serve if elected." This service, thus promised, was the performance of the duty enjoined upon them by the constitution; nothing less and nothing more. That duty was evaded, their pledges violated, and the constitution nullified for a time, by the next step they took. They affected to resign their seats in that body of which they were not qualified members to the people, whom they insulted and betrayed by this mockery of a resignation. I call it a mockery, because they could not resign. They had no right to disorganize the Government by so flimsy an artifice. They could not cast off the duties they had undertaken, because there was no provision for supplying their places. It has been well said that they had no more right to resign the offices they had assumed than the suicide has to avoid his parental duties, by surrendering his obligations into the hands of his Creator. That this resignation was a mockery is true in another sense: since some of them, when rebuked by the people, found it quite as convenient to reassume their trusts as it had been to lay them down. This pretended resignation they attempted to justify in a manifesto, abounding with shallow sophistry and miserable subterfuge. They alleged that they were chosen to bring about a change in the form of government; whereas they were appointed for the single and obvious purpose of continuing the Government as it had existed for sixty years. It was not true that all the counties which elected the recusants were in favor of any radical change in the constitution. Some of them were notoriously opposed to such change, and had repeatedly voted against it by their delegates in the Legislature. In none of them was a revision of the constitution made a test question. The parties had been marshalled every where on the ground of presidential politics. In some districts, indeed, the Van Buren party brought into their electioneering speeches, as collateral topics, the State's appropriation for internal improvement, and the bill indemnifying the sufferers by the mob at Baltimore; while, in other places, some clamor was raised about the tenure of offices. But in no one county were parties drawn off upon the question of reform. There are many reformers among the whigs, many who conscientiously believe that the constitution makes a wrong distribution of political power among the counties; for our system of government presents the appearance of a confederacy of counties, in which each has equal representation and equal power. I know that much complaint has been made on this score for a considerable period: that those counties which have advanced most rapidly in wealth and population desire, and claim as their right, a proportionate increase of power. This is not a matter of surprise. Their wish is as natural as is the reluctance of the smaller counties to part with any portion of their weight in the Government. Yet, notwithstanding this reluctance, they have not been unreasonably opposed to any modification of the constitution.

The very last Legislature passed a bill providing for the formation of a new county, with equal representation, out of the fragments of other and larger counties; and at the same session, by another bill, authorized an increase in the representation of the city of Baltimore: thus making a considerable alteration in the distribution of power in the House of Delegates. As for any thorough, radical change in this respect, the reformers themselves have never been able to agree. They have held two conventions, which, if they have not dissolved in their own weakness, have certainly not succeeded in reconciling various theories, and concentrating the opinions of their members and constituents upon any one specific plan of reform. Let this be done. Let some known, fixed scheme be deliberately presented to the people for their consideration, and if it obtain the general sanction, my life upon it, the smaller counties, who know what is due to public opinion, will yield their peculiar interest to the general good. But they have no idea of being tricked into an abandonment of the constitution by a set of men not authorized, constitutionally or otherwise, to meddle with such matters, and one of whom, at least, as a member of the Legislature, had always before recorded his vote against it.

My colleague [Mr. THOMAS] seems to claim for the minority of the college, as they did for themselves, an amount of power not granted by the constitution, because they represented a portion of the State containing a much larger population, both white and federal, than the residue of the State represented by the twenty-one. It is scarcely necessary to expose this fallacy; but surely he does not mean to claim the support of the very large minorities in that section whose votes were cast against the nineteen. I will only say, on this head, that when the constitution is set aside, and numbers are to be counted, the arithmetic should be exact, and all due subtractions be made. At all events, I believe, sir, that at the November election a majority of the "white population" of the counties represented by the nineteen will put the seal of condemnation upon the doctrines and pretences of their unfaithful electors.

As to the right of the people to change their frame of government, no one denies it. It needs no parade of authorities to satisfy the people of Maryland of those unalienable rights which every sciolist understands, and the knowledge of which is as common to them as the very air they breathe. They know, too, that between revolution and constitutional change there is no middle

course. A revolution may be peaceful and bloodless, where there is a general acquiescence in it. Where there is not such a common consent, where parties are equally arrayed in opposition, it must needs be forcible and violent; and whichever party succeeds, the triumph must be a melancholy one, which all good men will deplore. The right of change can present but two aspects--the one above and beyond the constitutional charter, which is revolution--the other under and in strict accordance with the constitution. A different theory contradicts the wisdom of ages, and endangers the only safeguards of regulated liberty. If the irregular action of the popular will can be substituted for constitutional proceedings, we shall have new constitutions worked up by every fresh ferment, and laws enacted and repealed amidst the tumult of primary assemblies. This would throw society into wretched confusion, and benefit no one, except, perhaps, the demagogue who had boldness and address enough to "ride on the whirlwind and direct the storm." It is to regulate and steady the popular will that constitutions are formed and laws enacted; and if delegated agents may violate them with impunity, upon such pretences as those of the nineteen, there will soon be an end to law, order, peace, and freedom.

That the minority of the electoral college considered their course as destructive of the Government, is apparent from the address which they put forth to the people. In this they recommend the immediate appointment of a convention, with power to continue the commissions of all civil and military officers until a new Government could be formed. Who gave them this authority? What freeman at the polls ever dreamed that he was voting for dictators, who would destroy the constitution under which they were appointed, and command the people to construct another? What citizen imagined that his country was about to be plunged into a revolution—that all the checks and forms of freedom were about to be violated—the constitu ion to be laughed to scorn--the bulwarks of the law, which protect and defend all alike, to be swept away in a moment, and popular excitement and partisan fury to take place of that calm deliberation, that sober moderation, and conscientious judgment, without which no safe or good government can be formed? Sir, the people, of whatever political cast, saw the whole drift of this proceeding. A portion of the Van Buren party reprobated it openly and frankly--others condemned it by a silent vote at the polls; and many, who could not break their party ties, yet joined in the general condemnation. The result has given me increased confidence in the virtue and sagacity of the people. They will not "see the right, and yet the wrong pursue;" and though they may be deceived for a time, by artful politicians, they are certain at last to sift the wheat from the chaff.

I regret, sir, that I have been compelled to say thus much on a subject not directly of national concern, and to consider Michigan as being almost terra incognita, during this debate. I have not the least objection to her admission into the Union, although the proceedings have been irregular, and should not be permitted to grow into a precedent. The population of the Territory is sufficient, certainly. Congress has, I think, the right and the power to prescribe her boundaries, and has exercised that power definitely. But the bill, on which we are now about to vote, recites the performance of a condition which, in my opinion, has not been performed; and I am not willing to give my assent to the doctrines by which it has been attempted to justify these irregularities.

Mr. CUSHMAN then obtained the floor, and said he would respectfully submit to the House, whether this question had not been sufficiently debated. He was himself perfectly satisfied that it had been, and he therefore moved the previous question.

The previous question was seconded, and the main question ordered, severally, without a division.

Mr. CHAPIN asked for the yeas and nays on the main question, being the passage of the bill; which were ordered, and were: Yeas 132, nays 43, as follows:

Yeas—Messrs. Adams, C. Allan, Anthony, Ash, Ashley, Barton, Bean, Beaumont, Bell, Black, Bocker, Bouldin, Bovee, Boyd, Brown, Buchanan, Burns, J. Calhoon, Cambreleng, Campbell, Carr, Carter, Casey, Chaney, Chapman, Chapin, N. H. Claiborne, J. F. H. Claiborne, Connor, Cramer, Cushman, Denny, Doubleday, Dromgoole, Dunlap, Efner, Farlin, Forester, Fry, Fuller, Galbraith, J. Garland, R. Garland, Gholson, Gillet, Glascock, Graham, Grantland, Grayson, Haley, J. Hall, Hamer, Hannegan, A. G. Harrison, Hawes, Hawkins, Haynes, Henderson, Herod, Holt, Howard, Hubley, Hunt, Huntington, Huntsman, J. Johnson, R. M. Johnson, C. Johnson, B. Jones, Kennon, Kilgore, Klingensmith, Lane, Lansing, Lay, J. Lee, T. Lee, L. Lea, Leonard, Logan, Loyall, Lucas, Lyon, A. Mann, J. Mann, W. Mason, M. Mason, May, McComas, McKay, McKim, Miller, Montgomery, Moore, Muhlenberg, Page, Parks, Patterson, Patton, D. J. Pearce, Peyton, Pinckney, John Reynolds, Joseph Reynolds, Richardson, Robertson, Rogers, Schenck, Seymour, A. H. Shepperd, Shields, Shinn, Sickles, Smith, Sprague, Standefer, Sutherland, Taylor, Thomas, Toucey, J. Thomson, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Washington, Webster, Weeks, White, T. T. Whittlesey, Yell—132.

Nays—Messrs. Bailey, Bond, J. Chambers, Chetwood, Corwin, Crane, Darlington, Dawson, Elmore, Evans, Graves, Griffin, Hardin, Harlan, Hazeltine, Hiester, Hoar, Hopkins, Ingersoll, Janes, Jarvis, Jenifer, Lawrence, Lewis, Lincoln, S. Mason, Mercer, Milligan, J. A. Pearce, Pearson, Phillips, Pickens, Potts, Reed, Russell, Steele, Storer, Taliaferro, W. Thompson, Underwood, E. Whittlesey, L. Williams, S. Williams—43.

So the bill was passed.

[When the name of Mr. Wise was called, that gentleman rose in his place, and asked to be excused from voting, on the ground that he had been absent during the whole discussion on the bill, (on the select committees of which Mr. W. is a member;) which was granted.]

The House then adjourned, at 6 o'clock, P. M.

Thursday, January 26.

WASHINGTON COUNTY TURNPIKE COMPANY, MISSOURI.

Mr. HARRISON, of Missouri, from the Committee on the Public Lands, reported, with an amendment, Senate bill to authorize the Washington County Turnpike Company, in the State of Missouri, to locate and construct a road through the public lands. The original bill granted a right of way one hundred and eighty feet wide, and the amendment proposed to strike out the words "and eighty," so as to leave it "one hundred feet wide." The amendment having been concurred in, Mr. H. moved that the bill be ordered to a third reading.

Mr. HARDIN expressed a wish to have the charter read to the House.

Mr. HARRISON replied that he had not a copy in his possession, but his recollection of it was that the company had ten years to complete the road, and five to commence it, three of which had expired. The road was to be from thirty-five to forty miles in length, and opened a direct communication between the mineral tract in Missouri and the Mississippi river; and all the bill provided for was a right of way.

Mr. HOWELL had objections to the bill. The first was, that it granted a greater width than was given to other roads of the same character; and the next, and

more important, was, that the survey was not required to be made till the road was completed, which would have the effect thereby of suspending all the sales of the public lands in the immediate vicinity, or any where in the vicinity. Mr. H. would therefore suggest the propriety of so amending the bill as to require the survey and location to be returned as soon as made.

Mr. HARDIN objected to the bill on another ground: its want of limitation as to the number of depots the company might construct on the public lands; and he suggested its commitment to a Committee of the Whole House, and made that motion.

Mr. BOON suggested that, if the bill were committed, it be recommitted to the Committee on the Public Lands.

Mr. HARDIN accordingly made that motion.

Mr. PARKS said a communication was expected from the Postmaster General, on the subject of securing the transportation of the mails on railroads; and he hoped no more bills granting right of way would be passed till then.

Mr. HARDIN'S motion was then put and agreed to, and the bill recommitted.

FREEDOM OF ELECTIONS.

After the reception of sundry reports from committees,

The House resumed the consideration of the unfinished business, being the motion of Mr. BELL for leave to introduce "a bill to secure the freedom of elections."

Mr. BELL resumed and continued his remarks, (as given entire heretofore,) till a motion was made to proceed to the orders of the day; which was agreed to.

PAY AND MILEAGE OF MEMBERS.

The "bill to establish a more uniform rule of computing the mileage and per diem compensation of members of Congress" coming up on its third reading—

Mr. WARDWELL asked the Speaker whether this bill must not be committed to the Committee of the Whole, under the rules of the House, on account of its making a charge upon the Treasury.

The SPEAKER decided that the objection came too late. It ought to have been made before the bill was ordered to a third reading.

Mr. WARDWELL then observed that he was opposed to the bill in its present shape. He had no interest in the matter. But he was unwilling to pass a law to operate upon those who should come after him, and not operate upon himself.

He was opposed to it, also, because it was unequal in its operation upon different members. In some instances, the mail route by land would be longer than the route by water, by which members always travel.

He had another objection. The bill before the House permits members to come into the District, and stay away from the business of the House the whole session, and yet receive their pay for every day of the session; while those who should go from the District for a few days, on account of sickness or any urgent business, would not receive it. The bill is wrong, and he would move to have it committed, for the purpose of amendment, were it not for the demonstrations the other day that so large a majority was in favor of it, with all its imperfections.

Mr. SUTHERLAND had voted for the bill the other day, but he should have no objection to see it modified. He said the compensation, be it what it might, ought to be just, and proportionably equal; but the present bill was obviously imperfect. He agreed, also, with the gentleman from New York, that they ought to pass a law applying to themselves, and not magnanimously pass one bearing upon their successors! He was for meting out justice, and beginning at home. He was thoroughly convinced that those who wished to come back again ought not to wish for the passage of this bill, for the people would generally condemn it when they became acquainted with the facts.

Mr. TURRILL inquired whether the committee named in the bill was a joint committee.

The SPEAKER replied that it was a joint committee.

Mr. TURRILL said so he supposed. He did not know that any thing he could say against this bill, in these times of popularity-seeking on a small scale, would have much if any effect; but, as he had made up his mind to vote against the bill, he felt called upon to state one or two objections to it, in addition to those which have already been urged by his colleague, [Mr. WARDWELL,] and the honorable gentleman from Pennsylvania, [Mr. SUTHERLAND,] who has just taken his seat. This bill is intended to provide for equalising the mileage of members of this House. At the commencement of each session, the bill requires that a committee shall be appointed to examine into the honesty of members, and fix their mileage; and it would seem that it was apprehended that there might be a difficulty in finding members of this House possessing sufficient integrity and capacity to constitute this committee; for the bill provides that you shall go to the other branch of the Legislature, and call in three Senators to aid in this investigation of mileage, so as to prevent the three members of the committee selected from this House from allowing too much mileage to the representatives. Sir, said Mr. T., if there must be a committee, let it be composed of members of this House. I am opposed to going to the Senate for any portion of it. Mr. T. thought that the mileage should be equalised if it could be done, and he was willing to have it adjusted by the Clerk of the House, or the Sergeant-at arms, and each individual member, but he could not vote for a bill which required each member of this House to be examined by a joint committee in relation to his mileage.

Mr. LANE said he had nothing to lose or gain by the passage of this bill, for his residence was so situated that he could travel either by water or by stage from his own door. It so happened that he could lose nothing, retrospectively, by any of its provisions, for he had never lost a single day or hour since he had the honor of being a member of that House; and that he had charged his mileage upon the nearest route. He, however, considered this bill, though not intended to be so, a direct attack upon the Western members; and he went on to show the inconveniences that would be attendant on compelling members to travel by the mail route in the Western States, especially where the mails were transported only on horseback. It was enough if members travelled by the usual travelling route. If it was so amended as to require members to travel by the most direct mail route, where the mail was carried in stages, he would then be better pleased with the bill, as it regarded others.

Mr. CLAIBORNE, of Mississippi, stated that in travelling the river route, he and his colleague, and the members from Louisiana, did travel by the regular mail route, for the mail descended and came up the Mississippi.

Mr. THOMPSON, of South Carolina, contended that those who lived at the greatest western distance were best off, and made most money, on account of the facilities of river travel, independent of the ease and comfort of being on board a steamboat. Mr. T. went into a detail of the present inequalities of the mode of charging.

Mr. BOON had voted for the engrossment of this bill, and at that time it was his intention to have voted also for its final passage; but on a re-examination of it, and after having heard what he had, a radical change had taken place in his determination. The bill proposed one thing with regard to members charging their own mile-

age, which was done at present, viz: that each member should certify. So did each member now. If, however, any change was to be wrought, let them bring it about first on themselves, and not enact a Buncombe measure, to bear only on those who were to come after them. He preferred it should lie over till the commencement of the next Congress.

Mr. CRAIG supported the bill, and briefly replied to Mr. LANE and others. The extraordinary facilities for travelling, of late years, rendered the change proposed by the bill absolutely indispensable.

Mr. MANN, of New York, after a few remarks showing the imperfections of the bill, moved to commit it to a Committee of the Whole on the state of the Union.

Mr. RENCHER (who originally reported the bill) entered into a general argument in defence of its several provisions.

Mr. PARKER expressed his satisfaction with the bill, and his intention to vote for it. The improvements in travelling required a total revision of the mode of charging; and the bill proposed nothing more than fixing a fair and equal ratio. So far from the provisions of the bill going too far, he would have voted for it if some of them had gone still further.

Mr. CALHOON, of Kentucky, contended that, by a fair construction of the law, members were justified in travelling the route usually taken by ninety-nine out of one hundred of the travelling community. The fact was well known to those acquainted with the geography of the Western country, that if members were invariably required to travel by the nearest route, they would be unable, at inclement seasons of the year, to go by that route. He should vote against the bill.

Mr. CAMBRELENG designated this as a poor, miserable dish, brought forward year after year; and although charges were not directly made, they were made in the most obnoxious form, for they were implied charges, and the impression went abroad that members took more than they were entitled to. Though Mr. C. had himself come to the conclusion that no member had charged more than he had a right to charge under the construction put upon the law by all the presiding officers of the House for the last twenty years, yet he hoped the House would make at least one effort to get rid of the subject. He hoped, therefore, the bill would pass, with all its imperfections, many as they had been described to be, upon its head.

Mr. PATTON hoped the bill would be committed; for, if it were, he would move a proviso that no Representative or Delegate to Congress should be allowed to receive a sum exceeding the rate of eight dollars a day, from the end of one session to the time of taking his seat at another. It was susceptible of proof, from the journals, that such had been the case heretofore.

Mr. YELL said the members from the West, at the present time, not only went the route laid down by the construction given to the law for years past, but they also travelled the usual and only feasible route. If the members from Arkansas were tied down to travel only by the mail route, they would get nothing for a large part of the way, for their mail facilities were few at present in that State. The fact was, the bill was levelled at the Western States and Territories. If these attacks were continually made upon the West, the day was not very far distant when this spot would be a howling wilderness, for in less than twenty years the seat of the General Government would be removed west of the mountains. If, however, Western gentlemen were getting too much, let the wages be reduced. He therefore moved that the Committee of the Whole be instructed to report that the per diem compensation be reduced to six dollars; and that the same committee be also instructed to inquire into the expediency and necessity of removing the seat of Government to some eligible point on the Ohio or Mississippi rivers.

Mr. ANTHONY remarked that they had consumed nearly the whole day in the discussion of this bill; and as he had very little doubt but that every member had made up his mind how he would vote, therefore, to test the sense of the House whether the discussion should be continued, he moved the previous question.

The House refused to second the motion: Yeas 71, nays 73. And the question recurring on the instructions moved by Mr. YELL,

Mr. HANNEGAN made an earnest opposition to the general provisions of the bill, showing how unequally it bore upon the members from the West and other parts of the country. He explained that, though once in favor of removing the seat of Government, he was so no longer, for he did not desire the noble and generous soil of the West to be contaminated. He himself had always travelled by the only practicable though not the direct land route, and charged for the route he was compelled to travel. He inquired if any member had ever deducted a dollar for lost time.

Mr. HAWKINS said he had, to a very considerable amount.

Mr. BROWN moved to lay the bill and instructions on the table, and asked for the yeas and nays on his motion; which were ordered. And the question, being taken, was decided in the negative: Yeas 58, nays 128.

The House refusing to lay the bill on the table, the question then recurred upon the motion to commit the bill with instructions.

Mr. PARKS moved that the House adjourn, but withdrew the motion at the request of the Speaker.

TEXAS.

A message from the President of the United States was received, in obedience to the resolution of the House of Representatives of the 17th instant, requesting the President to lay before the House, if not incompatible with the public interests, any information in his possession showing the condition of the political relations between the United States and Mexico; and, also, any further information that he may have received as to the condition of Texas.

Mr. HOWARD moved the reference of the message and documents to the Committee on Foreign Affairs, and that the same be printed.

Mr. BOYD inquired if it would be in order to move instructions to the committee.

The SPEAKER said it would.

Mr. PARKS claimed the floor.

The SPEAKER said the gentleman from Maine had yielded the floor to enable the Chair to present the communication. He could not, therefore, claim it as matter of right.

Mr. BOYD then moved to amend the motion of Mr. HOWARD, by adding instructions to the committee to report a resolution acknowledging the independence of Texas.

Mr. CRAIG hoped the gentleman would not create a debate at this late hour, by endeavoring to attach the resolution to these documents.

Mr. REED asked for the reading of the message and documents.

Mr. VINTON moved an adjournment.

Mr. CLAIBORNE, of Mississippi, called for the yeas and nays on the motion to adjourn; which the House would not order.

And the House adjourned.

FRIDAY, JANUARY 27.

REPRESENTATIVE FROM MICHIGAN.

Mr. THOMAS moved that ISAAC E. CRARY, who was in attendance from the State of Michigan, and whose

credentials were presented at the last session of Congress, be now qualified, sworn, and assigned to his seat.

Mr. ROBERTSON said he felt himself compelled, very reluctantly, to oppose the motion made by the gentleman from Maryland, [Mr. THOMAS.] He had with pleasure voted for the admission of Michigan into the Union, and would, with equal pleasure, vote for the reception of the gentleman claiming a seat on this floor as her Representative, [Mr. CRARY,] did he not entertain a deep-settled conviction that in so doing he would violate the oath he had taken to support the constitution. It was a sense of duty alone, without the least expectation that the House would concur with him, that constrained him to meet the proposition at the threshold. The question was one certainly of the highest importance, and not settled, as he believed, by any well-considered precedent. He wished no delay. His object was that it might be disposed of promptly and satisfactorily to all who doubted, or had not fully examined it; and with that view he should move that all matters touching the election, qualification, and return, of ISAAC E. CRARY, be referred to the standing committee especially appointed to make such investigations.

Mr. R. said that, as a member of the Judiciary Committee, the duty had devolved upon him, during the last and present session, of examining all questions connected with the application of Michigan for admission into the Union. It would be irregular, at this time, to enter fully into the reasons which had regulated his course upon that subject, although he had been deprived of an opportunity of doing so during the brief period allowed for its discussion. He would ask leave, however, to suggest some of those which had a more immediate bearing upon the question now pending.

It would appear, said Mr. R., from the official certificate exhibited by Mr. CRARY, that the election by virtue of which he claims a seat in the House took place in October, 1835. At that time, Michigan was undeniably a Territory of the United States; and she never ceased to be such, as he should contend, until yesterday, when she was for the first time admitted into the Union. It was true she had framed a constitution, adapted to the condition of a State. But that constitution had neither been authorized nor recognised by Congress. He would not say the previous assent of Congress was, in all cases, indispensable. Had the boundaries within which the future State of Michigan was to be comprised been definitively prescribed, a subsequent recognition might stand in the place of previous consent. But the designation of those boundaries belonged exclusively to Congress. The whole Northwestern Territory then remaining might, under the ordinance, be consolidated into one State, or divided into two, as Congress might deem most expedient. Until its will was declared upon this point, there was no particular portion of the Territory that could undertake to erect itself into a State, and fix upon its own limits. Even after Michigan had unlawfully assumed that power, Congress might have united her and Wisconsin into one State, or so divided the whole Territory as to throw half of the inhabitants of Michigan into one State and half into the other. In point of fact, it did subsequently most materially change the limits assumed by Michigan, and make her assent to that change a fundamental condition of admission into the Union. There was, then, a preliminary act to be done by Congress, when Michigan formed her constitution, until the performance of which, neither the people of Michigan, nor of any other portion of the Northwestern Territory, nor of the whole Territory, could lawfully constitute a separate community, authorized to frame a constitution or State Government.

But were this otherwise, had the limits of Michigan been definitively fixed by Congress, and its assent given to the formation of the constitution, still Mr. R. contended that, until the final act of admission into the Union, Michigan remained subject to the Territorial Government of the United States; that she could not, until then, be entitled to representation in Congress, nor consequently to elect Representatives. He was aware it had been asserted that she became a sovereign State prior to her admission; that Congress could only admit States, not Territories; and that the Territory must therefore become a State before it could be admitted. This doctrine, specious as it may seem, was not sound. It was in direct conflict with the original deeds of cession, the ordinance of 13th of July, 1787, and the constitution of the United States. He would refer to the 4th article of the ordinance especially, which declares that "The Territories (of which Michigan is a part) and the States which may be formed therein shall forever remain a part of this confederacy, subject to the articles of confederation, and to such alterations therein as shall be constitutionally made, and to all acts and ordinances of the United States in Congress assembled, conformable thereto." Upon the supposition that Michigan became a State prior to her admission, she must from that moment have ceased to be a part of the confederacy, or subject to its laws. She was no longer a Territory, and could not therefore be under a Territorial Government. No one would contend that a State Government and a Territorial Government could coexist over the same community. As a State, out of the Union, it was equally clear that the United States could not govern her. The federal constitution was emphatically, as its preamble shows, a constitution "of the United States," and "for the United States." The Government and laws of the "Union" could extend to States within it, and Territories belonging to it, only. Many of its provisions, which he would not trouble the House with reading, since they must be familiar to all, proved this. He would advert to one only—that which declared that representation and taxation should be apportioned in a certain ratio "among the States which should be included within the Union." From the moment, then, that it should be held that Michigan became a State, and a State out of the Union, Congress could neither establish post offices, nor custom-houses, nor judicial tribunals, nor collect revenues, nor punish offences, nor make any disposition of the public lands within her limits, nor enter upon them, without invading her sovereignty. She might declare war, enter into an alliance with Canada, and do all acts which other sovereign States might do. If this anomalous condition could exist for a day, or, as is contended in the case of Michigan, for one or more years, it might continue for twenty years, or forever. And yet by the ordinance of 1787 it was declared that it should forever remain a part of the confederacy, and subject to its laws. We are driven to the conclusion, therefore, that a Territory under such restrictions could never lawfully cease to be a Territory until the moment it was admitted into the Union as a State. In that way alone could it remain a part of the confederacy. The moment it should become a State of the Union, then, and not till then, it would cease to be a Territory; as an alien, who has taken all the preliminary steps, would still continue an alien, and never cease to be such till the moment of his admission to the rights of citizenship.

Mr. R. said this view was further exemplified, and the idea that a Territory must become a State before it can be admitted into the Union refuted, by the instance of Kentucky. That State was originally a district of Virginia. Virginia authorized it, while still subject to her laws, to call a convention and form a constitution suited to an independent Commonwealth. The convention was also authorized to fix a day when that constitution should go into effect; but, "to prevent anarchy," the law au-

thorizing these proceedings declared that, unless Congress would receive the new State into the Union, it should continue subject to the laws of Virginia. The day was fixed; Congress gave its assent that it should on that day be formed into a new State and admitted into the Union; and it never ceased to be under the dominion of Virginia, never did become a State, until the day of its admission. It was not true, therefore, that no Territory could be admitted till it first became a State. The converse was true; or rather the true principle was, that the same moment it threw off its territorial character, it assumed at once that of a State and a member of the Union.

If it be insisted (said Mr. R.) that, prior to that time, Michigan became a State, then the question would arise, at what time did she assume that character? Was it when she undertook to frame a constitution? Upon the principle asserted, that she could not be admitted into the Union until after she became a State, because none but States could be admitted, it would seem to follow that she must have been a State before she formed a constitution; for it might be said, perhaps with greater propriety, that none but States or independent communities could form constitutions; and then it would be difficult, if not impossible, to fix upon the period when her sovereignty commenced. Was it in June, 1836, when it is said her constitution was accepted and ratified by Congress? That ratification (Mr. R. contended) was, for the reasons he had mentioned, necessarily conditional, even if it were not so in terms. Michigan could not become a State, with or without the consent of Congress, until she was admitted into the Union; because, as he had endeavored to show, she would thereby be detached and separated from the confederacy, and absolved from its laws, contrary to the explicit provisions of the ordinance, that she should forever remain a part of the one, and subject to the other. These absurd consequences could not be denied.

But if the position which he had endeavored to maintain be correct, that Michigan never could become a State prior to her admission, it would follow that her right to be represented in Congress would date from the same period. Representation, under the provisions of the constitution, must be apportioned among the States in the Union, and in the nature of things can belong to no State out of it. But the right of election must be dependent upon the right of representation. Where there is no lawful right to be represented there can be no lawful right to elect representatives. In October, 1835, Michigan had no better right to be represented in Congress than Wisconsin or Canada. The election of Mr. CRARY was therefore an unauthorized act—a mere nullity.

But it was said that the ratification of her constitution by Congress in 1836, or her admission on yesterday, by relation, made her constitution valid from its date, and confirmed all that had been done under it. This doctrine would lead to dangerous consequences. Suppose Michigan had continued to refuse the terms offered by Congress, were the Government and laws of the Union to be regarded as superseded by the mere formation of a State constitution by Michigan, or by its conditional acceptance by Congress? Then might they remain superseded forever. The only way to avoid the difficulty was to consider the constitution so formed as an inchoate act, having no vitality, no operation, until the State was finally received into the bosom of our confederacy. The doctrine of relation, at most, could only confirm the irregular exercise of a power where the body recognising the act might have lawfully conferred the power. But the right of representation could neither be granted nor taken away by Congress. It was derived from higher authority—from the constitution of the United States. Under that constitution it did not lawfully belong to Michigan when she claimed to exercise the right of electing her Representative.

If it was a valid election, then Mr. CRARY had been unjustly and unlawfully kept out of his seat for more than twelve months. But Michigan, at that time, could not be constitutionally represented. To illustrate this, Mr. R. observed that the constitution declared that no one should be a Representative who should not when elected be an inhabitant of the State in which he should be chosen. Suppose Mr. CRARY had, in October, 1835, been an inhabitant of some other State, but, previous to his claiming his seat, had settled in Michigan, could Congress, under this doctrine of relation, have recognised his claim? Surely not. There was a constitutional incapacity which Congress could not remedy. Here there was also a constitutional incapacity; not in the person elected, but in the electors. But the same principle applied. The election was as unconstitutional, owing to the defect of right in the electors to representation, as it would have been if they had chosen a non-resident to represent them. Mr. R. concluded with repeating his conscientious conviction that there was an inherent defect in the title by which Mr. CRARY claimed a seat in that hall; and that Congress had no power to dispense with the constitution, or to make that valid which was void in its origin. He hoped that gentlemen who had not fully satisfied their minds upon the subject would consent to its reference to the Committee of Elections.

Mr. THOMAS contended that to send this subject to a committee would be a work of supererogation, after the thorough examination which had been given to it. He contended that the constitution of the State of Michigan was now as perfect as it would have been if its organization had been preceded by a law of Congress authorizing a convention for that purpose, and cited precedents in the history of the Union to corroborate this position.

A communication was read from Mr. CRARY, enclosing a certificate of election from the Governor of the State of Michigan.

Mr. HUNTSMAN demanded the previous question; and the House seconded the call: Yeas 97, nays not counted.

And the House ordered that the main question should now be taken.

Mr. YOUNG called for the yeas and nays on the main question; which were ordered.

And the main question, "Shall ISAAC E. CRARY be qualified as a member of the House from the State of Michigan?" was then taken, and decided in the affirmative: Yeas 150, nays 32, as follows:

YEAS—Messrs. Adams, Chilton Allan, Anthony, Ash, Ashley, Bailey, Barton, Bean, Bell, Black, Boon, Boyd, Brown, Buchanan, Bunch, Burns, Bynum, John Calhoun, William B. Calhoun, Cambreleng, Carr, Casey, George Chambers, Chapman, Chapin, John F. H. Claiborne, Cleveland, Coles, Craig, Cramer, Cushing, Cushman, Darlington, Doubleday, Dunlap, Efner, Elmore, Fairfield, Farlin, Forester, Fowler, Fry, Fuller, James Garland, Rice Garland, Gholson, Gillet, Glascock, Graham, Granger, Grantland, Grennell, Haley, Joseph Hall, Hamer, Hard, Hardin, Harlan, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Haynes, Henderson, Herod, Hoar, Holt, Hopkins, Howard, Hubley, Hunt, Huntington, Huntsman, Ingham, William Jackson, Janes, Jarvis, Jenifer, Joseph Johnson, Cave Johnson, Henry Johnson, Benjamin Jones, Kennon, Kilgore, Klingensmith, Lane, Lansing, Lawler, Lawrence, Lay, Gideon Lee, Joshua Lee, Luke Lea, Leonard, Lewis, Logan, Loyall, Lyon, Job Mann, William Mason, Moses Mason, Samson Mason, Maury, May, McComas, McKay, McKennan, McKeon, McKim, Moore, Morgan, Page, Parker, Patterson, Franklin Pierce, Peyton,

Phelps, Pickens, Rencher, John Reynolds, Joseph Reynolds, Richardson, Rogers, Schenck, Seymour, Augustine H. Shepperd, Shields, Shinn, Sickles, Spangler, Standefer, Steele, Storer, Sutherland, Taylor, Thomas, John Thomson, Waddy Thompson, Turner, Turrill, Vanderpoel, Wardwell, Washington, Webster, Weeks, White, Elisha Whittlesey, Thomas T. Whittlesey, Yell, Young—150.

NAYS—Messrs. Heman Allen, Beale, Bond, John Chambers, Chetwood, Childs, Nathaniel H. Claiborne, Corwin, Crane, Dawson, Deberry, Evans, Everett, Graves, Grayson, Griffin, Harper, Hazeltine, Ingersoll, Love, Milligan, Patton, Pearson, Pettigrew, Phillips, Potts, Robertson, Russell, Taliaferro, Underwood, Vinton, Lewis Williams—32.

So the House decided that ISAAC E. CRARY be now qualified to take his seat as a member from the State of Michigan.

Mr. CRARY was then proceeding to the table to qualify, when

Mr. DAWSON arose, and expressed an intention of moving to reconsider the last vote, to enable him to give his reasons for voting against the admission of Michigan, and against the motion to qualify the gentleman presenting himself as its member.

The CHAIR reminded the gentleman from Georgia that, as he had not voted with the majority, he could not make that motion.

Mr. DAWSON appealed to some gentleman who had voted in the majority to make the motion he had indicated.

Mr. THOMPSON, of South Carolina, said he had done so; and, to enable his friend from Georgia to assign reasons for his vote, he moved to reconsider accordingly.

Mr. DAWSON briefly assigned his reasons, which were substantially that Michigan was only a Territory, and not a State, at the election of Mr. CRARY.

Mr. PICKENS contended that Michigan was a State *de facto* before her admission, and must be so, by the terms of the constitution, or she could not be admitted into the Union at all; for Congress had power only to admit "States," and not "Territories," into the confederacy. Therefore, he should vote for the qualification of Mr. CRARY.

Mr. EVERETT rose, and caught the eye of the Speaker.

Mr. THOMPSON rose at the same time, and said he would withdraw his motion to reconsider; but the Chair, having announced the former gentleman as obtaining the floor, could not entertain the withdrawal.

Mr. EVERETT contended that Michigan could not be a State, even under the ordinance, until her admission by Congress.

Mr. CUSHMAN moved the previous question.

Mr. THOMPSON, of South Carolina, withdrew his motion to reconsider.

Mr. CRARY was then qualified, and took his seat as a Representative in Congress from the State of Michigan.

TEXAS.

Mr. HOWARD inquired at what time the motion pending when the House adjourned last evening would be again taken up.

[The motion in question was to commit certain papers and correspondence on the subject of Texas to the Committee on Foreign Affairs, made by Mr. H. himself, with the amendment of Mr. BOYD, to instruct the committee to report a resolution acknowledging the independence of Texas.]

The CHAIR replied that the regular proceedings of the day had so far been set aside by the consideration of a privileged question, and he would now proceed to call for reports.

Mr. HOWARD inquired if the motion referred to by him would come up again to-day.

The CHAIR replied that it could not at the present time, nor, in his opinion, to-day, because, at the expiration of an hour for reports, the private orders would come up.

Mr. HOWARD remarked that that was his own impression; but his object in making the inquiry was to ascertain it, and, in view of that, to make a suggestion to the House, which he trusted would be favorably received from all quarters. It was that, as the question was not to be resumed until Monday next, and as the documents lying on the table would have a very direct and important bearing upon the question the House would be called upon to decide, by general consent these documents be printed, with the understanding that the motion was in no way to affect the position of the other question which was pending. He would ask the consent of the House to make the motion to print.

This was agreed to, and the documents ordered to be printed accordingly.

ENLISTMENT OF BOYS IN THE NAVY.

Mr. JARVIS, from the Committee on Naval Affairs, moved to discharge the Committee of the Whole from the "bill to provide for the enlistment of boys in the naval service," and that it be now taken up and considered.

Mr. BELL objected to giving precedence to bills over other business of an important character.

Mr. JARVIS explained that he had been unanimously instructed to make the motion by the Committee on Naval Affairs, and gave several reasons for the speedy passage of this bill.

Some difficulty of a personal character took place between the gentlemen from Maine and Tennessee, in reference to the objection made by the latter to setting aside pending business, and giving the priority to other bills that would produce debate.

Mr. MERCER, after some few remarks of a conciliatory nature, moved that a pledge be required of the two gentlemen that the difficulty might not be prosecuted further.

After some remarks from Messrs. BELL, JARVIS, MERCER, PATTON, PICKENS, GLASCOCK, WHITTLESEY of Ohio, BOULDIN, THOMAS, PEYTON, THOMSON of Ohio, LAWLER, CRAIG, PHILLIPS, THOMPSON of South Carolina, BYNUM, HAWES, BOON, BRIGGS, EVANS, PARKS, and WISE, mutual explanations took place; and then, on motion,

The House adjourned.

SATURDAY, JANUARY 28.

ENLISTMENT OF BOYS IN THE NAVY.

The motion made yesterday by Mr. JARVIS, to discharge the Committee of the Whole on the state of the Union from the further consideration of the bill to provide for the enlistment of boys in the naval service of the United States coming up as the unfinished business, was considered and rejected.

AMENDMENT OF THE CONSTITUTION.

Mr. DROMGOOLE, from the select committee on that part of the President's message relating to an amendment of the constitution of the United States, made the following report, in part, and resolutions:

The select committee to whom was referred so much of the President's message as relates to amending the constitution of the United States, together with all propositions and resolutions submitted at the last and present session of Congress, proposing amendments to the constitution, report, in part: That, according to order, they

have had under consideration sundry propositions and resolutions for the amendment of the constitution in relation to the election of President and Vice President of the United States. Upon examination, they find that a report on this subject was made at the last session of Congress, on the 30th March, 1836, by a select committee. The joint resolution reported by said committee was twice read, and committed to a Committee of the Whole House on the state of the Union. No further action was had thereon, and the said reported joint resolution remains on the calendar, and may, at the pleasure of the House, be considered in said Committee of the Whole. If, therefore, the House be disposed to act on this subject during the present session of Congress, your committee think it more advisable to consider the report now on the calendar than to begin *de novo*. Your committee, therefore, submit the two following resolutions:

Resolved, That the select committee to which the subject was referred be discharged from the further consideration of all propositions and resolutions relating to the amendments of the constitution on the subject of the election of President and Vice President.

Resolved, That this House will, on the 31st inst., resolve itself into a Committee of the Whole on the state of the Union, to take into consideration the joint resolutions proposing an amendment to the constitution of the United States, in relation to the election of President and Vice President.

Mr. WILLIAMS, of North Carolina, called for a division of the question on the resolutions; and the first being agreed to without a count—

Mr. W. asked for the yeas and nays on concurring with the second resolution, (which would require a vote of two thirds,) and they were ordered.

Mr. VANDERPOEL moved to insert the 7th of February instead of 31st inst. Lost.

Mr. CAMBRELENG and Mr. BOON both severally expressed a hope that no more special orders would be adopted, since the inconvenience of them had been sufficiently experienced last session. Mr. C. further inquired if it was designed to cut off the appropriation bills of this session altogether; because, if so, he trusted the order would not be adopted.

Mr. HOWARD inquired, if the order should be adopted, whether it would take precedence of other bills on each day thereafter, or only on that day.

The CHAIR replied that, after that day, it would take its place on the calendar among the unfinished business.

The question was then taken, and decided in the negative: Yeas 66, nays 83.

So the second resolution was disagreed to.

Before the decision was announced,

Mr. PARKS rose and stated, that when his name was called he was not in his seat, being in attendance upon a select committee, which had leave to sit during the sessions of the House; and he therefore asked leave to record his vote.

Mr. MERCER objected.

Mr. PARKS moved a suspension of the rule.

Mr. WILLIAMS, of North Carolina, thought a member had a right to vote under the circumstances stated by the gentleman from Maine, viz: absence under an order of the House.

The CHAIR replied that that question had frequently been decided otherwise by the House itself.

The motion of Mr. PARKS was disagreed to.

HOUR OF MEETING.

Mr. VANDERPOEL asked leave to offer a resolution proposing to change the daily hour of meeting of the House, from and after this date, to 11 o'clock, A. M.

Objections being made,

Mr. CRAIG moved a suspension of the rule.

Mr. VANDERPOEL called for the yeas and nays; which were ordered, and were: Yeas 123, nays 45.

So the rule was suspended.

Mr. VANDERPOEL moved the adoption of the resolution.

Mr. BOYD moved to amend it by inserting 10 o'clock instead of 11. Lost.

The resolution was then agreed to without a division.

BUFFALO HARBOR.

Mr. LOVE moved a suspension of the rule for the purpose of taking up and considering the following resolution:

Resolved, That the Secretary of War be directed to report to this House the survey and examination made of a harbor at the east end of Lake Erie, connecting the present harbors of Buffalo and Black Rock; together with his opinion of the practicability of the construction of said harbor, and of its utility and necessity in regard to the increasing commerce upon that lake.

The motion was agreed to; and the resolution having been read,

Mr. MANN, of New York, inquired of his colleague if he expected to procure any further action of the House upon the subject of the harbors of Buffalo and Black Rock during the present session; because, if he did, he (Mr. M.) had a word or two to say on the subject.

Mr. LOVE replied that all he expected to procure before the close of the present session was the opinion of the Secretary of War in regard to the controverted questions of the practicability and expediency of constructing the work referred to. He had no expectation to obtain legislation early enough this session.

The resolution was then agreed to.

CANADA TRADE.

Mr. HALL, of Maine, asked leave to offer the following resolution; which was read, as follows:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of revising the laws regulating the trade upon the frontiers, between the United States and the British provinces, and abolishing duties on lumber, the growth of the United States, sawed in the said provinces and brought into the United States; and also upon produce, the growth of the provinces, brought into the United States.

Objection being made, Mr. H. moved a suspension of the rule. Lost, 86 to 55—not two thirds.

Mr. MANN, of New York moved a suspension of the rule for the purpose of calling the States for resolutions, and considering the same, provided that such resolutions should not occasion debate.

Mr. PARKER suggested a modification, so as to embrace resolutions calling for information from the departments, and now lying on the table for consideration.

Mr. MANN assented, but the motion to suspend was lost.

The House then proceeded to the orders of the day, and took up the private orders.

N. & L. DANA & CO.

The first business in order was the motion made on Saturday last, by Mr. JARVIS, to reconsider the vote by which the bill for the relief of N. & L. Dana & Co. was rejected.

After some remarks by Messrs. JARVIS, ADAMS, PEARCE of Rhode Island, and SUTHERLAND,

Mr. McKIM moved the previous question.

Mr. WARDWELL then moved to lay the bill on the table.

Mr. CAVE JOHNSON called for the yeas and nays; which were ordered, and were: Yeas 89, nays 63.

So the bill was laid on the table.

EBENEZER BREED.

The bill for the relief of Ebenezer Breed was then taken up on its third reading.

Mr. CAVE JOHNSON moved to lay the bill on the table.

Mr. HAWES called for the yeas and nays.

Mr. PATTON said, as this vote would be the settling of an important principle, he moved a call of the House. Lost.

The yeas and nays were then ordered, and were: Yeas 60, nays 90.

So the House refused to lay the bill on the table.

Mr. WILLIAMS, of North Carolina, moved a call of the House.

Mr. PATTON called for the yeas and nays on this motion; which were ordered, and were: Yeas 60, nays 94.

So the House refused to order the call.

The question then recurred on the passage of the bill.

After some remarks by Messrs. CAVE JOHNSON, PHILLIPS, LAWRENCE, PARKER, and HOAR,

Mr. SUTHERLAND moved the previous question which was seconded: Yeas 88, nays 36.

Mr. CAVE JOHNSON then moved an adjournment. Lost.

Mr. GRAVES called for the yeas and nays on ordering the main question. Lost.

Mr. PARKS then moved a call of the House, and on that motion called for the yeas and nays; which were not ordered; and the motion for the call was lost.

The main question was then ordered.

Mr. CAVE JOHNSON called for the yeas and nays on the passage of the bill; which were ordered, and were: Yeas 85, nays 59.

So the bill was passed.

After transacting some other business,

The House adjourned.

MONDAY, JANUARY 30.

The House met at eleven o'clock, pursuant to the order of Saturday last; and there being no quorum present,

Mr. HOWELL moved a call of the House.

On that motion Mr. GRANGER called for the yeas and nays; which were ordered, and were: Yeas 57, nays 55.

So the call was ordered.

The SPEAKER having, on motion of Mr. BRIGGS, ascertained that a quorum was present, the House, on motion of Mr. C. ALLAN, suspended all further proceedings on the call, and the journal of Saturday was then read.

Petitions and memorials were then called for in the order of States and Territories.

ABOLITION OF SLAVERY.

Mr. ADAMS said that he had in his possession a number of petitions in relation to slavery—some praying for the abolition of slavery in the District of Columbia; some for the abolition of slavery in the Territories; some for the abolition of slavery and the internal coasting slave-trade; and some for the prohibition of the exportation of slaves to Texas, or to the dominions of any foreign Power. He was under the necessity of presenting these petitions separately and distinctly, as they came partly from his constituents and partly from people in other parts of the United States. He asked leave to address the House on the right of the petitioners to have their petitions read. He wished that the request might be entered on the journals, and that he might have the yeas and nays upon it.

Objections were made, and Mr. ANTHONY raised the question whether it was in order to ask for the yeas and nays on a matter of this kind; and whether, if they were granted, they would not be granted as matter of courtesy, and not of right.

The SPEAKER said the gentleman from Massachusetts could obtain his object by submitting a motion to suspend the rule.

Mr. ADAMS said it was immaterial to him as to the mode in which he effected his object. He therefore submitted his request or motion; upon which motion the yeas and nays were ordered, and, being taken, were: Yeas 44, nays 124.

So the House would not suspend the rule.

Mr. ADAMS presented the memorial of the Young Men's Abolition Society of the city and county of Philadelphia, remonstrating against the recognition of Texas. Mr. A. moved that it be read, and called for the yeas and nays on that motion.

Mr. JARVIS moved to lay the whole subject on the table.

The SPEAKER said he would have no hesitation to do so, under the rule of the House, if it should appear that the memorial contained any reference to the subject of slavery. He then (having looked into the memorial) pronounced it to contain allusions to the subject of slavery, and that it must therefore be laid on the table, without being read.

Mr. ADAMS then appealed against the decision of the Chair, and contended that when petitions were before the House, the member presenting had the right to read them; the Chair had decided against this right; against this decision he now appealed. Mr. A. called for the yeas and nays on the appeal.

The SPEAKER said that, by the rule of the House, every petition making reference to the subject of slavery was ordered to lie on the table. He had looked into this petition, and was clearly of the opinion that it did relate to the subject of slavery.

Mr. ADAMS. I deny it. [Cries of "order!" "order!"]

The SPEAKER stated the question before the House, namely: it had been decided by the Chair that this petition falls under the rules of the House, by which it should be ordered to lie on the table; such was the decision of the Chair. Against this decision an appeal had been made; and, further, the yeas and nays had been called for.

Mr. PHILLIPS here rose and demanded, before he could vote on the question, that the petition should be read.

Mr. ROBERTSON moved to lay the petition, the appeal, and the whole subject, on the table; which motion, after some remarks by Mr. LAWLER, was withdrawn, and the petition was read by the Clerk.

Mr. HAWES moved to lay the whole subject on the table; on which question the yeas and nays were ordered, and were: Yeas 131, nays 62.

So the whole subject, both the memorial and appeal, were laid on the table.

Mr. ADAMS then presented, in succession, thirteen or fourteen additional memorials and petitions, on the same subject, praying against the coasting slave trade, the exportation of slaves to Texas, &c. Each petition was immediately, under the rule, ordered to lie on the table.

For each petition Mr. A. moved a reading; which, under the rule, was refused by the Chair; and against each decision of the Chair Mr. A. appealed to the House.

In each case Mr. CUSHMAN moved to lay the whole subject on the table; and in this manner the whole batch of petitions was summarily and speedily disposed of.

A memorial of certain citizens of Kentucky, in favor of aid and support being extended to the Colonization Society, being presented by Mr. CALHOON, Mr. ADAMS

moved that the memorial be read; which having been done, Mr. A made some remarks in the view that, as this memorial related to slavery, it should meet with the same treatment which his own petitions had. Mr. A. moved, therefore, that the memorial be laid on the table.

After some remarks from Mr. MERCER in favor of the petition, the motion was put, and lost by a great majority against it.

The petition, therefore, was received, and lies over.

The remainder of the day was occupied in the reception of memorials and resolutions proposing inquiry, till the House adjourned.

TUESDAY, JANUARY 31.

Mr. ALFORD, member elect from the State of Georgia, appeared, was qualified, and took his seat.

FREEDOM OF ELECTIONS.

The unfinished business of the morning hour was the motion, heretofore made by Mr. BELL, of Tennessee, for leave to bring in a bill to secure the freedom of elections.

Mr. BELL then resumed and concluded his remarks in illustration of the objects of the bill, and urging the necessity of action upon it. [Mr. B's speech, entire, will be found in preceding pages.]

Mr. B. having concluded his remarks,

Mr. GRAVES obtained the floor; when,

On motion of Mr. CAMBRELENG, the House passed to the orders of the day.

Mr. W. THOMPSON inquired whether the business first in order was not the motion and resolution pending on the message of the President of the United States on the subject of our relations with Mexico and the condition of Texas.

The SPEAKER said that, after engrossed bills, &c. on the table were disposed of, that subject would be first in order.

Mr. CAMBRELENG moved to suspend the rules, to go into committee on certain appropriation bills; which motion prevailed.

INDIAN APPROPRIATION BILL.

The House resolved itself into a Committee of the Whole on the state of the Union, (Mr. CRAIG, of Virginia, in the chair,) on the bill making appropriations for the current expenses of the Indian department, and for fulfilling treaty stipulations with the various Indian tribes, for the year 1837.

Mr. CAMBRELENG explained that this bill was essentially different, in form, to the bill of the last year. That bill consisted of twenty-seven pages, and embraced every minute stipulation for and every trifling article of expenditure. At that rate, the bill would soon reach to a hundred pages. The department had sent in a statement embracing all things required, which was laid on the tables of members, and a simple provision for each tribe was to be inserted in the bill.

Mr. CAMBRELENG moved to strike out from the 21st and 22d lines the words "the same act." Agreed to.

Mr. CAMBRELENG moved to amend the bill by inserting an appropriation of $701,676 for removal and subsistence of Creek Indians, under the treaty of 24th March, 1832; for the subsistence of the females of warriors in the service of the United States; for purchase of articles of defence and clothing, &c.

After some remarks from Messrs. GARLAND of Louisiana, EVERETT, CAMBRELENG, A. H. SHEPPERD, PARKER, and HOLSEY, the amendment was agreed to.

Mr. CAMBRELENG moved an amendment, embracing a number of additional items for various Indian tribes; which was agreed to.

Mr. ASHLEY moved an amendment for the payment of $1,610 for services performed under the superintendent of Indian affairs at St. Louis.

After some remarks from Messrs. ASHLEY, CAMBRELENG, and HARRISON, the amendment was adopted.

Mr. GHOLSON offered an amendment making an appropriation of $50,000 for compensation to citizens of Mississippi who have lost their improvements under the treaty of Dancing Rabbit Creek; which amendment was rejected.

Mr. CUSHING said that, as this bill opened the whole policy of Indian appropriations, and as he proposed to submit his remarks to the committee, he would either proceed now, or move an adjournment, as the House might think proper.

Mr. CAMBRELENG suggested to Mr. CUSHING that he should permit the bill to be reported to the House. He could then move an adjournment, and claim the floor when the bill came up before the House.

Mr. CUSHING consented, and the bill was laid aside.

LAND OFFICE IN LOUISIANA.

On motion of Mr. GARLAND, of Louisiana, the committee took up the bill to establish an additional land office in the State of Louisiana; and no amendment having been offered thereto,

On motion of Mr. CAMBRELENG, the committee rose, and reported both the bills to the House.

The question being on concurring with the committee in their amendments to the Indian appropriation bill,

Mr. CUSHING moved that the House adjourn; but withdrew the motion, to enable

The SPEAKER to present a communication from the Secretary of War; after which,

The House adjourned.

WEDNESDAY, FEBRUARY 1.

WESTERN INDIANS.

Mr. EVERETT, from the Committee on Indian Affairs, reported a bill to provide for the security and protection of the emigrant and other Indians west of Missouri and Arkansas. Read twice, and committed to a Committee of the Whole on the state of the Union.

Mr. E. gave notice of his intention to bring this bill before the House at as early a day as possible, as it was a very important measure, for the purpose of its being acted upon at the present session. He did not wish to interfere with the appropriation bills; and he would, therefore, name a day, before which it was possible those bills would be passed. He accordingly gave notice that he should call up the above bill for consideration on this day fortnight.

FREEDOM OF ELECTIONS.

The unfinished business of the morning hour was the motion, submitted heretofore by Mr. BELL, for leave to bring in a bill to secure the freedom of elections.

Mr. GRAVES, who was entitled to the floor, rose and addressed the House as follows:

Mr. Speaker: The highly distinguished gentleman from Tennessee, [Mr. BELL,] whom it is my lot to follow, in the speech with which he has just favored the House, in support of his motion for leave to introduce this bill, has not only shown a degree of research and preparation highly creditable to himself, and very edifying to the House, but has displayed a high order of ability, to which it is the fortune of but few ever to attain. And I am not unapprized that it is bad taste for me to follow in this debate, with the crude remarks which I propose to submit. I had not determined to say a single word, until just before the honorable gentleman conclu-

ded his remarks; and I shall have to rely mainly on the impulse of the moment for what I may chance to say.

It would be premature at this stage of the bill to discuss its details. I will not undertake to say they are perfect, or wherein they might be amended, at this time. I do not stand committed for or against any single provision as it now stands, and shall be happy to see adopted as many amendments as are calculated more perfectly to secure the great objects of the bill. This is a very important subject, and I grant you it is as delicate as it is important; and I hope, at the proper stage, the details of this bill will be investigated and scrutinized with all that care and attention which the solemn importance of the subject so imperiously demands. For the present I shall only attempt to demonstrate that the ruinous evils enumerated in the preamble of the bill do exist in a degree that threatens the overthrow of our free institutions, and briefly to urge upon the House the most obvious necessity of immediate and efficient action upon the subject.

Wherever the principles of civil liberty have been well understood, this has been thought a subject of the most vital importance; and the severest penalties have been provided against officers of Government bringing to bear any sort of influence upon elections. Whenever the right of electing law-makers has been well secured to the citizen, that right has been protected and guarded by legislative enactments, so as to render the choice of the people at the polls free from all official control. For nothing could be a greater absurdity than for a Government to guaranty to its citizens the right to vote in choosing their rulers, and countenance the interference of any power whatever which is calculated in any degree to interfere with or infringe upon the free exercise of that right. In Great Britain, the country from which we derive many of our notions of free government, where but one of the three departments of the law-making power is elective, the most effective safeguards are thrown around the citizen at the polls, so as to render him as perfectly free as it is possible to render him. As early as 1691 that Government was seen providing heavy penalties against officers of Government attempting to exercise influence in elections. And the same course of legislation has been followed up by Parliament to the year 1809, when the fine for such interference was increased to £500, and many other disqualifications.

In 1801 the attention of Mr. Jefferson was called to this subject, and, in a letter to Governor McKean, he uses the following language: "One thing I will say as to the future interference with elections, whether of State or General Government, by officers of the latter, should be deemed cause of removal, because the constitutional remedy by the elective franchise becomes nothing if it may be smothered by the enormous patronage of the Federal Government." If the patronage of the Federal Government was so enormous in 1801, when its annual expenses were comparatively small, as to set at naught the elective franchise, how great must be the danger now that the annual expenses are between 30,000,000 and 40,000,000 dollars, and the number of federal officers multiplied in about the same proportion?

Again, in 1829, the attention of this nation was called to this subject, in the most solemn manner, by General Jackson, in his first inaugural address, in which he employs the following language: "The recent demonstrations of public sentiment inscribe on the list of executive duties, in characters too legible to be overlooked, the task of reform; which will require, particularly, the correction of abuses that have brought the patronage of the Federal Government into conflict with the freedom of elections." Anterior to this period we had had six administrations, embracing a period of just forty years; and, from what I understand to be an authentic account, I have learned during that period but seventy-four officers were turned out of office; of which number nine instances, I think, occurred in the administration which immediately preceded that of General Jackson. And although this nation has no evidence that a single one of those seventy-four officers was turned out for opinion's sake, yet General Jackson, apprehending that such might have been the case, and looking upon such an exercise of power with all that horror which it is calculated so naturally to excite in the bosom of every patriot, deemed it his duty to bring the subject before the country in this solemn form. This was the precept of President Jackson when first elected; but, incredible to tell, in the first term of his administration, he hurled from office between nine hundred and one thousand officers; and from that time up to this his course upon this subject has been onward, crushing as it were every thing like the freedom of elections with the one hundred thousand officers under his control. He, by the exercise of this power, not only makes the officers slaves to his power, but also constitutes them so many efficient instruments in his hands to bring to bear the fullest extent of their influence upon all over whom they can exercise any control, at the risk of being proscribed and hurled from office. Sir, to witness the deleterious and demoralizing effects of this monstrous practice is humiliating in the extreme, and threatens the most disastrous consequences to the country. Whether we live in the East, the West, the North, or the South, we need only to look around in the vicinity of our own residence, and we see daily this influence of federal officers brought to bear on the freedom of our elections. In every county caucus, or State or national convention, we see the office-holders not only the prime movers, but most generally themselves constituting two thirds of the conventions. I will instance the single case of the great democratic State convention in Ohio, which assembled at Columbus on the 8th of January, 1834, for the purpose, amongst other party services, to nominate delegates to the Baltimore convention; then, from a published account of the names of the different officers and the offices they respectively filled, it appears, of the one hundred and seventeen members attending, one hundred and six were officers; and out of the nineteen congressional committees appointed by that convention for the State of Ohio, consisting of fifty-two members, thirty were office-holders. I have no doubt, if the subject were looked into, quite as large a proportion of office-holders would be found in the numberless public meetings of this sort, which we constantly witness in the various other sections of this country.

Now, when it is recollected that more than one twentieth of all our voters are, in effect, office-holders of the Federal Government, either directly or indirectly, upon the supposition that there are one hundred thousand office-holders, which includes, I suppose, all persons receiving a direct emolument from the Government, we may readily have a view of the tremendous power which a President may wield by executive power; having, upon an average throughout the country, in every twenty voters one who is dependent upon him for the bread upon which his wife and children have to depend for subsistence, and who knows the only reliance for the continued favor of his Government is his unceasing party services. Sir, under the practical operation of the present party discipline, the President has not only all the office-holders complete slaves to his power, but he also controls rather an indirect, but still a very powerful, influence over all the relations and friends of the office-holder; and he exercises, if possible, a still more powerful influence by operating upon the hopes of the numberless

hungry applicants for office, outnumbering, by two or three fold, in all probability, the whole number of officers. In Great Britain, a number equal to one seventh part of all the voters in the kingdom hold office; in consequence of which, it was seen there that a corrupt and profligate King, holding the appointments to and removals from office in his own hands, might exercise a power over the vote of the citizen inconsistent with liberty. To remedy this crying evil, every lover of liberty in the kingdom set about the work of reform, not by words, but acts, and provided a most effectual remedy, which, as was shown by the honorable member from Tennessee, at one sweep disfranchised office-holders to the number of forty thousand, exceeding one seventh, as I remarked, of the entire voting population of the kingdom. And such were the indignant murmurs in Parliament from all sides, both whigs and tories, when Lord North intimated that he could not perceive the impropriety of a Government officer exercising his personal influence in elections, that the distinguished lord could scarcely proceed with his remarks.

Sir, I profess myself to be a Jeffersonian democrat; I am for depriving no free white citizen of a vote; I look upon it as a most sacred prerogative; but I am not for extending it to slaves, for the suffrage of a slave would only be the reflected will of his master. Extend to such a population this high privilege, and you thereby only increase the votes of the master to the full number of slaves under his power. At this my democracy revolts; I hold that the poorest and humblest peasant at the ballot-box should have the same number of votes and the same power as that of the most potent nabob in the land. The great beauty in our system is, that all men have equal privileges, and, if equally honest, should be equally esteemed. But unwilling as I am to restrict the right of suffrage, I unhesitatingly go either for making the whole corps of official slaves free, or divest them of free suffrage; because it can do them no good, and, under the control of a bad master, may do the country much harm.

Sir, whether useful legislation shall grow out of this subject at this session, or not, I, for one, am resolved to stir the subject; and hackneyed as it may seem, as long as I retain my station here, be the consequences what they may, I will never cease my efforts, humble and unavailing as they may prove, until some remedy shall be provided. For unless a change can be wrought from the present state of things, by which one man, by the money and patronage of the Government, controls half a million of voters, this Government has no charms for me. I may have in my nature the elements of a tyrant, but, thank God, not of a slave. Sir, I am opposed to proscription for opinion's sake, under any aspect in which the subject can be presented, and against the slavish principle I swear eternal hatred, and wage an interminable war.

No candid man, unless shamefully ignorant of the history of the times, can deny that in this, the only entirely free form of government on earth, hundreds of thousands of the freeborn citizens are enslaved in the most inexorable bondage by the patronage and money of the Government.

It is the duty of every patriot to stand by his country in this hour of trial, and call men and things by their proper names. I denounce that man as an enemy to his country and its constitution, let him be high or low, in or out of station, who will either himself practise or sanction in others the punishment, by means of Government power, of the citizen for voting at the polls according to his own free choice.

Cæsar said, give me money, and I will buy men; give me men, and I will conquer the world. He verified, to the entire satisfaction of the world, this declaration. In his day, when there was less light in the world, he bought men with money, and conquered with his men in the bloody field of battle. In our day, men are bought with money, and their masters conquer through the ballot-box. This new pass to conquest I am for barring against every slave, and throwing open to every freeman.

General Jackson, in his veto to the land bill, said, "money is power." This he declared to the world as his opinion, and I believe it is about the only political opinion which he has not changed. In this he seems to have an abiding confidence; and he has not only given a practical illustration of his belief in this opinion, but, in the late canvass for the presidency, he has constrained all to admit its truth.

General Jackson, in his letter to Mr. Monroe, upon his elevation to the presidency, said to him: "Now is the time to exterminate that monster called party spirit." Would to God, sir, that he would now say to his commanding majority in both Houses, exterminate this monster, liberate the hundred thousand whom executive patronage and power have bound down in chains.

Slavery begets meanness. Who has not beheld, for the last eight years, with grief and mortification, the standard of public morals lowering its once lofty top, until it is now prostrate in the dust? Who has not seen truth, and virtue, and patriotism, all that is beautiful and lovely in the land, sinking, decaying, dying, beneath the onward and blighting power of proscription?

It appears, from a slip which I cut from a newspaper, which purports to present an official return from all the States, that a change of five hundred and ninety votes would have changed the result of the late presidential election in the States of Louisiana, Mississippi, Rhode Island, and Connecticut. The federal officers in those States would much exceed this number; and if so, Mr. Van Buren, surely, did not receive the votes of a majority of the free voters of those States. And can any gentleman seriously contend that persons holding office, and, consequently, under so much terror of the Executive of these United States, were independent voters in the late presidential election?

I do not deny but that some of the subordinate officers of the Government are of the opposition, but I hesitate not to give it as the result of my deliberate opinion that ninety-nine out of every hundred of the offices worth having are held by friends of the administration, unless under peculiar circumstances, such as in some instances I have known, and many I have heard of, where the incumbent was required to vote for the Government candidate, and allowed the poor privilege of retaining the name of a member of the opposition. There are many little cross-road post offices, where the emoluments are literally nothing, and where there resides but one family; and in such cases, I suppose, an opposition man is occasionally appointed to an office.

Gentlemen have solemnly asserted on this floor that a majority—yea, I think the gentleman from Indiana [Mr. Lane] said, the other day, a large majority—of the office-holders under this administration are opposed to it; and cited, as a proof of the assertion, that even here, in this District, a large majority of the clerks are in the opposition. Sir, I regret to hear such assertions made here, because I feel myself constrained to assert, in my place, that he who ventures such an assertion says that which, in the very nature of the case, it is impossible he could know to be true; for I will venture my existence that not a member on this floor knows one twentieth part of the clerks in this city even by name, much less their politics. If I assert that to be true, of the truth of which, in the nature of the case, I could not know, surely I state that which is substantially untrue. Sir, the clerkships in this District are much sought after, for the

officers get well paid for all they do; and, without pretending to any knowledge on this subject other than what I infer from that which I have seen and known to exist elsewhere, I venture to say that not one out of twenty, if indeed there be one out of the whole number, openly acknowledges he is opposed to the administration. I know, sir, in confidential conversations with members of the opposition, they sometimes freely unbosom themselves, and think as badly, and speak as unsparingly, of the men and measures of the party as I do, and yet say, notwithstanding, they call themselves supporters of the administration. Sir, what I speak I know, and so do other members on this floor. No, sir; tell me not that the clerks, here or elsewhere, in the employment of this Government, even if they disapprove and condemn both the men and measures of the administration, dare express it. I know it is not the case, but, upon the other hand, they are slaves, and fear to speak the truth; and that is not half: their innocent daughters and wives are also afraid to speak out the truth. This I have witnessed, and never before did I behold a spectacle that filled my soul with so much disgust and loathing for their oppressors. The tendency of these things is disgraceful to the enlightened age in which we live. And, sir, I appeal to your party, who have unlimited power, in both branches of this Congress, to come forward, and give us a remedy for these intolerable grievances. I invite you to look back to the history of the revolution of parties in all Governments on earth, and say whether you can always expect to keep in the ascendency; whether you see nothing in the late presidential canvass which should produce misgivings. Do you not see, with all of General Jackson's unrivalled popularity, and the $40,000,000 of surplus revenue, you were unable to carry for Mr. Van Buren a majority of the votes actually cast; and that your success is attributable more to the weakness of their adversaries, growing out of division among themselves, than to your own strength? Now, that you must soon part with these two mainstays of your party, Jackson and the money, had you not better agree on terms before another contest?

Mr. Speaker, I think I fully understand the confident, ardent, and perhaps the too sanguine character of my own organization. But, after making all due allowance for it, I feel the most encouraging confidence that all is not yet gone, but that the elements of a successful resistance are yet in full and vigorous existence in this country; that it requires the happening of no future event, out of which new parties are to be formed, before successful resistance can be made. What proof need I adduce in support of this opinion, other than the result of the late presidential election, and the circumstances attending it? True, there exist some differences on subordinate points in the great whig party who opposed Mr. Van Buren; but these differences are mainly upon gone-by and now settled questions. And but one principle in the late canvass animated that party; it was that whig spirit which stood up for our free constitution in opposition to the ruthless march of spoils and of party. We were divided in opinion, sir, in different portions of the Union, as to the most available opposition candidate upon whom to unite; the consequence was, a want of that inspiring confidence of success which is ever indispensable to bring the voters to the polls. The people, however, seeing no possible chance to elect at the polls either of the opposition candidates, attended the elections barely as a sort of homage to the constitution; many thousands, however, failed to come out through despondency. Notwithstanding all these disadvantages, Mr. Van Buren failed to receive, by several thousand, a majority of the votes actually given. If then, sir, with all the popularity of General Jackson, all the patronage of this Government, growing out of appropriations run up last year, in my opinion, specifically in reference to the then pending presidential election, to exceeding $38,000,000, three-fold as much as the average annual appropriations of any previous administration in time of peace, together with $40,000,000 of surplus revenue, with which to buy up the influence of all the venal banks in the country, Mr. Van Buren failed to get a majority of the votes cast, I ask every candid mind, does it not speak volumes for the purity of the people; and is it not conclusive proof to the opposition that the elements of a successful resistance to the principles of spoils and plunder are with us; that we should wait for the happening of no future event, out of which new parties are to be formed, but fight on? Let the watchword with every patriot be victory or death!

Friends of the opposition, if, in selecting a candidate under whose banner we are to rally in future, there be an unworthy member among us, whose attachment to any particular man, or whose personal views, will cause him to stand out against the choice of a majority of our friends, let him retire from our ranks, and take a station among those whose souls are more congenial with his own; he is not worthy of a station in the ranks of those who are now fighting the battles of the constitution against corruption and bribery. We fight not for office, nor place, nor merely for the sake of ambition and victory; but for the restoration of those constitutional principles for which our fathers fought through the Revolution of '76. He amongst us who fights for a less worthy motive is not entitled to a station amongst us. Whether in great political struggles, or on the bloody battle field, oppressors cannot compete with equal numbers of the oppressed. Sir, the slaves of a tyrant's power were taught by the oppressed, on the field of San Jacinto, the folly of attempting to subjugate those whose hearts were imbued with the principles of freemen; and I now warn the advocates of party and spoils to profit by the example.

Under the fullest conviction of the utter indefensibility of proscription, the most despicable of all political heresies, gentlemen of the administration attempt to justify themselves, not upon principle, by alleging that the opposition, if in their situation, would act as they do. This, sir, I humbly trust, would never be the case; but if it were, surely it would not render right that which is in and of itself so utterly wrong.

Sir, I admit that in some of the State Governments, where the opponents of this administration have gained the ascendency, they have, to some partial extent, turned out of office their political opponents. This, sir, I admit to have been wrong in them, and I never will attempt to justify it, whether practised by friends or enemies. If, however, any measure which in itself is wrong could possibly be excused, surely there is the best sort of apology for this impropriety in those States where the enemies of the administration have been ground into the dust by federal power, and been swept *en masse* from every office of the Federal Government. It seems to be a natural impulse of our nation when stricken to strike back, when oppressed to resist oppression; and when it is conducted upon the principles of "spoils and plunder," the savage mode of warfare, where neither sex, age, nor condition, is spared, it would be more than human, when pressed to the last extreme of desperation, not to carry the war into the territory of the enemy, and even to use, in a spirit of revenge upon the oppressors, their own savage weapons; and as wrong as this may seem in our judgment upon principle, so long as frail human nature remains what it is, it will to some extent be observed.

But, sir, such policy is at war with every principle of the constitution, and no true-hearted whig, who understands the principles of his party, will ever approve this

as a correct rule of action. Sir, when I say whig, I mean every man, to whatever minor division he may belong, who stands up for the country and the principles of our constitution against the lawless assaults which this administration is committing upon all the dearest and most vital principles of free Government; and he who fights for spoils and plunder in our ranks is unworthy of his station, and should take his stand in the ranks of those whose hearts are more congenial with his own.

There is not an office-holder in this Government toward whom I have one unkind feeling, and I regret that public duty requires of me to allude to the case of any individual, particularly, in my own region of country. As this subject has been voluntarily obtruded upon the notice of the House by those who have, in debate here, assumed to take upon themselves the defence of this administration, I, as a representative of the people, do not feel at liberty to consult my inclinations when opposed to my convictions of duty. In Kentucky there are instances where appointments to office under this administration have been conferred on the most irresponsible characters, over the heads of the best citizens. In my own district, the office of postmaster was conferred upon an individual who, though he had lived in the county for twelve or fifteen years, where he has from eight hundred to a thousand political friends, could not procure a single individual who would go his security for paying over to the Government the proceeds of the office. Sir, he had been notoriously and utterly insolvent for the last ten years; and yet he held the office for about six months; and at last, when he could not procure security, and was apprized he could not longer keep it without security, he very civilly did what every man that I ever heard speak of the subject predicted he would do when dismissed: he kept whatever had not been drawn out of his hands; which the Postmaster General informed me in an official communication but the other day. The sum was small; it amounted but to eighty-six dollars and ninety cents. This is truly a very inconsiderable amount, but it answers to illustrate the degrading tendency of the policy of this administration. In another instance, the office of postmaster in a very respectable village was conferred on a man that had not credit to hire a horse to ride to his wedding, and was compelled to make the trip on foot. Sir, under such policy as has characterised this administration, corruptions as naturally grow up as does vegetation spring forth in the spring. They imperiously demand some remedy.

The most extravagant and high-wrought eulogies have been poured forth by gentlemen upon this floor on General Jackson and his administration; and, in a tone approaching defiance, we are told, with all the solemnity for which the style of the venerable gentleman from Louisiana is so remarkable, that General Jackson is not surpassed by Washington in the field, and Jefferson in the cabinet. He said, wo be to that man whose name shall be found on the page of his country's history as the accuser of Andrew Jackson! Sir, it was not my pleasure that this subject should have been brought up upon this occasion; but, as it has been brought before the country, I am not the man to shrink from the responsibility of speaking what I think is the truth of any man; and, sir, with a full knowledge of the import of what I am about to utter, and with the greatest possible deliberation, I say that, if I were vain enough to suppose my name would ever be handed down to posterity as the friend and defender of the liberties of my country, there is no page of history which I should so much desire to occupy as that of pronouncing upon this floor, as an American Congressman, in the noontide of General Jackson's administration, that he has done more, in the short space of eight years, to lower the standard of public morals, to corrupt the source of all legitimate power, and subvert the principles of civil liberty, without the spilling of blood, than any one man who has ever lived.

Sir, this Government is, to every practical purpose, thoroughly revolutionized. All power is in the executive department. We have nothing but the forms of a free government left. But I feel encouraged, from the late presidential election, to believe there is virtue and intelligence enough in the people to reinvigorate with new life that skeleton of the only free form of government on earth.

I will not, for a moment, allow myself to doubt that all is yet safe, if we but emulate the example of our fathers who bequeathed to us, at the price of much blood, this our beloved form of government.

There is no one cause which will more certainly produce its specific effect, than that the proscriptive policy of this administration, the turning out of office the incumbent for daring to vote according to his own free will, the punishment of the citizen for opinion's sake, unless arrested, must soon render this the corruptest Government on earth. Human nature is the same all over the earth, and is subject to be acted upon by the same causes, whether in a free or despotic Government. You will find most of vice and corruption where there is most inducement to lead to crime, and least to deter from its commission. And let it not be supposed, because we have the only truly free and republican form of government on earth, that our citizens are incorruptible. Once establish it as the constitutional doctrine that your President has the power to remove for opinion's sake, and let public sentiment sanction it, and then give him what General Jackson had in the late presidential canvass, one hundred thousand offices at his disposal, with thirty odd millions of appropriations to expend, and forty millions of surplus revenue in his hands, and if he do not dictate and appoint his successor, it will be because he is a Washington, and not a Jackson. Thank God, these principles are not yet sanctioned by the people of these United States; but whenever they are, I now proclaim it, that, believing such a Government not worth preserving, I will be for revolution; yes, sir, a revolution purified by the blood of every traitor who dares to mention such ruinous, damning principles.

Sir, it has been said here, on this floor, that General Jackson should have swept from office every opponent. This doctrine for a while was too chilling for this meridian. It first made its appearance at a distance, in a northern clime; an ominous region, I fear; it was thrown out as a feeler, first, I believe, in the State from which the President elect comes. Now, sir, we find it advocated in every section of the country, and acted upon as the governing rule of this administration. It is not the doctrine of the constitution; and no man, it seems to me, can believe it is. Go, sir, to the framers, the authors of the constitution. Go to that great man, Jefferson, who draughted your constitution, and what do you learn? Without one exception, the language of all who have spoken upon the subject pronounces this to be an unconstitutional power; that he who, as President, would dare to practise it, should be impeached and hurled from office. Shall I insult the understanding of this House by stopping to prove that every man should be as free and as unrestrained in the natural bent of his inclinations, at the ballot-box, as the water that flows along the downward current? Once settle it that your President has the constitutional power, and that public sentiment sanctions its exercise, to hurl from office every incumbent who votes against the Government candidate, and you not only make slaves, in the mode already pointed out, of one fourth of your voters, but you will have arrayed, under the control of one man's will, a mighty host to war against the bulwarks of public liberty.

If the President does not derive from the constitution

the power to turn out officers on political grounds, from whence does he derive this most alarming prerogative to take the money of the people, intrusted to him as a public servant, solely to promote the public good, to gratify his own personal malignity in the punishment of an enemy, or to gratify his private and individual attachments to a political favorite, who has won his favor by fawning, flattering, and lying? Sir, he derives it from the same source that the outlaws of every nation derive the prerogative of committing piracy on the high seas; the same source from whence the highway robber derives the prerogative to demand of the traveller his purse, under the penalty of death; the same source from which I, as the employed agent of a company that had intrusted me with $30,000,000, to be laid out and expended by me in a specific way, for their benefit, would derive the prerogative to use their means as an engine to oppress a personal enemy, or to divide it among my friends or children, which is simply the possession of the physical power, the brute force.

Just as well might General Jackson march the regular army, of which he is, by virtue of his station, commander-in-chief, to the doors of this Capitol, and demand the head of every member or Senator who has dared to speak the truth of him, as to wreak his vengeance, or that of some unprincipled subaltern, upon the helpless officer, by hurling him from his station, for daring to discharge his constitutional right at the polls. Yes, a thousand times better would it be for the country; for, in the one case, the people would see and understand the object of the movement, and would fly to the rescue, and deal out summary vengeance on such a blood-thirsty despot; whilst, in the other case, the same object is attained by the concentration of all power in the hands of one man, but in a secret, sly, and insinuating mode, which it seems the acuteness of the public vision has not yet so clearly discerned.

If the King of England or of France were thus openly to require that every office-holder, under the penalty of dismissal from office, should vote, in elections of members to Parliament or Chamber of Deputies, for the candidate of his choice, it would produce an instantaneous convulsion; and nothing short of the head of the King would pay the penalty. Sir, even in those kingly Governments, their laws and constitution guard most sedulously the freedom of the elective franchise. Here the officer is turned out who fails to operate to the fullest extent of his influence in favor of the Government candidate.

Before Mr. GRAVES had finished his remarks, as given entire above, the House, on motion of Mr. CAMBRELENG, proceeded to the orders of the day, the

INDIAN APPROPRIATION BILL.

The bill making appropriations for the current expenses of the Indian department, and for fulfilling treaty stipulations with the various Indian tribes, for the year 1837, coming up; and the question being on concurring with the Committee of the Whole in the amendments made thereto—

Mr. CUSHING said that the bill before the House, making appropriations for the current expenses of the Indian department, threw open to discussion the whole policy of the Government of the United States in relation to the Indians. On comparing the bill with the estimates presented by the Committee of Ways and Means, the House would see that it embraced annuities and other payments to the Indians, under the treaty with the Creeks of the 7th August, 1790, and the treaty concluded at Greenville on the 3d August, 1795, for the general pacification of the Wyandots, Delawares, Shawanees, and others of the northwestern tribes, and so down, through intervening years, to the treaty of the 28th March last, with the Ottawas and Chippewas. The provisions of the bill covered the entire period of the constitutional being of the nation. There was not an act of our political intercourse with the Indians, which it did not directly or indirectly reach. The present was, therefore, a fit opportunity for examining the treatment of the Indians by the United States, and their respective rights and obligations; and upon this subject he proposed to address the House.

His object, he said, in debating this matter, was not political agitation. Nor was it personal effect. On the contrary, he felt admonished that, in the performance of this undertaking, he should have to tread on difficult and dangerous ground. Nevertheless, he was impelled to it, in the first place, by perceiving that the true state of the case between the United States and the Indians, as it now exists, was not fully comprehended out of doors, at least in that part of the country from whence he came. Men speak and think of the subject just as they did seven years ago, when it was a still depending question, whether the Indians should remain within the chartered limits of the several States in which they are, or should remove beyond the Mississippi. Meanwhile, the United States had entered upon a new line of policy and of general conduct towards the Indians. Another set of facts had, in the course of events, come up, to which it was time the public attention should be turned, if any thing of a practical nature was to be done. He wished, so far as his humble means of influence might go, to contribute something to the accomplishment of that end. This was one consideration. And he was impelled, in the second place, by a desire to begin to discharge the duty which he owed, as a public man and a member of Congress, to the broken remnant of the aboriginal masters of this continent.

We, (said Mr. C.,) who are members of Congress in opposition to the administrators of the Government, have but a secondary part assigned to us in public affairs. We seldom have the power to carry through any important act. We can agitate political topics, for effect on the popular mind abroad, or on those about us here. We can make suggestions, communicate facts, propose measures. We can support those plans of the administration which we think to be just and wise, and resist those which seem unjust or unwise. In all these conditions, we influence the action of the Government chiefly by force of argument addressed to the judgment or the fears of that controlling majority in either House, which represents or executes the will of the administration. We may thus be useful to prevent evil and to promote good, to persuade, to deter, to correct, where we have no power to command. An opposition frequently exercises valuable functions in the originating and furthering of great measures, which, at length, when thus commended to general favor, are adopted and sanctioned by the administration; signal examples of which might be cited from the history of the English Parliament, as well as of Congress. In a word, I conceive that we should be wanting to ourselves and to our country, if we did not bring the acts of the Government, in which the interest of the nation, its honor, and its well-being, are involved, to the test of temperate and candid debate; and I shall make no further apology for presenting my views to the consideration of the House.

What, then, is the system of policy which regulates the relations of the United States and the Indians, at the present time, and what our duty, as practical statesmen, and as men of business, in reference to the Indians?

We call ourselves Americans. But we, who now occupy the country, are, in ourselves, or in our immediate progenitors, emigrants from the distant shores of Europe. We are not of the indigenous races of the continent. We constitute a vast republic, divided into populous and

powerful States. Our thronged cities, our cultivated fields, our edifices, ships, commerce, canals, railways, the marks of our prosperity and the monuments of our civilization, which meet the eye on all hands, bespeak the presence and the power of a great people. But the primitive lords of the soil are humble dependants on our annual bounty, mutilated, scattered, extinct, melted away in our path like a snow-flake, devoured as the dew before the morning sun. The land once theirs is ours. The empire of our civilization is, by right or by wrong, honestly or dishonestly, established indestructibly throughout the New World.

By what tenure of right is it that we hold our possessions? In regard to this point there is consistency, at least, if there be not justice, in the doctrine of all Europeans. Every nation, as it proceeded to make settlements in the New World, claimed its territory by the title either of discovery or of conquest. They were Christians, introducing their own race, and with it their laws, into regions occupied by Pagans. Thus it notoriously was in the case of the Spaniards and Portuguese, who obtained so large a portion of this continent. The soil and its inhabitants were partitioned between them by the Papal See, and given up to their arms as to an enterprise of crusade. Columbus, the great discoverer, Cortes and Pizarro, the great conquerors, and others of the Peninsular nations, came to the New World under mixed inducements of ambition and of religion. They fought under the banner of the cross. In this sign they overthrew the empires of the Incas and of the Mexicans, and colonized the rich regions of the South. A similar principle directed the colonial undertakings of the French, English, and Dutch. Thus, the commission to the Cabots, in virtue of whose voyage of discovery Great Britain acquired her title in America, empowered them to discover countries unknown to Christian people, and to take possession of these in the name of the King of England. Each and all of the original colonies now composing the United States, as Florida, Virginia, Massachusetts, New York, Louisiana, founded by Spain, England, Holland, and France, respectively, proceeded in the assertion of their right, as Christians, to plant the lands previously held by Indians. However questionable may be the nature of such a pretension, still it was the idea universally followed. There is not an acre of land held by a citizen of the United States, whose title stands on any other foundation. It is the fundamental doctrine, the oldest element, in the municipal law of every State of the Union.

Conformable to which has been the practice of each of the States, and also of the United States, in their legislation, and in the decisions of their judicial tribunals of every class. The several States, in the disposition of the lands belonging to them, and the United States, in the disposition of the national domain, maintain that the ultimate dominion over the soil, and the exclusive right of granting it, are in themselves subject only to the qualified right of occupancy remaining in the Indian. The latter can occupy, but cannot give a title. His deed conveys his mere occupancy; a title in fee can be derived only from the Government. To this effect are all the text books. Thus, Chief Justice Marshall says:

"All the nations of Europe who have acquired territory on this continent have asserted in themselves, and have recognised in others, the exclusive right of the discoverer to appropriate the lands occupied by the Indians."

And Judge Story:

"It may be asked what was the effect of this principle of discovery, in respect to the rights of the natives themselves? In the view of the Europeans, it created a peculiar relation between themselves and the aboriginal inhabitants. The latter were admitted to possess a present right of occupancy, or use in the soil, which was subordinate to the ultimate dominion of the discoverer. They were admitted to be the rightful occupants of the soil, with a legal as well as just claim to retain possession of it, and to use it according to their own discretion. In a certain sense, they were permitted to exercise rights of sovereignty over it. They might sell or transfer it to the sovereign who discovered it, but they were denied the authority to dispose of it to any other person; and, until such a sale or transfer, they were generally permitted to occupy it as sovereigns *de facto*. But, notwithstanding this occupancy, the European discoverers claimed and exercised the right to grant the soil, while yet in the possession of the natives, subject, however, to their right of occupancy; and the title so granted was universally admitted to convey a sufficient title in the soil to the grantees in perfect dominion."

And Chancellor Kent:

"This assumed but qualified dominion over the Indian tribes, regarding them as enjoying no higher title to the soil than that founded on simple occupancy, and to be incompetent to transfer their title to any other power than the Government which claims the jurisdiction of their territory by right of discovery, arose, in a great degree, from the necessity of the case. * * It was founded on the pretension of converting the discovery of the country into a conquest; and it is now too late to draw into discussion the validity of that pretension, or the restrictions which it imposes. It is established by numerous compacts, treaties, laws, and ordinances, and founded in immemorial usage. The country has been colonized and settled, and is now held by that title. It is the law of the land, and no court of justice can permit the right to be disturbed by speculative reasonings or abstract rights."

Such, then, is the settled law of the land in every part of the United States. The abstract justice of the principle is another question. It grew up, as Chancellor Kent suggests, out of the necessity of the case. Was it better, in the general sum of good, that millions of Christians, or that thousands of Pagans, should occupy America? That the land should be suffered to remain as a lair of wild beasts, and a vast hunting field for a few scattered savages, or that it should be filled with cultivated men, and the improvements, moral, political, and religious, which appertain to refined life? I will not undertake to answer this question, to sum up the good attained, and the expense at which attained, so as to strike the balance between civilization and barbarism. I content myself, in this part of the subject, to deal with the practical fact, which lies at the foundation of our intercourse with the Indians.

This maxim of public law has directed the colonization of America, from the beginning to the present time. In the English colonies, as distinguished from the Spanish, the process of settlement was mostly a peaceful one. Generally, the colonists quieted and extinguished the title of the Indians by contract, and at such a price, however inadequate, as they were well satisfied to receive. Yet there was, I believe, no colony of any magnitude which did not, at some period of its existence, engage in hostilities with the Indians, and acquire lands by force, and in right of war. And there was no colony which did not assume, or in practice sanction, the right of exterior legislation over the Indians within its limits, leaving them, nevertheless, to regulate their own interior police, as municipal communities, so long as they continued capable of doing it. In the legislation of Massachusetts, for instance, and of New York, as well as that of the United States, the Indians are treated as a dependent, not a sovereign, nor a foreign people; as being in a state of pupilage; under

wardship; and, if indulged with partial self-government, yet subject to see that self-government cease, when their condition shall seem to us to require it; or, in other words, at the will of the State, or of the United States, who by the constitution now possess the exclusive regulation of intercourse with the Indians. And this, again, though at one time a questioned point, must now be regarded as the settled law of the land. Chief Justice Marshall says:

"It may well be doubted whether those tribes which reside within the acknowledged boundaries of the United States can, with strict accuracy, be denominated foreign nations. They may, more correctly, perhaps, be denominated domestic dependent nations. They occupy a territory to which we assert a title independent of their will, which must take effect, in point of possession, when their right of possession ceases. Meanwhile, they are in a state of pupilage. Their relation to the United States resembles that of a ward to his guardian. They look to our Government for protection; rely upon its kindness and its power; appeal to it for relief to their wants; and address the President as their Great Father. They and their country are considered by foreign nations, as well as by ourselves, as being so completely under the sovereignty and dominion of the United States, that any attempt to acquire their lands, or to form a political connexion with them, would be considered by all as an invasion of our territory, and an act of hostility."

These principles became the subject of elaborate judicial investigation, in consequence of the controversy between the Cherokees and the State of Georgia. A summary view of the whole ground is presented in the following remarks of Chief Justice Marshall:

"The exercise of the power of self-government by the Indians, within a State, is undoubtedly contemplated to be temporary. This is shown by the settled policy of the Government, in the extinguishment of their title, and especially by the compact with the State of Georgia. It is a question not of abstract right, but of public policy. I do not mean to say that the same moral rule which should regulate the affairs of private life, should not be regarded by communities or nations. But a sound national policy does require that the Indian tribes within our States should exchange their territories, upon equitable principles, or, eventually, consent to become amalgamated in our political communities.

"At best, they can enjoy a very limited independence within the boundaries of a State, and such a residence must always subject them to encroachments from the settlements around them; and their existence within a State, as a separate and independent community, may seriously embarrass or obstruct the operation of the State laws. If, therefore, it would be inconsistent with the political welfare of the States, and the social advance of their citizens, that an independent and permanent power should exist within their limits, this power must give way to the greater power which surrounds it, or seek its exercise beyond the sphere of State authority.

"This state of things can only be produced by a co-operation of the State and Federal Governments. The latter has the exclusive regulation of intercourse with the Indians; and, so long as this power shall be exercised, it cannot be obstructed by the State. It is a power given by the constitution, and sanctioned by the most solemn acts of both the Federal and State Governments; consequently, it cannot be abrogated at the will of a State. It is one of the powers parted with by the States, and vested in the Federal Government. But if a contingency shall occur, which shall render the Indians who reside in a State incapable of self-government, either by moral degradation or a reduction of their numbers, it would undoubtedly be in the power of a State Government to extend to them the ægis of its laws. Under such circumstances, the agency of the General Government, of necessity, must cease.

"But if it shall be the policy of the Government to withdraw its protection from the Indians who reside within the limits of the respective States, and who not only claimed the right of self-government, but have uniformly exercised it, the laws and treaties which impose duties and obligations on the General Government should be abrogated by the powers competent to do so. So long as those laws and treaties exist, having been formed within the sphere of the federal powers, they must be respected and enforced by the appropriate organs of the Federal Government."

Mr. C. said that, having thus developed the public law and the constitutional right applicable to the Indians within the territory of the United States, he should now proceed to another branch of the question of national policy involved in the subject. Under various treaties with the Indians, at every epoch of our history, the United States have assumed the duty of protecting them; we have labored to maintain peace among them; we have anxiously endeavored to civilize and elevate them; we have admitted their right of occupancy; we have proceeded in the extinction of their title by treaties containing liberal stipulations for their permanent advantage; our national intercourse with them has been dictated in general by a pacific, just, and paternal spirit, becoming the character of the United States.

Upon observation of the state of the Indians, in the aim of consulting their particular welfare, and at the same time maintaining them in existence as a distinct people, it has been seen that three courses offered themselves to the choice of the United States:

In the first place, the Indians might be prompted or allowed to organize themselves into political communities, within the limits of the States in which they should happen to be, and independent of the local jurisdiction of such States. Some of the Southern tribes, from the admixture of white men, or from other causes, did in fact make a great and visible progress towards civilization, and had manifested an aptitude and a disposition to continue as organized nations on the soil of their inheritance. They had been favored in this by the United States. Yet the difficulties attending the execution of such a plan were serious and embarrassing in the extreme, even if at all superable. I admit (said Mr. C.) the magnitude of those difficulties. I defer to the truth of the remark of Chief Justice Marshall, just quoted, that the exercise of the powers of self-government by the Indians within a State, has ever, in the policy of this nation, been contemplated as temporary; that, as a general rule, when it becomes inconsistent with the political welfare of a State that an independent power should exist within its limits, this power must give way to the greater power which surrounds it; and that sound policy requires of such lesser power, either to part with its territory upon equitable considerations, or eventually consent to become amalgamated in the larger political community. I recall to mind the corresponding remark of Chancellor Kent, in regard to the Indians in the older States, that, "To leave the Indians in possession of the country was to leave the country a wilderness; and to govern them as a distinct people, or to mix with them, or admit them to an intercommunity of privileges, was impossible, under the circumstances of their relative condition." These difficulties, I repeat, in the way of leaving the Indians to the exercise of independent political sovereignty within the limits of a State, are serious and embarrassing, even if they be at all superable. They have led to the adoption, in the older States, of—

In the second place, the organization of the Indians

into municipal communities merely, acting under the guardianship and supreme legislative control of the State. Such is the present condition of the few remaining Indians within the Commonwealth of Massachusetts.

Thirdly, the removal of the Indians from without the limits of the individual States, and their establishment in the unoccupied territory of the United States west of the Mississippi. This must be regarded as the systematic policy of the present administration. When I speak of it as the policy of the present administration, I do not forget the fact that the idea of the removal of the Indians was entertained at an early period in the history of the Government. The compact with Georgia proves it; and, under the administration of Mr. Monroe, especially, the idea began to assume a distinct shape, as a political measure. But the adoption of the policy, as a settled system, belongs to the last eight years; and the responsibility of it, for good or for evil, for honor or for dishonor, rests with the present administration.

That system, as now in the course of execution, received the sanction of Congress and of the Executive in the act of the 28th May, 1830, for the removal of the Indians west of the Mississippi, which provides as follows:

"Sec. 1. It shall and may be lawful for the President to cause so much of any territory belonging to the United States west of the Mississippi, not included in any State or organized Territory, and to which the Indian title may be extinguished, as he may judge necessary, to be divided into a suitable number of districts, for the reception of such tribes or nations of Indians as may choose to exchange the lands where they now reside, and move there.

"Sec. 2. It shall be lawful for the President solemnly to assure the tribe or nation with which the exchange is made, that the United States will forever secure and guaranty to them, and their heirs or successors, the country so exchanged with them; and, if they prefer it, that the United States will cause a patent or grant to be made and executed to them for the same."

"Sec. 7. It shall be lawful for the President to have the same superintendence and care over any tribe or nation in the country to which they may remove, as contemplated by this act, that he is now authorized to have over them at their present place of residence."

The system has received the further sanction of Congress in the act of the 14th July, 1832, having for its object the appointment of commissioners to visit and examine the country set apart for the emigrating Indians west of the Mississippi, and to report to the War Department a plan for the improvement, government, and security, of the Indians.

Now, under the authority of these acts of Congress, the President has proceeded to negotiate treaties with the Indians for their removal to the West, which Congress has confirmed, by directly approving the treaties, and by making vast appropriations to carry them into effect. Some of the Indians have already gone. Others, including the more numerous and important tribes, are in the course of removal. The contemplated examination of the territory assigned for their reception has been made. Plans for the government and security of the removed Indians have been presented to, and have been approved by, the War Department. Many millions of money have been appropriated in execution of the several treaties of emigration. In short, the systematic removal of Indians, I again say, is the settled policy of the existing Government of the United States.

Mr. C. said that if he had enjoyed the honor of a seat in Congress at the time the law of 1830, which gave method and system to the policy of removal, was enacted, he could not have yielded his assent to the measure. He applauded the eloquence, the courage, the zeal, the ability, with which the law was resisted. He should have joined with the opponents of it in considering its policy too questionable, the visible and immediate wrong too flagrant, the neglect or violation of the pledged faith of the United States too palpable, the hazards of war and bloodshed to ensue upon its adoption too certain, to justify him in voting for its enactment. He thought he distinguished in the disastrous events which were now transpiring in the South, the very consequences then predicted as likely to follow a systematic attempt to drive the Indians at once beyond the Mississippi.

Now, in seeking after measures of practical good, for the benefit of the Indians, (continued Mr. C.,) I start from these premises. I perceive it to be the settled law of the land, in the jurisdiction as well of the United States as of the several States, that the soil of this continent belongs of right to us. It is ours to take, to possess, to convey. I perceive it to be the settled law of the land, that either the United States, or the several States, as the case may be, now hold, or may assume, the government and ultimate control of the Indians. Finally, I perceive it to be the settled policy of those who now administer, and who will for a time, at least, continue to administer, the affairs of the Federal Government, to remove the Indians out of the States, and to collect them by themselves west of the Mississippi. Is there a single member of this House who supposes that the Government of the United States will retrace its steps in this matter? The tide of emigration is flowing to the West. It is impelled by the public force of the nation. Will its refluent waters be made to roll back in their channel? Can they? We know, we must know, that the process of removal cannot be arrested. However lamentable it may be, we cannot recall what is past. We cannot prevent its consummation. It is the existing, certain, unchangeable fact.

What remains for us, then, as practical statesmen, to do? It seems to me a self-evident proposition, too plain for argument, that, instead of wasting our sympathy for the Indians upon impossible objects, we should cast about for the means of protecting and serving them efficiently in the new homes beyond the Mississippi we have compelled them to accept. I cannot bring my mind to approve the policy of removal, particularly in the time and mode of its actual execution. But I acquiesce in the fact which is. I hazard something, perhaps, in making this avowal; but I should be unworthy of my place here, if I were content to swim passively along forever in the current, without venturing at any time to act independently upon my own judgment; and I feel a deep conviction that it is become a duty to direct my own efforts, and, so far as my example or counsel may have influence, the efforts of other friends of the Indians, into the only practicable path of beneficence which the providence of God has left us to tread. We cannot prevent their emigration. Let us unite in smoothing the way before them; in protecting them at the end of their journey; and in elevating them, if we may, to the rank of civilized men, capable of participating in the advantages which our social and political institutions bestow.

Mr. C. said he was confirmed in these views by the considerations offered in the elaborate report from the Committee on Indian Affairs, presented, at the last Congress, by the gentleman from Vermont, [Mr. Everett.] He would ask the attention of the House to two or three sentences from that report:

"All must now see and admit that the relations, heretofore so much desired by the Indians and their friends, cannot be sustained in future in their present situation. Whatever may be the wishes of the Government, and even whatever may be its rights, and physical power to enforce those rights, yet the attempt to enforce them might be attended with consequences not less disastrous to the Indians than to the harmony of the States."

And again:

"Whatever difference of opinion may heretofore have existed, the policy of the Government, in regard to the future condition of those tribes of Indians, may now be regarded as definitively settled. To induce them to remove west of the Mississippi, to a territory set apart and dedicated to their use and government forever, to secure to them a final home, to elevate their intellectual, moral, and civil condition, and to fit them for the enjoyment of the blessings of a free government, is that policy."

I declare my acquiescence, then, (said Mr. C.,) not in the original justice, but in the present fact, of the removal of the Indians. Doing so, I direct my mind in pursuit of their good, according to the new condition of things, imposed upon us by the course of events. I look to the administration, which holds the efficient power of the country in its hands, to see what are the plans of the Government. I find them to be, what the report of the Committee on Indian Affairs indicates, as manifested in past years, and especially as communicated to the present Congress by the acting Secretary of War. His report developes the designs of the administration, as follows:

"Connected with the general subject of our Indian relations are two measures, proposed by the Commissioner, which I deem of great moment. They are the organization of an efficient system for the protection and government of the Indian country west of the Mississippi, and the establishment of military posts for the protection of that country and of our own frontiers, in addition to those now authorized by law.

"These measures are due to the numerous tribes whom we have planted in this extensive territory, and to the pledges and encouragements by which they were induced to consent to a change of residence. We may now be said to have consummated the policy of emigration, and to have entered on an era full of interest to both parties. It involves the last hopes of humanity in respect to the Indian tribes; and though, to the United States, its issues cannot be equally momentous, they yet deeply concern our prosperity and honor. It therefore behooves us, at this juncture, seriously to examine the relations which exist between the United States and the inhabitants of the Indian country, to look into the duties which devolve on us, and to mature a system of measures for their just and constant execution.

"In almost every treaty providing for the emigration of an Indian tribe, the impossibility of preserving it from extinction, if left within the limits of any of the States or organized Territories of the United States, and thus exposed to the advances of the white population, is expressly recognised. The advantages which the tribe will derive from its establishment in a territory to be exclusively occupied by red men, under the solemn guarantees and the paternal care of the United States, are uniformly insisted on. In the treaty with the Choctaws of the 27th of September, 1830, the wish of the tribes to be allowed the privilege of a Delegate in the House of Representatives of the United States is expressly mentioned; and though not acceded to by the commissioners of the United States, yet they insert in the treaty, 'that Congress may consider of and decide the application.' In the late treaty with the Cherokees east of the Mississippi, it is expressly stipulated 'that they shall be entitled to a Delegate in the House of Representatives, whenever Congress shall make provision for the same.' It is not to be doubted that the hopes thus held out to these tribes had an important influence in determining them to consent to emigrate to their new homes in the West.

"Although some of the Indians have made considerable advances in civilization, they all need the guardianship of the United States. To leave them to the barbarism of their own institutions, with the inadequate assistance of an agent, and the slight control of the general superintendent, would be imprudent as it regards ourselves, and unjust towards them. Under such a system, hostilities will frequently break out between the different tribes, and sometimes between them and the inhabitants of our frontiers, attended, in both cases, by the usual consequences of savage warfare. To fulfil, in their true spirit, the engagements into which we have entered, we must institute a comprehensive system of guardianship, adapted to the circumstances and wants of the people, and calculated to lead them, gradually and safely, to the exercise of self-government, and, at as early a day as circumstances will allow, the expectations authorized by the passages above quoted from the treaties with the Choctaws and Cherokees should be fulfilled. Indeed, from the facts stated by the Commissioner, it is scarcely to be doubted that the Choctaws are already in a condition to justify the measure. The daily presence of a native Delegate on the floor of the House of Representatives of the United States, presenting, as occasion may require, to that dignified assembly the interest of his people, would, more than any other single act, attest to the world and to the Indian tribes the sincerity of our endeavors for their preservation and happiness. In the successful issue of those endeavors, we shall find a more precious and durable accession to the glory of our country, than by any triumph we can achieve in arts or in arms."

Mr. C. said that he recognised in the sentiments of this report the upright and accomplished mind from which they emanated. He commended the general purposes it disclosed. Of the details of the plan it would be premature to speak now: they would become a subject of discussion hereafter, as connected with a bill which the Committee on Indian Affairs had just presented, in accordance with the designs of the Government. He would, however, solicit the attention of the House at this time to an important provision of our treaties with the Indians, very properly referred to by the Secretary of War.

The treaty with the Delawares, concluded at Fort Pitt, on the 17th September, 1778, in the very crisis of the war of the Revolution, contains the following article:

"ART. 6. And it is further agreed on between the contracting parties, should it be found conducive to the mutual interest of both parties, to invite any other tribes who have been friends to the United States to join the present confederation, and to form a State, whereof the Delaware nation shall be the head, and have a representative in Congress."

And in the treaty concluded with the Cherokees, at Hopewell, on the 28th November, 1785, is the following:

"ART. 12. That the Indians may have full confidence in the justice of the United States, respecting their interests, they shall have a right to send a deputy of their choice, whenever they think fit, to Congress."

And in the treaty of Dancing Rabbit Creek, with the Choctaws, of the 27th September, 1830, is the following:

"ART. 22. The chiefs of the Choctaws have suggested that their people are in a state of rapid advancement in education and refinement, and have expressed a solicitude that they might have the privilege of a Delegate on the floor of the House of Representatives extended to them. The commissioners do not feel that they can, under a treaty stipulation, accede to the request; but, at their desire, present it in the treaty, that Congress may consider of and decide the application."

Finally, at so late a period as the 29th December, 1835, in the treaty of New Echota, with the Cherokees, is this article:

"Art. 7. The Cherokee nation having already made great progress in civilization, and deeming it important that every proper and laudable inducement should be offered to their people to improve their condition, as well as to guard and secure in the most effectual manner the rights guarantied to them in this treaty, and with a view to illustrate the liberal and enlightened policy of the Government of the United States towards the Indians, in their removal beyond the territorial limits of the States, it is stipulated that they shall be entitled to a Delegate in the House of Representatives of the United States, whenever Congress shall make provision for the same."

Now, I cannot permit myself (said Mr. C.) to consider these reiterated stipulations as mere tricks of diplomacy, dishonest arts, false pretences, held up to allure the Indians into treaties of cession and of emigration. The idea continually suggested to them has been: You shall become as we are; you shall be organized into a political community, under the guaranty and safeguard of the United States; you shall be heard in the great council of the American people. I desire to see this promise of the nation fulfilled, either to the letter, or, at any rate, in spirit and substance. I hope the Government acts in good faith in this matter. I know it has the power, I adjure it to exert an efficient will, to accomplish its avowed plans of humanity and justice in behalf of the emigrant Indians.

The fate of the Indians, in every part of the United States, has been a deplorable one, from the first day of our intercourse with them to the present hour. In Maine, the tribes, so conspicuous once in the wars of New England and of Canada, are sunk to a community of humble fishermen. In Massachusetts, in Rhode Island, in Connecticut, the Mohicans, the Pequots, the Narragansetts, names of pride and of power, have dwindled to a wretched remnant. In New York, how few survive of that great and famous confederacy of the Six Nations! The Delawares and their kindred tribes have disappeared from Pennsylvania and Virginia. Our lakes, our rivers, our mountains, our political communities, give witness, in the names they bear, to the former existence of that old race, which has vanished before us, and left no other signs of its presence. In the newer States, we see that process of decay or of extinction now going on which is consummated in the old ones; the Seminoles in arms on their native soil, fighting, not for life or land, but for vengeance, and vowed, it would seem, like the Pequots, to a war of self-extermination; the Creeks hurrying in broken bands to the West; the Cherokees, the most cultivated of the southern tribes, pausing over their doomed exile, like the waters of the cataract, which gather themselves on the edge of the precipice, ere they leap into the inevitable abyss.

Is there no responsibility devolved on us by this state of things? That we are wholly responsible for it, I can by no means admit. The condition in which we see the Indians has arisen from the fact that they are savages; that they are savages in contact with cultivated men; that they have not institutions of civilized life to guard their nationality and their property against the frauds and the vices of rapacious traders and land pirates, nor the arts of civilized life wherewith to gain subsistence. These are obstacles to their preservation, which we, as a people, in our efforts for their advantage, have perseveringly, but as yet vainly, endeavored to overcome. Wars between them and us have resulted, almost inevitably, from our contiguity. Yet those wars are not imputable to any general spirit of unkindness on our part; and we have strenuously endeavored to prevent their warring among themselves, to protect them against the frauds and injustice of the lawless of our own people, and to impart to them the blessings of civilization.

Still, indirectly, it is clear, we have to answer for the present degradation of the Indians; since we sought them, not they us; and if no Europeans had come hither, the aboriginal inhabitants of the country would have retained their independence and their pristine sovereignty. Abstractly considered, our conduct towards them, and the doctrines of public right which govern it, are marked by many traits of injustice. You take possession of their country by what you call the right of discovery, or by conquest. You pay them for it, say you? Yes, you purchase land enough for the domicil of a nation with a string of glass beads. And it is impossible to adjust to the standard of abstract justice a dominion built on the bones and cemented with the blood of vanquished and extinguished tribes. You must offend against their natural rights, when your power could not otherwise stand. They feel, as did the Indian described by Erskine: "'Who is it,' said the jealous ruler of the desert, encroached upon by the restless foot of transatlantic adventure; 'who is it that causes this river to rise in the high mountains, and to empty itself into the ocean? Who is it that makes the loud winds of winter to blow, and that calms them again in summer? Who is it that rears up the shade of these lofty forests, and that blasts them with the quick lightning at his pleasure? The same Being who gave to you a country beyond the water, and gave ours to us; and by this title we will defend it,' said the warrior, throwing down his tomahawk on the ground, and raising the war cry of his nation." These are the feelings of subjugated men every where, civilized or uncivilized. They are the feelings which produce the scenes now occurring in Florida. They are the feelings in violation of which our empire in the New World was founded. Yet, will you abandon the land now by nativity yours, the homes of your kindred and your affection? You will not? But your dominion over the country has no root in abstract equity, and it is extended and upheld only by your superior strength and art, not by their gratitude or their attachment for benefits received. And it behooves you to make reparation for the injury your very existence here inflicts on the Indian, by promoting, in all possible ways, his welfare, civilization, and peace.

Every consideration of policy calls upon us to conciliate, if we may, the Indians within our jurisdiction. We have compacted together in the West emigrant Indians from various quarters, tribes unfriendly or inimical to each other, sections of tribes reciprocally hostile, and all imbittered, more or less, against us, by whom they have been driven from their own ancient abodes, and stript of their long-descended independence. Can savage warriors, the captives of battle, transported to the West, as chiefs of the hostile Creeks have recently been, prisoners of war in irons—can such men, constituted as they are, fail to nourish the vindictive and jealous feelings which belong to their nature? Will we take no pains to remove or allay these feelings of irritation? Will we deal justly with them hereafter? Will our equity and our mercy be manifested as signally as our power? Will we secure these victims of our destiny in their new lands? Guard them against the intrusion of our own people, and from hostility among themselves? Redeem our promises of protection and political fellowship? It is but the question whether we shall enjoy peace and prosperity on our Western frontier, or whether the Indian shall send his yell into the heart of our settlements, ravage our lands, burn our dwellings, massacre our wives and children. Would ye rally his tribes to the flaming sign of war? Would ye see the thirsty prairies soaked with the mingled blood of the red man and the white? If not, be warned in time by the spectacle of desolation and carnage in the South.

Is not East Florida laid waste? Have not millions upon millions been expended already in the as yet unavailing

endeavor to subdue a fragment of the Seminoles? But what care of money? It is the sufferings of our own fellow-citizens, the lives of the brave men of our army and militia, perishing amid the pestilential swamps of that fatal region, the destruction of the deluded Indians themselves, the tarnished honor of our country, and not the treasure exhausted in the war, which I deplore. How many generals have left that field of war, baffled, if not defeated? Nay, is not the whole army of the United States thrown into distraction, and half dissolved, by the contentions of rank, the competitions of service, the criminations and recriminations, which have sprung up in such rank abundance, like some noxious growth of the tropics, out of the soil of East Florida? And if the desperation of a few Seminoles, either by their own efforts or the contagion of their example, can excite a war that shall summon to the field regiment after regiment of troops, to the amount, it is reported to us, first and last, of some twenty-five thousand men, what would be the consequence if injustice or mismanagement should kindle a similar flame among the Cherokees, the Creeks, and the great body of the emigrant Indians? God forbid that such a calamity should descend upon our beloved country.

Dictates of duty in this matter are not less imperative than arguments of policy. The Indians are in our hands. They have been sunk to what they are, if not by us, yet through us. We have assumed the guardianship of them, and have pledged ourselves, by stipulation after stipulation, to watch over their welfare. I invoke the faith of treaties, I appeal to the honor of the nation, I demand of its truth and justice, if there be any sense of right in civilized communities, that we act decidedly and promptly in the execution of some well-digested plan for the benefit of the Indians subject to our authority. Let us not speak to them only as conquerors, and in the language of relentless rigor; but to the vigor that shall overawe and control, conjoin the justice that shall command respect, and the clemency that shall conciliate affection.

Mr. EVERETT said he felt called upon to reply to some of the remarks of the gentleman from Massachusetts, [Mr. CUSHING,] to set himself right before the country. That gentleman had quoted a passage from the report of the Committee on Indian Affairs, presented by him (Mr. E.) in 1834, in which it is said that the removal of the Indians to the west of the Mississippi was then the settled policy of the Government; and, from the general tenor of his remarks, it would seem that he relied on the quotation as an approval of the grounds on which it had been adopted, and as sanction for the manner in which that policy has been since executed. He desired that no such impression should go forth to the country. That report was entirely a business article; every topic was studiously avoided that might revive the angry discussions of the past, or give rise to them in future. The committee found the policy definitively settled by the act of 1830, and in progress of execution. That such was the settled policy of the Government is stated simply as a fact; and that being settled, naught remained but to carry it into execution. The controversy between Georgia and the Cherokees that gave rise to that act was then past, and the committee did not, on that occasion, desire to revive it; nor did he now, notwithstanding what had since occurred, intend to revive it; let it pass. Finding that policy thus definitively settled, it was the direct object of that report to carry it fully into execution. But, sir, by what measures, and in what manner? By measures consistent with the principles of good faith, and in manner consistent with the principles of humanity, and by such only. I have now nothing to say against the policy; my only complaint is solely against the measure by which it has been and is now in execution; I complain that it has been executed in violation of national faith, and of the principles of humanity—by fraud, by force, by war. I refer to the Seminoles and Creeks. In relation to the Seminoles I submitted my views to the House at the last session. I adhere to them. We have attempted to force upon them a treaty by which they were not bound. They resisted, and still resist it. I then earnestly desired that measures of conciliation should be attempted. It did not meet the approbation of the House or of the Executive. They must be whipped, was the expression used here. An executive order was issued to reduce them to unconditional submission. Four generals have been in the field; each has given place to a successor; the order remains unexecuted.

A small portion of the Creeks becoming hostile, a sweeping order was given to remove the whole nation, hostile or friendly—by force, if necessary. The treaty of 1832 secured to the Indians a right in their reservations, and to remain upon them—a right as perfect and as sacred as that by which any man holds the farm on which he lives. Yet, sir, this, notwithstanding, on the irruption of hostility of a part of the nation only, this sweeping order was given. No previous inquiry was made into the causes of these hostilities, to ascertain whether they did not originate from us. No, sir, the order was given, and put in execution as a military measure. It now appears that the first fault was our own; that the fraudulent and oppressive conduct of the whites was the cause of the Creek hostilities. Speculators had obtained forged deeds of their lands, driven them from their homes, reduced them to starvation, to desperation. Sir, under such circumstances, would not white men rise in arms?

[Mr. HOLSEY called on Mr. EVERETT to state the evidence on which his statement "that the frauds committed on the Creeks were the cause of their hostilities" was founded.

Mr. E. said that he was not aware that any one would, at this day, question the fact. For the evidence he would refer the gentleman to the documents published, and particularly to the famous Shorter letters, detailing the particular manner in which the forged deeds were obtained, and the extent of the forgeries. A band of from twenty to fifty Indians would be collected in the woods, who would personate the surrounding Indian reserves, and, for a trifling reward, give deeds of their lands. And, under such deeds, certified by a Government agent on the spot, the Indians were driven from their settlements. That such acts would and had produced the Creek hostilities, was his inference.

Mr. H., after stating that the hostilities did not break out in the sections of the country where the frauds were committed, called on Mr. E. to designate the parts of the Creek country where the frauds were committed.

Mr. E. said he thought he was entitled to call on the gentleman to state in what part of the Creek country the frauds had not been committed.]

I will now call the attention of the House to the manner in which the removal of the Creeks is conducted. Whether they are regarded as friendly or hostile, they are entitled to be treated with at least common humanity. I say nothing of the removal of some thousand or more in irons; possibly necessity may require it—possibly they may have been of the hostile party, or of those whom force alone could compel to leave their country; necessity may have required it—pass them by. I speak of the great mass of the population—of men, women, and children. Since the debate of yesterday, I have had put into my hands an appalling description of their sufferings—of what are probably their sufferings at this moment. The recital is enough to make one's blood

run cold. It is a letter from a gentleman at Fort Gibson, published in the Arkansas Gazette. The name of the writer is not given; but the letter carries on its face internal evidence of its truth; and we are relieved from all suspicion of its having been got up for political effect, from the fact that the Gazette is an administration paper. I will ask that it be read at the Clerk's table.

"*From the West.*

"Extract of a letter from a gentleman in the West to his friend in this place:

"December 25, 1836.

"There is now arriving at Fort Gibson, and on the road between that place and the Mississippi river, near 14,000 Creek Indians, under course of removal, by the Government of the United States, to their new country on the Arkansas river. The removal is made by a company of contractors, who receive a stated sum per head for each Indian delivered to the officers of Government appointed to receive them at the line of their new country.

"Those contractors are bound to subsist them on their journey; and the removal of the Indians is, to them, a matter of speculation. It therefore becomes their interest to rush them on, regardless of either comfort or convenience to the Indians. And, in fact, those contractors could not reasonably be expected to consult the comforts of the Indians to much extent, at their own individual expense. Therefore, the policy of removing them by contract is a bad one, as is well known to every one who is at all familiar with Indian removals.

"Those people have necessarily, from the impoverished condition of many of them, to move slowly; and perhaps more so than was anticipated by the contractors previous to their starting; consequently, they may not be able, without incurring much individual expense, to extend to the Indians even the indulgence of time that common humanity requires; and whether they comply with their obligation in this case, or not, I am not prepared to say; but, be that as it may, no portion of American history can furnish a parallel of the misery and suffering at present endured by the emigrating Creeks. They consist of all ages, sexes, and sizes, and of all the varieties of human intellect and condition, from the civilized and tenderly nurtured matron and misses, to the wild savage and the poorest of the poor. Thousands of them are entirely destitute of shoes, or covering of any kind for the feet; many of them are almost naked; and but few of them have any thing more on their persons than a light dress, calculated only for the summer, or for a very warm climate; and the weather being warm when they left Alabama, many of them left their heavier articles of clothing, expecting them to be brought on in steamboats, which has as yet been only partially done. In this destitute condition they are wading the cold mud, or are hurried on over the frozen road, as the case may be. Many of them have in this way had their feet frost-bitten, and, being unable to travel, fall in the rear of the main party; and in this way are left on the road, to await the ability or convenience of the contractors to assist them. Many of them, not being able to endure this unexampled state of human suffering, die, and, it is said, are thrown by the side of the road, and are covered only with brush, &c., where they remain until devoured by the wolves.

"How long this state of things will exist, is hard to conjecture. It is now past the middle of December, and the winter, though cold, is by no means at its worst stage; and when the extreme of winter does fall upon these most miserable creatures, in their present suffering and desperate condition, the destruction of human life will be most deplorable.

"The American people, it is presumed, are as yet unacquainted with the condition of those people; and it is hoped that, when they do become acquainted with the facts, the philanthropic portion of the community will not be found wanting in their efforts to alleviate, as far as practicable, their extreme suffering. They are in want of almost every article in common use in a civilized community, particularly clothing; and any thing of that kind would be highly acceptable—such as coarse gowns, shirts, coats, pantaloons, shoes, &c., which, if given during this winter, might be the means of saving many lives.

"It should be borne in mind that the Creeks now on their way have voluntarily removed from their homes, in Alabama, before the time at which they could be positively required to move; and that on promises made to them, some of which have not, and in all probability will not be complied with; and, after agreeing to remove, they left their country in such haste, that many of them were not able to make sale of their property; and those who did effect sales, it is said, did not receive more than half value for the property sold.

"It is thought, by many persons, that the Creeks now on their way, and arriving in this country, have been recently hostile to the whites, and that they have been removed by force of arms from the country east of the Mississippi; but such is not the fact. Apothlahola and his people, now under course of removal, have been, with but few exceptions, friendly to the whites, and aided them in the defeat and subjugation of Nehemathla and his two thousand five hundred followers, who were brought on to this country early in the fall, and who are at this time hostile in feeling, not only to the whites, but to Apothlahola's party. Furthermore, Apothlahola has with him the families of near a thousand of his warriors, now serving with our army in Florida.

"If the removal of the Indians had been made by officers of the Government, whose commissions would rest upon a faithful execution of their duty both to the Government and to the Indians, (as was the case in the removal of the Choctaws some years since,) the case would have been very different from what it has been in this case. The condition of the Indians would have been better, and the actual expense to the Government would have been less; much more indulgence as to time could have been extended to them by the Government, than could be given by private individuals; they would have been more comfortable, and consequently less liable to sickness and death, and to the terrible suffering which they at present have to endure.

"I will here remark, that to each separate party of four or five thousand of those Indians there is attached, as agent of the Government, an officer of the army, which officers have no doubt discharged their duty in the matter to the fullest extent of their power. At any rate, not the least complaint has been heard to have been made against any one of them; and they are said to stand high in the estimation of the Indians, and have had considerable turmoil with the contractors.

"It is not my purpose to cast any reflection or censure in any particular quarter, but there is a fault somewhere; and it is to be hoped that the inquiring community will look to the causes which have led to this great extreme of human suffering."

On the statement made in this letter I shall make no comment. I make no charge against the administration as having intended or countenanced this state of things. I fear, however, that they have not taken all proper precaution to prevent it. It is stated, and I am glad to know it, that the officers of the Government attending the emigrating party are not in fault. They, it seems, have done every thing in their power. The fault is in the contractors. I hope no such case will again occur. It is our duty to prevent it, if possible. I would not

place economy against humanity. I should be willing to treble the amount of the appropriation, if necessary, for the comfort of the emigrants. Abolish the removal by contract; subject them no more to the avarice of contractors.

Mr. PARKER moved to recommit the bill to the Committee of Ways and Means, with instructions so to modify and amend it as to strike out all the general appropriations made therein for the Indian tribes, and insert in their place specific appropriations, founded on the estimates for which the money is required and stated to be due.

And, on this motion, Mr. P. called for the yeas and nays.

Mr. LAWLER was opposed to the recommitment of the bill, and was of opinion that the estimate was so perfectly plain, in all its details, that any amendment which might be necessary could be made in the House. He replied to the remarks of Mr. EVERETT, and contended that the Creek Indians, by their repeated acts of hostility, virtually annulled the treaty which had been made, and operated a forfeiture of that protection from the United States, which they would otherwise have received. In relation to the statement which had been read from an Arkansas paper, the details therein set forth must come in a more authenticated form than in the columns of a newspaper, before he, (Mr. L.,) or the House, or the country, would give credit to them.

Mr. HOLSEY said, the gentleman from New Jersey has moved to recommit the bill to the Committee of Ways and Means, with instructions to specify on the face of the bill a particular amount of appropriation for each item of expenditure for the removal of the Creek Indians. I am opposed to this motion on two grounds. First, because the details upon which the aggregate appropriation is founded have already been furnished by the Commissioner of the Indian bureau, printed, and laid upon the table of each member, before the bill was taken up in the Committee of the Whole on the state of the Union. Secondly, because the execution of the treaty stipulations being dependent upon facts which this House do not know, and cannot ascertain until the time of the actual removal of the Indians, it would not only embarrass, but even prevent the execution of some of the articles of the treaty. Upon the first ground, the House will perceive that it is not called upon to vote a sum total of the public money without a knowledge of the integral parts which compose it. They have been spread before us with a minuteness sufficient to satisfy the most scrupulous, and a certainty to which a *nisi prius* pleader could not take exception—a certainty not only to a common intent, but in every particular. There is a special count per head for removal after the line of march is taken up; another for rations whilst in camp preparatory to removal; a third for rifles, ammunition, blankets, blacksmith, &c. [Here Mr. H. read from the estimates of the Commissioner of the Indian department the various details.] He said gentlemen had called for specifications. Tedious as they are, I have given them, because they were demanded, and will ask in return the measure of legal justice, a recovery *secundem allegata et probata*. But the gentleman from New Jersey is content with the items and their corresponding expenditure, but insists that they should be brought into the bill. A glance at the treaty presents insuperable objections. By the 13th article, each Creek warrior is to be furnished with a rifle and ammunition, and each family with a blanket. As the number of these articles must necessarily depend upon the number of warriors and families at the time of executing the treaty, a specific amount for these purposes must run the hazard either of excess or deficiency. Again, sir: you insert in the bill a special amount ($28 50) per head, to defray the expenses of subsistence and transportation. Shall your emigrating contractors have no less, or will you give them no more? The same may be said as to rations whilst in a preparatory state to removal. But I will not multiply instances. I have already enumerated enough to show that the executive department being charged with the execution of the treaty and the removal of the Indians, and these objects being influenced by facts and contingencies which the Legislature can neither know nor control, specific appropriations for particular items can only tend to clog or defeat the main end and design of the bill, the removal of the Indians, and the fulfilment of the national obligations.

But, sir, the gentleman from Vermont [Mr. EVERETT] has assumed positions in regard to our Indian relations which, as one of the Representatives of Georgia, I cannot permit to pass unnoticed upon this floor. While he admits it is the settled policy of the Government to transplant the aborigines beyond the Mississippi, he maintains that the portion of the Creeks recently removed to the West have been torn from their birthright and their homes, in contravention of the national faith, solemnly pledged in the treaty of March, 1832. He interposes the same objection to the passage of this bill, which provides for the removal of the remaining portion of the tribe; arrays the frauds perpetrated upon them in the sale of reservations by our own people as the causes of their late hostilities; and whilst pouring out the melting charities of his heart, the deepest sympathies of his soul, for the injuries and sufferings of the degraded sons of Ishmael, reserves for his own race the freezing admonition that those who sow the wind must reap the whirlwind; who unchain the tiger must abide his fury as he walks upon his destroying path. Sir, I beg leave to differ with the gentleman from Vermont both in sentiment and opinion. I boldly avow my attachment for the race from which I have descended, and with whom I have united in the civil state for the purpose of defence against foreign invasion. I have no tears to shed for the savage who buries the tomahawk in the mother's breast, and imbrues his hands in her infant's blood. I rejoice that American arms have been enabled to arrest the barbarians in their march of blood and conflagration, and to transplant them beyond the jurisdiction of the States. The honorable gentleman from Vermont has intrenched himself on the high grounds of the treaty, and opened his batteries upon the Government for a violation of its provisions, by removing the Indians against their consent. A single fire will dislodge him from his position. By the laws of nations, a state of war abrogates pre-existing treaties. If the Government continues to fulfil the remaining clauses of the treaty, it is only from a principle of humanity, and not from any considerations arising from good faith to the Indians. If they have raised the tomahawk and scalping-knife for the adjustment of their wrongs, they cannot complain that the musket and the bayonet have been made the umpire of our differences. The treaty was therefore cancelled by the commencement of hostilities, and their removal a military operation essential to the peace and safety of the frontiers. But the gentleman from Vermont has said that he has evidence in his possession to show that the frauds committed in the sales of Indian reservations were the causes of the recent aggressions on the part of the Creek nation. I demand not only the evidence of fraud, but proof that, if any were committed, they were the causes of hostilities.

[Here Mr. EVERETT stated that his opinion was formed from the report of Col. Hogan, an agent appointed to investigate the allegations of fraud.]

The honorable gentleman prejudges not only the charges of fraud, but how far they may have led to the war—subjects which are now under the investigation of

commissioners appointed under a resolution of the last session of Congress. If, as he supposes, the alleged frauds were the causes of the war, we would naturally expect to find the seat of war in the districts where they were committed. But the history of the Creek war is directly at variance with the gentleman's supposition. In McHenry's district, where alone there is a single allegation supported by the least color of proof, the natives maintained their friendly relations, with but few exceptions. In the district certified by General Sanford, an officer deservedly high in the confidence of the Government, and of elevated and irreproachable character, and where I call upon the gentleman from Vermont to lay his finger upon a single case of fraud sustained by a shadow of evidence, the war had its rise, progress, and end. Thus it seems where there was fraud there was the least aggression, and where there was no fraud the war raged in all its horrors. Sir, were I to seek for the sources of the war with the Creek Indians, I should dive deeper into the recesses of the human heart, and look beyond the sale of Indian reservations. Without reverting to the discovery of the continent, and the nature of the causes which have produced the existing relations between the two races, I assume it as a fact, verified by daily experience and observation, that there exists between them a deep national animosity, which, upon the border, is continually manifesting itself in open violence. It is in vain, sir, that you may look for a state of tranquillity between two people so opposite in character as savage and civilized man. In vain may you look for it between the red and the white man, burning under a sense of mutual injuries for centuries. I repeat it, sir, hostilities will ever mark the line of your frontier. They spring necessarily out of existing relations; and a state of peace is but a temporary suspension of hostilities. Sir, treat as you please, act as you please, reservations or no reservations, fraud or no fraud, the removal of a warlike tribe of Indians, like that of the Creeks, becomes, from the nature of things, a military measure. They will not go as abjects; revenge must sweeten the bitter cup of their departure. Why, sir, you might give them ten times the value of their lands, both by treaty and private contract, and it would not affect the result. It is the tempest of the human soul, and you cannot bribe it. Neither the ingenuity nor the power of man can hush it into silence. As the hour of removal approaches, portentous clouds begin to darken the horizon, and the note of preparation is the electric fire which rends them asunder, and calls down all their fury.

In spite of all your treaties, your justice, or your magnanimity, they will not tamely relinquish their soil to your possession. For it they will exact not only your gold, but your blood. Gentlemen are grossly deceived who imagine that in the absence of fraud this tribe would peaceably have emigrated beyond the Mississippi. The supposition betrays an entire want of knowledge of the Indian character, and of causes which have been operating for ages past.

But, sir, my honorable colleague [Mr. Dawson] has imputed this war to the Government as its author. This is a grave charge, and requires examination. Sir, I had supposed that the Executive Chief of this nation was the last man upon earth on whom this reproach could be cast. The blood and tears of helpless innocence, whilst falling the victims of Indian barbarity, will never cry to Heaven against him.

[Here Mr. Dawson explained, by saying that he did not mean to implicate the President, but those through whose agency the clause for reservations in the treaty had been inserted.]

I am happy to find my colleague disclaims all imputations upon the Chief Executive. The charge was made and reiterated against the Government. Now, sir, I am at a loss to find the Government in the formation of a treaty without the President. He forms the treaty, and the Senate approves or rejects it. When the Government is censured for the formation of an improper treaty, I take it for granted the President is implicated. But my colleague has disclaimed it, and I will press it no further. I hope, therefore, the motion of the gentleman from New Jersey will not prevail, and that the House will pass the bill.

Mr. DAWSON said the course which the debate had taken on the bill before the House had made it his duty, as one of the Representatives of Georgia, to ask the indulgence of the House, for a short time, that he might be heard upon some of the facts stated by gentlemen, and briefly to reply to some of the insinuations, charges, and allegations, which had been made in relation to that part of the Union from which he came. The range of this discussion had been wide, and to his mind, Mr. D. said, in a great measure unauthorized by the objects of the bill; questions and subjects having but little connexion, if any, had been introduced.

Gentlemen had spoken freely and sympathetically touching the policy pursued in relation to the Indians, and especially the Creeks, and had plainly intimated, if not charged, that humanity had been violated, and the character of the country blackened, by acts of cruelty to them; that the conduct of the citizens of Georgia and Alabama to these Indians had given origin to the late war, which, it seems, has not yet entirely subsided, and, in its consequences, the butchery of men, women, and children, depredations, and desolation of property.

Mr. Speaker, permit me (said Mr. D.) to say these allegations contain not the true causes of the war. It is a mistake, a very great mistake; it is not so. Truth and justice unite, and deny that Georgia and Alabama were in fault in this matter to such an extent as to justify so grave an allegation; and in their vindication, and especially those of my constituents who have been denominated the people of the frontiers, and against whom it has been said the dire calamities which were perpetrated on the eastern and western banks of the Chattahoochee river, during the last spring and summer, were partially chargeable, I may say, without being influenced by State pride, a more honorable and high-minded population inhabit no portion of this Union, and for the fulfilment of their duties as good and worthy citizens, politically and morally, are not inferior to any other portion of the confederacy. The charge that their conduct forced the Indians into a state of desperation, and caused the bloody and savage acts which they committed, is not true or just, nor can it with any propriety be made. Sir, the people of that section of the country are benevolent and generous, and possess, at least in an equal degree, every sympathy common to our nature, and which excites noble and honorable acts, and would extend the influence of these virtuous feelings as far as any people on earth. And here, in all kindness and good feeling to the gentlemen from Massachusetts and Vermont, who, on yesterday and to-day, addressed the House with so much sympathy in behalf of the aborigines, and who depicted, with so much pathos, the oppressions and cruelties which had been inflicted on that race, I can say no man indulges a more sincere desire to alleviate their condition, and improve their minds and their morals, than I do; and the gentlemen will pardon me for reminding them that the tide, the first wave of which began to flow on the landing of the Pilgrims at Plymouth, (1620,) and beat on that rock which now occupies, as a curiosity, the centre of the town of Plymouth, and is to this day respected as sacred, is still flowing, and will finally urge this race beyond the Mississippi, without leaving a remnant behind. The waves of this

tide have, in its floods, left the remembrance of oppressions, and seeming, if not actual, cruelties towards the people of the forest, which the history of the New England Pilgrims and their descendants has recorded. On the pages of that history scenes are painted not less abhorrent to humanity or less appalling to the sickly imaginations of the present than those scenes of cruelty and oppression to which such frequent reference had been made during this debate. May I be permitted to ask, where are the mighty tribes of Indians who once occupied the delightful regions of New England, and from the "mountain top" limited their extent only by the surrounding sky, and who, in their native freedom, sported on the beautiful rivers, and who spread so much terror and consternation among the first white settlers? They are gone, sir; and the places which knew them once will know them no more. And by what power were they forced, at least, from the land of the Pilgrims?

Sir, I will not cry out cruelty, inhumanity, or injustice, or indulge in a needless and unnecessary tirade about the policy pursued in that section, in that period and since, towards the people whose condition we cannot improve; it would, perhaps, be unkind so to act or to speak, for necessity, no doubt, prescribed the policy of that day; the same causes would now produce similar effects. I will, however, remind gentlemen that the same tide which, I might say, was put in motion by the Puritans, in its floods, has spread desolation over the natives of the forests—first in the East—and it will not ebb, I apprehend, until they are utterly annihilated. The idea is unpleasant, yet it is clearly the result to be gathered from the past history of this country, and the indications of the future. Let not the East, then, reflect on the policy of the General Government, or the States, in relation to the aborigines: necessity and policy prescribe the course of all, mingled with and regulated by justice and humanity.

I trust the House will pardon me for alluding, at this time, to the legislation of Georgia, and her course towards these people. Her laws, when understood, will be approved; her statute books will show the protection and securities guarantied to the Indians. Their persons and property are as inviolable as those of the whites; personal wrongs committed on them by the whites are punished by the same law, and to the same extent, as if committed on a white man.

As to the indulgences towards the Indians, the patience with which Georgia awaited the fulfilment of the compact of 1802 will show. And it is worthy of remark that, notwithstanding the various tribes which have resided in that State from the Revolution to this day, her history is not stained by a single act of cruelty towards that people; nor has an Indian suffered the penalty of the law for its violation, which a white man would not have suffered for the same offence. Nor has the policy of Georgia, within the last forty years, (and I believe never,) nor have the acts of any portion of her citizens, involved this Government in a single border war. But, sir, for a few years past, individuals, and perhaps numbers of very good men, have labored under a delusion and belief that Georgia had acted towards the Indians within her limits with great rigor and oppression. This is not true, to the extent alleged; in fact, every act of the State had been justifiable, and demanded by the state of our Indian relations. No State, Mr. Speaker, (said Mr. D.,) in this Union, has exhibited more magnanimity and indulgence towards the Indians. How long have the Cherokees been in the peaceable and quiet occupancy of the lands of Georgia, within her constitutional limits, and guarantied by the General Government in the compact of 1802? More than half a century, sir! What has arrested the growth of Georgia for so many years, and kept her in the rear of the old thirteen? Her kindness and generosity to the Indians, sir? Which of the States, originally forming the constitution of this Union, has borne such an encumbrance upon its prosperity? None, sir—none. Is it not, then, unkind and ungenerous, yea, unjust and exciting, to be charged at this day, by those who have swept the Indians from their soil years ago, with unrelenting extermination? But the cry has been raised of cruelty and oppression, and the madness of the day must have time to cool. I trust, sir, I may be pardoned for the digressions into which I have been drawn by this debate.

To return to the causes of the late war. It has been asked, if the conduct of the citizens of Georgia and Alabama did not produce the war, what did? I answer, the treaty, and the consequences proceeding necessarily from it. Yes, sir, the treaty entered into at Washington city, by the United States and the chiefs of the Creek nation, in 1832. My opinion is, and so is the opinion of all who fully understand all its parts, that out of the terms of that treaty grew the prime cause of the misfortunes, butcheries, and desolations, which the people of Georgia and Alabama suffered within the last eighteen months. Let me explain. The reservations, the Indian reservations, sir, turned the Creek country into a market, overt and covert, for sales and contracts, honest and dishonest; for frauds, limited and extensive; and to this market speculators of all sizes, classes, and characters, individually and in confederacy, and those who were too honest to act improperly in person sent their men. From these reservations spring the contracts and sales, honest and dishonest, and all the frauds about which so much has this day been said. And these frauds chiefly, and perhaps an unwillingness on the part of the Indian to go west of the Mississippi, produced the late war. Hence my assertion is true, that the provisions of the treaty created the causes of the war—the frauds, the war—the reservations, the frauds—the treaty, the reservations. Hear the 2d article of that treaty; it reads thus: "The United States engage to survey the land as soon as the same can conveniently be done, after the ratification of the treaty; and, when the same is surveyed, to allow ninety principal chiefs of the Creek tribe to select one section each, and every other head of a Creek family to select one half section each; which tracts shall be reserved from sale, for their use, for the term of five years, unless sooner disposed of by them," &c.

The 3d article says: "These tracts may be conveyed by the persons selecting the same to any other persons, for a fair consideration, in such manner as the President may direct; the contract shall be certified by some person appointed for that purpose by the President, but shall not be valid till the President approves the same; a title shall be given by the United States, on the completion of the payment." Who cannot see, at a glance, that this treaty, concocted, arranged, planned, and ratified here, in the city of Washington, threw open, wide and broad, the doors for speculation, fraud, and corruption? And, sir, I have no doubt one of the contracting parties saw it, and knew it, and, it seems, endeavored to provide against it; for the 3d article, which contemplates a sale, says "these reservations may be sold, for a fair consideration, in such a manner as the President may direct; the contract shall be certified by some person appointed for that purpose by the President," &c. Georgia nor Alabama did create this mother of so many evils: no, sir, it took its origin in the city of Washington, and was the production of one of the departments of this Government. And who should be answerable for the dreadful and heart-rending calamities, frauds, speculations, and infamous combinations for unworthy purposes, growing out of it? The answer is palpable.

And, sir, who has not heard it and seen it in the pub-

lic prints, that this treaty had been made a means, an engine, an instrument in the hands of governmental agents, in combination with individuals and companies, for, in many instances, dishonest speculations and fraud? Yes, sir, these things are public; and, in my view, it is clear that this treaty, with its reservations, has been used for the mercenary interests of others than a portion of the people of Georgia and Alabama. Yea, North and South, East and West, and this centre, Washington city, the place which gave birth to the treaty, are said, and I have no reason to doubt it, to have recipients and partakers of these fraudulent speculations. The day, I trust, will come, when the curtain shall be removed, and the authors, active and dormant, in these dark deeds of infamy, shall be dragged forward on the scene; when the whole of the facts connected with this treaty and the frauds shall be developed with damning proof against the guilty, and ample justification and approval of the honest speculators or purchasers, when the world shall know where to attach the blame, to apply the finger of scorn, and the accents of indignant reprobation. Then we shall find who has pocketed the proceeds of frauds carried into successful operation by means of this measure of the Government, the treaty. And yet, sir, notwithstanding the many actors in these atrocities, exclusive censure has been directed to the contiguous States of these frauds, and they alone exposed and branded as the originators of the evils which have followed. Let every one bear his share of the blame, as well as his portion of public indignation, whether he be in office, high or low, or occupying a private station; they who are equally guilty of fraud should be equal in every thing else.

To change the conclusions which have been drawn by myself and others, in relation to the causes of the war, it has been said, and I think by my colleague, [Mr. Holsey] that the white population on the frontiers and the Indians are generally in a state of hostility with each other; as a proposition, it may be true, but in relation to the late Creek war it was not so; for I have no recollection of any acts of oppression to the Indians, or of hostilities from them. The Indians were peaceable until the consequences of the treaty began to develop themselves. Frauds, it is said, were committed in relation to the reservations, which could be effected only by a combination of the certifying agents; and, unless the agents connived, a fraud could not be easily practised. The removal of suspected agents, by the President, took place, in order to protect the Indians; but, sir, notwithstanding, frauds were perpetrated, the Indians were swindled, and they, at least a part of them, became desperate, particularly when the man or men which their Great Father the President had sent for their protector had become a traitor to their interest, and was instrumental, as has been charged on this floor and elsewhere, in defrauding them.

Men from every section, almost, of this wide confederacy concentrated in the Creek country about this period—and for what purpose did they go? To take the advantages which the provisions of the treaty unfortunately presented for speculation in Indian reservations. They did make it a source of speculation, and plunged innocent and unoffending men, women, and children, of Georgia and Alabama, on each side of the river Chattahoochee, in all the horrors of a bloody and savage warfare, by their impious and eager thirst for gain and profit; and when they had consummated their speculations and frauds, in which some Georgians and Alabamians participated, they return to their homes, and add to their infamy by slandering and calumniating the people on the frontiers, whom they had already too much injured by libelling them as being the instigators and cause of the dreadful consequences of their own acts of injustice.

Sir, there has been an immense machine in motion in relation to these frauds, and similar speculations, in every section of the country where the public lands are for sale. Where can its location be, sir? I have heard it said, probably in the city of Washington. One thing seems to be most certain, that it is in operation; but who manages the handle, and regulates its mighty action, is beyond discovery. Speculation is the order of the day, and those who have engaged in it, as individuals or companies, are becoming rich—whether active or dormant partners; and those who have committed the frauds upon the Indians in the Creek country, whether they were agents or officers of the Government, individuals or companies, or otherwise, are, in a great measure, by the use of the treaty and its unfortunate and unwise provisions, the cause of the late Indian difficulties.

The gentleman from Vermont had very eloquently and feelingly depicted these frauds, and had also presented to this House a deplorable picture, as drawn, of the condition and situation of the emigrating Creeks; and also by the anonymous letter which he has caused to be read by the Clerk. Suppose all this to be true, no censure should be attributed to Georgia or Alabama, for they had no more connexion with these matters than any other States in the Union; it is a matter in the exclusive control of the General Government.

[Mr. Everett rose, and asked Mr. D. to permit him to explain.

The gentleman from Georgia (Mr. E. said) had misapprehended the scope of his remarks. He certainly did not intend to make any imputation against the character of any State; and thought his expressions had been sufficiently guarded to exclude such a construction; he had, in general terms, charged the Creek frauds on the whites; he had not designated to what section of country they belonged. He was as well aware as the gentleman from Georgia, that they did not belong exclusively to the adjoining States; that persons of high standing elsewhere were concerned in the frauds and the removal; and that it would be in the highest degree illiberal and unjust to characterize any State by the improper conduct of a few individuals; and he could have no doubt that the conduct of these speculators was held in as deep reprobation in Georgia and Alabama, as in any part of the Union.]

Yes, sir, (said Mr. Dawson,) there is no doubt of that fact, and I am gratified at the explanation. The letter, sir, which has been read before this House, detailing the condition of the emigrating Creeks, whether true or false, had no relation to the States from whence they had removed; nor could it originate censure against those States which had suffered by their murders, arsons, and robberies. If censure were due, it properly attached to the Government, or its agents, as this article of the treaty will clearly demonstrate: "Art. 12. The United States are desirous that the Creeks should remove to the country west of the Mississippi, and join their countrymen there; and for this purpose it is agreed that, as fast as the Creeks are prepared to emigrate, they shall be removed at the expense of the United States, and shall receive subsistence whilst on their journey, and for one year after their arrival at their new home," &c.

The Government is thereby bound to remove the Creeks, and subsist and protect them, and to pay all the expenses of removal; and to support them and supply them for one year after their arrival at their "new home." These are obligations and duties belonging to the Government, and for their fulfilment and discharge ample appropriations have been made by Congress. If these duties and obligations have been neglected, and if it be true that these people are in the miserable condition represented, that their sufferings are such as have been portrayed, the fault must be on the agents of the Gov-

ernment. The contractors for removal, I understand, have fulfilled their contracts; no cause of censure justly applies to any State; the Government is responsible.

Sir, a needless sympathy seems to have been excited, in consequence of the few hostile Creeks having been emigrated in chains. This is true, and was an act just and proper, and the officers of the Government deserve no censure for this; justice and humanity prompted it; it was due to the safety of the defenceless women and children of the frontiers, and for the protection of the property of our citizens in that section, which was then a scene of desolation, conflagration, and murder; and, sir, it was an act of kindness to the Indians themselves, thus to force them to their new home, and prevent them from remaining and avenging their mistaken and savage propensities by acts of cruelty and murder against the whites; and it gave them an escape from the vengeance of a justly incensed and excited community, who had been roused to desperation by the murderous acts of these very emigrating Indians. It was an act of pure grace and favor, for, by the laws of the land, these murderers of women and children, and desolators of property, and destroyers of the public mails, had forfeited their lives, and deserved death. But, sir, the generous, and noble and forgiving feelings of our nature permitted them to escape the vengeance of the violated law. Let no man speak of the indignation of the injured Georgians and Alabamians leading to cruelty; the emigration of these Indians, after the murders they had committed, the robberies and conflagrations they had perpetrated, being permitted by an injured people to escape, and to have taken up their line of march for the West, almost in view of the smoking ruins of Roanoke, amidst the remains of which now lie the bones and ashes of fathers, mothers, brothers, and sisters, innocent and unoffending women and children, who were murdered by the deadly rifles of these emigrants, or perished in the flames of the conflagration. Mr. Speaker, their permission to escape is wondrous, and speaks volumes in favor of that portion of this Union, and will command applause. Such an indulgence to the ignorance and savage ferocity of the men of the forest can be found in the history only of Georgia and of Alabama.

There is still a part of these people remaining, and the appropriation contained in the bill before the House is to effect their removal; let me, in the name of an exposed and injured people, urge that it should be made, and these Indians removed. Then may the men, women, and children, of that suffering portion of the Union sleep secure, and be relieved from all the fears and apprehensions of savage cruelties.

Mr. EVERETT said he was gratified that he had made the occasion for the eloquent speech of the gentleman from Georgia on his left, [Mr. DAWSON.] If any thing could have reconciled him to some acts of that State now past and gone by, it would be the tone, the temper, and the manly bearing, of that gentleman. He had listened with admiration to the instant, the impassioned, and able defence of the character of his State called out on the mere (mis)apprehension that it had been assailed. The honor of that State was in safe keeping so long as that gentleman retained a seat on that floor.

The gentleman had not, however, contented himself with repelling the supposed attack, but he had crossed the line, and carried the war into the North. He had significantly asked if the Indians had no charges to bring against New England? Sir, I would that I could say no. Some things were there transacted of which New England has no reason to be proud; but some allowance is to be made for the peculiar opinions of that day, and some for the advance of the age. The acts done then would be now sins against greater light and knowledge. In relation to the Indians, there are some pages in the history of New England which I wish had never been there, some that I wish could be obliterated; I wish the modern process of expunging could be applied to them by this body or by any body elsewhere.

[Mr. HOLSEY asked Mr. E. to repeat the words, not having heard distinctly.]

I said that there are some pages in the history of New England that I wish could be obliterated; and I now say I should be glad to see the modern process of expunging applied to them—that black lines should be drawn around the page, and across it written "expunged by order of the Senate." This, sir, would be applying the process to some good purpose. I have, then, only to say that it will be time enough to quote the wrongs of New England as a justification when these wrongs are justified.

I have been charged by the gentleman from Georgia on my right [Mr. HOLSEY] with an exclusive sympathy for Indian sufferings, and none for those of the whites—none for the men, women, and children, murdered by the savage. That I have felt strongly the injustice perpetrated against that race, in all time, but more flagrantly of late, I will not deny. But, sir, what occasion have I given for the residue of the charge? It is this: that I have not rested content with exciting attention to the immediate cause—to the excited savage alarm—but to those who have excited him to those inhuman acts. He who unchains the tiger takes the responsibility. The savage is the instrument of cruelty in the hands of him who excites him to war. I will notice one other remark of the same gentleman. He has stated that the natural relation of the Indian to the whites is that of war. That such is the inherent disposition of the Indian, on any proper occasion I would make the issue; that we have been always the aggressor, I do not say; but that we have been so more often than they, I think our own history will fully sustain. In judging them, we weighed them in even scales with ourselves. We have made no allowances for the difference of temperament and feelings of their race; what should not provoke, we deem it highly unreasonable that it should rouse the savage to revenge. The occasion, however, is not appropriate for the further discussion of this question.

Mr. CAMBRELENG hoped the House would not recommit this bill. With reference to the alleged frauds, he called attention to the fact that this very bill contained an appropriation for their investigation; and he further stated that, in the course of a very few days, a report would be made by the commissioners charged with that duty. That would present a more proper occasion to discuss the subject of the causes of the Creek war, and the part these alleged frauds, if any such be found to have existed, may have had in producing the war.

With regard to the motion to recommit, he would explain, in a few words, the object of it. Mr. C. then cited one of the general items, and then read *in extenso* the estimates upon which it was founded, some twenty or thirty in number, some of them embracing trifling amounts, and which showed that, if the specifications were carried out through the bill, it would swell to a volume in size.

Mr. GLASCOCK said he regretted very much that any discussion had been thought necessary on the present bill, feeling assured that there were but few who would be found to sanction the proposed amendment of the honorable gentleman from New Jersey, [Mr. PARKER.] Situated as he was, however, he felt it his duty to reply to some of the remarks which had been made by the several gentlemen who preceded him, and especially as they were connected and related to his own State. While (said Mr. G.) he differed with his honorable colleague [Mr. DAWSON] as to the causes of the Creek war, and wholly denied that the Government had

any agency in the same, he had listened with great attention to him, and was pleased and delighted at the manner in which he had acquitted himself. It has been stated (said Mr. G.) that to the clause in the treaty which gives reservations is to be traced the origin of our Creek difficulties; and it seems to be the wish of some gentlemen to fix this exclusively upon the Government. In making such a charge, (said Mr. G.,) it should be recollected that all treaties, before they are consummated, must be ratified by the Senate; and whatever may have been our error in embracing such a clause, and whatever difficulties may have arisen from the same, that honorable and dignified body must come in for a share of the responsibility and censure attempted to be thrown on the Government. But Mr. G. said he was gratified to say that no man is more opposed to the principle of reservations than General Jackson; he has witnessed with regret and mortification the difficulties arising under them, and the numerous frauds and perjuries to which they have led; and such is now his abhorrence to them, that he will not himself sanction them, or even consent to submit to the Senate for their sanction any treaty embracing such a clause. And in the late treaty with the Cherokees he refused to do so until it was stricken out, expressing with great feelings of disapprobation that such a clause should have been included, when his views and opinions on the subject were so well known. Mr. G. said he was not prepared to say what were the original opinions of the President in relation to this matter; but if ever favorable, they have long since undergone a change, and were almost universally known at this time. Sad experience has caused changes in the opinions of many on this question, (said Mr. G.,) who now assume entirely new positions. But under no circumstances was he prepared to sanction the principle, that because reservations were embraced in the treaty, it constituted any justification for the fraudulent speculators; and that errors committed by the Government (if gentlemen please) are to extenuate and palliate their crimes for a violation of all laws. He (Mr. G.) recognised no such rule of morals for himself.

Mr. G. then observed that, as to what had been said as to the causes of the war, it was painful to him even to allude; but a duty to his State and country forbids his silence, and was paramount with him to all other considerations. It has been said, then, that the frauds practised on the Indians were not connected with the war. He, from his very soul, wished it might prove so; his rule was to consider "all men innocent until their guilt be made manifest;" but he was bound to say that he greatly feared, whenever a full investigation was had, it would be found, that if not the immediate, they were the remote cause. Let it not be disguised (said Mr. G.) that a more perfect system of fraud and fraudulent speculations was never organized and consummated than that which was organized and consummated by a few citizens of his own State, and claiming to be citizens, for the purpose of defrauding and cheating the Indians of their lands. He forbore a recital of their systematic arrangements; their plans as to the *modus operandi*: to do so would but cause all to blush for the depravity of human nature. Let it be known, however, (said Mr. G.,) that several are supposed to be connected in these transactions who have held high situations in our State, and, as not known to his colleagues, are composed of men of wealth and influence of both political parties; and here he would remark, without the fear of contradiction, that in consequence of the firm and usually bold and independent stand that the President took in withholding the patents until an investigation of the whole matter could be had, it called down upon him the bitterest opposition of the parties interested, and of many who had been formerly his friends. Mr. G. said it was probable many purchases made were perfectly fair, and in good faith, and for all such he was assured the most satisfactory measures would be adopted at an early period. The whole matter was now under full investigation before a competent tribunal, and a report soon expected: what that report would be he was not prepared to say; but he invoked gentlemen to abstain at present, and on all future occasions, from casting further reflections upon the State, and the whole people of his State, for the errors and crimes of a few. To continue it was illiberal and unjust, and could not be expected would be quietly submitted to. Whenever (said he) the guilty shall be ferreted out, and their guilt made manifest, he greatly mistook the character of the people of his State if they were not the first to point at them the finger of scorn, and treat them as their conduct merited.

Mr. G. concluded by saying that, whatever may have been the causes of the Creek war, they certainly could not operate against the appropriations and the passage of the bill. It was a melancholy truth that the war had been produced, and the fatal consequences growing out of it but too deeply felt, if not by the whole country, by the citizens of Georgia and Alabama. Sir, (said he,) the tragical scenes have been enacted; the horrible deeds of murder and massacre have been committed, and but too deeply impressed upon our minds; our battle grounds have been stained with the blood of some of our valued citizens; many have found honorable graves; valuable possessions have been laid waste and wrapt in flames; wives, mothers, and children—nay, all ages and sexes—have fallen a sacrifice to savage cruelties and violence. The scalping-knife and tomahawk have streamed with the blood of innocence; hundreds were now clad in mourning, and the heart of many a fond parent made to bleed for the loss of some near and dearest relative; and yet an attempt is made to elicit our feelings and sympathies in behalf of the actors of these scenes, and the policy pursued towards them by the State and National Governments openly condemned. This (said Mr. G.) was but a faint and imperfect sketch of the effects of the war; and, though we may not have it in our power to trace the cause to its true origin, though it may remain shrouded in darkness and obscurity, still (said Mr. G.) the bloody and awful consequences resulting from it will no doubt furnish a fruitful theme for some future historian, but in whom, he prayed, there would not be found (as here) any sympathy for the perpetrators of such deeds of barbarity and cruelty. He hoped the motion to recommit would be rejected, and the bill speedily passed.

Mr. LEWIS said he rose in a state of severe indisposition and suffering, under which he had labored for the last two days, to protest against the common cry of frauds, frauds, which resounds from so many quarters of this House whenever an appropriation is asked to suppress the hostilities or to effect the removal of the Creek Indians. He said it was most strange that this cry should again be heard, on this occasion, when a considerable portion of the appropriation asked was, in fact, for the purpose of the investigation of the very frauds against which gentlemen so bitterly complained. One would suppose that, if such a holy horror of fraud actuated this House, there would be no difficulty in passing this appropriation; that every means would be adopted to facilitate the investigation which is now going on; and that the clamorous indignation of gentlemen would be withheld until they received the report of the commissioners charged with the investigation.

Sir, (said Mr. L.,) if these accusations of fraud were, or could be, confined to the miserable perpetrators who had engaged in them, he certainly would not say a word in their vindication, or attempt, in any manner, to avert from them the withering blast of public reprehension.

He had no sympathies in common with them, whether they were or were not his constituents; but he asked whether the acts of a band of lawless swindlers, he would not call them speculators, should draw down the indiscriminate denunciations of the House upon the great mass of respectable settlers who reside in that portion of Alabama? Are these frauds to be a standing reproach to the entire community? Are these settlers, who, if gentlemen are right in supposing the late Creek war to have been produced by the frauds practised on the Indians, are they to be deprived of all sympathy for their losses and sufferings, and even their just claims on this Government to be prejudiced and drowned in such vociferations of fraud? He trusted not.

Sir, (said Mr. L.,) it will be recollected that the first complaint that was heard on this floor against the very frauds of which gentlemen speak was from the people of that portion of Alabama and the adjoining portions of Georgia. Yes, sir, from a very large and respectable portion of the settlers, who were in the immediate vicinity of these outrages upon law and honesty. Sir, it was these people who first demanded the investigation which is now going on. The House could not fail to remember the urgent petition which he (Mr. L.) presented at a late period of the last session, coming from so large a number of these people, charging the existence of these frauds, and demanding the most prompt and thorough investigation. What stronger proof do gentlemen want to convince them that, if such frauds have been practised in that section of country, they are nowhere visited with more unqualified condemnation and indignation, than by the very people among whom, and in outrage of the feelings of whom, they were perpetrated.

Nor must gentlemen think that, because these frauds were committed in Alabama, they were therefore committed wholly by Alabamians. Sir, it is like all other cases of frauds in the purchase of Indian reservations; and wherever Indian reservations have been purchased, the fraudulent, not only from the adjoining but from more distant States, have flocked together, and formed companies to engage in the common work of cheating the Indian. If I were asked, in the absence of a report on this subject from the commissioners, if frauds existed, I would answer affirmatively; if inquired of as to the theatre of these frauds, I would say in the Creek country of Alabama; if questioned as to the individuals by whom these frauds were committed, to what State they belong, I would say, not to any one State, but possibly to all of them—to the United States. Many of the individuals belonging to these companies, and among them probably the most unscrupulous, because the least known, doubtless did not then, nor do they now, live in the State of Alabama. Gentlemen, therefore, in denouncing the authors of this general system and harvest of fraud, may, in some instances, denounce their own constituents as well as mine; but, in so doing, they give a location to their censure which, I have no doubt, will be found to be most unjust to the people of that portion of Alabama. Yes, sir, if the facts are ever fully reported to the country, I have no doubt it will be found that Alabama has borne more than her due portion of censure on this subject.

I trust, however, sir, that in future discussions on our Indian affairs, there will be less of this random assertion of general fraud; that gentlemen will withhold their further denunciation until they shall see the report of the commissioners on this subject; and I hope that this report will be received before the close of this session. I also hope that, when that report is received, it will be found that public rumor has magnified the extent, if it has not the heinous character, of these frauds; and that the Indian war grew out of causes of a more general character; out of the Seminole war, which was then raging, and the reports of which were daily reaching the Creeks; for it is a fact well known, that the Creek war commenced at that very point in the nation from which the Seminoles mostly sprung; at a point the most contiguous to the Seminoles, and among that portion of the Creeks most nearly allied to, and having the most sympathy with, the Seminoles.

Be these suggestions, however, as they may, Mr. Speaker, as no member has taken a more decided course than myself in urging the investigations which are going on into these frauds, so no member will be more gratified at the disclosures they may produce. If of innocence, they will remove unjust suspicion and censure; if of guilt, they will give a just direction to public detestation and scorn. In these sentiments I know that I am sustained by more than nineteen twentieths of the people most contiguous to the scene of these alleged frauds; and if there is a stronger or deeper detestation of these frauds and their authors in one part of the country than in another, it is in the immediate vicinity where they have been perpetrated.

Under these convictions, Mr. L. concluded by saying that he had felt himself authorized to reprobate the loose and indiscriminate manner in which frauds had been imputed to the people in that section of Alabama. As the representative of that people, he had gone as far as any gentleman on this floor in the investigation of these frauds. He was but carrying out the will of those he represented; and had he pursued a different course, upon a point so immediately involving the honor of his constituents, their indignant reprobation would, as it ought, instantly put him down.

Mr. HAYNES thought this discussion premature. If the conduct of Georgia was before the House, he would willingly contribute his mite in her defence; but, if not, he hoped the discussion would be confined to the only subject properly under consideration.

Mr. PARKER said a few words in support of his motion, and asked for the yeas and nays thereon, but the House refused to order them, and the motion was disagreed to without a division, and the amendments of the Committee of the Whole were all severally concurred in.

Mr. WILLIAMS, of North Carolina, submitted an additional section, providing that no Indian should hereafter be removed, by contract, from the east to the west side of the Mississippi.

After a few words from Messrs. WILLIAMS and HAYNES,

Mr. McKIM demanded the previous question; which was seconded; and the main question, being ordered, on the engrossment of the bill, was put, and carried without a division.

So the bill was ordered to be engrossed for a third reading to-morrow.

ARMY BILL.

On motion of Mr. CAMBRELENG, the House resolved itself into a Committee of the Whole on the state of the Union, (Mr. CASEY in the chair,) on the bill making appropriations for the support of the army for the year 1837.

Mr. CAMBRELENG, under the direction of the Committee of Ways and Means, reported a series of amendments making appropriations for certain items in the ordnance department, &c.; which were agreed to. And, no other amendment having been offered, the bill was laid aside.

Mr. CAMBRELENG asked the committee, at this time, to take up and consider the bill making appropriations for certain fortifications for the year 1837; which was refused.

On motion of Mr. CAMBRELENG, the committee then rose, and reported the army bill to the House.

The House concurred with the Committee of the Whole in the amendments thereto made, and the bill was ordered to be engrossed for a third reading to-morrow.

Mr. CAMBRELENG moved to suspend the rule, to go into Committee of the Whole on the bill in relation to sufferers by fire in the city of New York; which motion was rejected.

Several similar motions were offered, and rejected.

Mr. CAMBRELENG moved that the House adjourn, but withdrew the motion at the request of the Speaker, who presented several executive communications.

The House then adjourned.

THURSDAY, FEBRUARY 2.

ANDREW KNOX.

Among the morning business,

Mr. HARRISON, of Missouri, from the Committee on the Public Lands, reported Senate bill, without amendment, for the relief of Andrew Knox, of Mississippi; which he moved to be ordered to a third reading.

Mr. CHAMBERS, of Pennsylvania, was opposed to the motion, since it presented no claim for taking precedence over other land claims of a similar character. He moved to refer it to a Committee of the Whole on the state of the Union.

Mr. HARRISON stated that the case of the applicant was a very hard one, and without precedent with any other then before the House. Mr. H. made a brief statement of the claim, and the circumstances giving rise to it, and hoped the bill would not be committed.

After a few words further from Messrs. CHAMBERS, HUNTSMAN, BOON, E. WHITTLESEY, GHOLSON, and CLAIBORNE of Mississippi, the motion of Mr. CHAMBERS was disagreed to.

Mr. HUNTSMAN moved to commit it to the Committee on Private Land Claims. Lost.

[The following is the substance of this claim: The surveyor employed to survey this township contrived to throw the sixteenth section upon the settlement of the claimant, who was entitled to pre-emption, instead of throwing it in the centre by commencing at the northeast corner, because the settler refused to give him $500. That was the allegation; but the fact was in evidence that, either through contrivance or ignorance, the surveyor did not commence at the proper point, and the school section was thrown into one corner.]

The question recurring on ordering the bill to a third reading,

Mr. ADAMS contended that, inasmuch as the bill involved the subject of pre-emption, and referred also to the school section, or public land and public property, it ought to be committed. He therefore moved its reference to a Committee of the Whole House.

Mr. MERCER replied by remarking that the public features of the bill grew out of the nature of the private claim, and were not *per se* of a public nature.

Mr. HARRISON, of Missouri, also remarked that the bill provided for nothing more than a change of the claimant's claim.

Mr. CHAMBERS, of Kentucky, was perfectly satisfied of the justice of the claim, from the explanation he had heard, and thought the bill should pass instanter. The claimant had been deprived of his right because he refused to give a bribe to the surveyor.

Mr. ADAMS contended that they ought not to give away their public property because a man had been deprived of his rights through the roguery of a public officer, at least not without a fuller examination if the allegation were true. The title to the bill was not the proper one. It purported to be a private bill, whereas, he maintained, it was clearly a public one.

Mr. BOON remarked that this bill was not presented in the character of a claim, for the individual benefited by it only asked for that justice to which he was entitled without coming there, and of which he had been deprived by the contrivance before referred to.

Mr. KENNON said the Senate had three times passed this bill, and the Committee on the Public Lands had unanimously recommended its passage. Moreover, every one interested in it, all the inhabitants of the township, and those charged with the trust of the school section, were all in favor of it.

Mr. CARR bore testimony to the fact of the township having been improperly numbered, the school section having been thrown in the northeastern corner; for, not satisfied with the petitioner's statement alone, Mr. C. went himself to the land office, and examined the plat. The case he also described to be a very hard one.

The motion to commit to a Committee of the Whole House was then put, and disagreed to; and the bill was ordered to be read a third time now, and it was then read a third time and passed.

INDIAN APPROPRIATION BILL.

Mr. CAMBRELENG asked the consent of the House at this time to take up, on their final passage, the two engrossed bills making appropriations for the current expenses, &c. of the Indian department, and for the support of the army, for the year 1837.

Mr. BOYD inquired, if the House passed to the order of the day, what would be the business first in order.

The SPEAKER said the message heretofore transmitted by the President of the United States in relation to Texas.

Mr. BOYD said he should then object to the motion of Mr. CAMBRELENG.

Mr. CAMBRELENG then moved to suspend the rule for the purpose of taking up the two engrossed bills making appropriations for the Indian and military service, and also for the purpose of proceeding to the consideration of the other appropriation bills, namely, the fortification bill, the navy bill, the civil list bill, the road bill, the West Point Academy bill, and the harbor bill, and of making the same the order of the day for this day, and each succeeding day, except Fridays and Saturdays, at half past 12 o'clock, until disposed of.

Mr. BOYD rose to a point of order. He wished to inquire whether the gentleman from New York had the right to cut off a subject which was first in the order of business at this time.

The SPEAKER said it was in order for a member to move to suspend the rule. If the House refused to suspend, the Chair would announce the regular order of business; and, when the annunciation was made, the gentleman from Kentucky would be entitled to the floor.

Mr. BOYD called for the yeas and nays on the motion to suspend the rule.

A great variety of motions were made to amend the motion of Mr. CAMBRELENG, by the addition of other bills. Several of the said motions were rejected, and others were pending, when

Mr. OWENS moved the previous question.

And the House seconded the call: Yeas 75, nays 71.

So there was a second.

And the main question was ordered to be now put: Yeas 77, nays 60.

The House ordered the yeas and nays on the main question.

And the main question, being on the motion of Mr. CAMBRELENG to suspend the rule to proceed to the consideration of the bills enumerated in his motion, was taken, and decided in the negative: Yeas 113, nays 74.

So the House refused to suspend the rule.

On motion of Mr. CAMBRELENG, the House, by general consent, took up, on their final passage, the engrossed bills before mentioned.

The bill making appropriations for the support of the army for the year 1837 was read a third time and passed.

The bill making appropriations for the current expenses of the Indian department, &c., having been read a third time, and the question being on its final passage—

Mr. GRENNELL said he had not intended to address the House on this bill. He knew it would pass. But, since the rejection of the amendment offered by the gentleman from North Carolina, [Mr. WILLIAMS,] he had, on reflection, deemed it to be his duty to vote against the bill, and for reasons which he would briefly state. It provides for the removal of several tribes of Indians to the distant West; and, in order to prevent great public evil, the amendment proposed that no Indian should hereafter be removed from the east to the west side of the Mississippi by contract. If (said Mr. G.) this provision had been adopted, forbidding the removal of bands by bargains with individuals for a stipulated sum per head, and it were made the duty of the Executive to effect it by officers of the Government, whose gains should neither be increased nor diminished by the service or the manner of its performance, the bill would be less objectionable.

This bill (said Mr. G.) does not specify the manner nor the terms on which this great operation is to be performed. But we know what has been the course of the Government in the recent removal of large bands of the Creek nation, and a different process and different terms are not to be expected, unless prescribed by Congress. The present appropriation had been based upon estimates from the Department, for the removal of Indians and subsistence on their passage, by contract, at the price $28 50 per head. Such had been, and was still to be, the system of removal. He desired a change of that system. In this great process of Indian emigration, the peace and honor of the nation were involved. The tribes named in the bill, he knew, were to go from their ancient inheritance, the homes and graves of their forefathers. This was settled. A large portion of the Creeks had already been transferred to their western abode, and the remnant of that tribe were soon to follow. Of the emigrated party, some had been in arms against us. Those remaining are in alliance with us, and, in conjunction with our army, are hunting a handful of Seminoles through the hammocks and everglades of East Florida. About 5,000 in number, this band of Creeks is to be removed under the provisions of the bill, in the manner their brethren have been. Mr. G. said he did not claim that a distinction should be made between one tribe and another, or one portion of a tribe and another. Nor was it with any reference to the previous conduct or relations of the tribes towards our citizens that he urged a change in the system of Indian removals. He insisted that these should be effected in a manner just and merciful; and the Government was bound to do this by every principle which should characterize a civilized and Christian people.

The mode of removal by contract, if liable to abuse, is unworthy of a people of our character and resources, and should never be adopted from any notion of economy; and that it is so liable must be obvious from the very nature of the system. You bargain with individuals to transport and subsist, on the long passage, bands of savages, for a specified sum per head, for each member of a family or tribe. And what is to be expected of the contractor? What are his temptations? The more cheaply he can support them, and the shorter the journey, the greater will be his profits. Is it not to be feared, then, that these contractors will hasten the passage, and limit its expenses, to the wrong and suffering of the Indians, men, women, and children, committed to their charge? It is their removal which the Government demands; that accomplished, it takes no further thought for them; they will be given over to the tender mercies of the contractors. These consequences are to be apprehended from the character of the present scheme of Indian removals.

But (said Mr. G.) we have information on this topic, and are not left to conjectures, to vague apprehensions, nor to any deductions drawn from the love of gain so common among men. We have such information as should at least put us on our guard, and admonish us against a plan of Indian emigration so liable to abuse, so fruitful of evil He referred to an account, given in a letter published in an Arkansas paper, which was read yesterday, of the condition of an emigrating party of Creeks, on their way to their allotted territory in the West. It had very properly been brought to the attention of the House by the gentleman from Vermont, [Mr. EVERETT.] None could hear, without emotion, its shocking details of the helpless and hopeless sufferings of those Indians. Their journey was in a cold and inclement season. Multitudes, it is said, were destitute of comfortable clothing, barefooted, and in rags; numbers pining with sickness, or dying on the road; while the sad procession, men, women, and children, were hurried forward by their contractor-masters with unfeeling severity and speed.

Now, sir, these things come to us from the very scene of the transaction. There is no apparent motive to falsify in the story. False statements would easily be detected. Our own citizens give us the heart-chilling narrative, and it stands uncontradicted; and I am led to believe not half the tale of wrong and suffering has been told; for Indians have poor means to make known their griefs. They have no newspaper press to proclaim them to the world, and few friends fearless enough to speak for them to the Government and the country. Otherwise, we might hear of them still sadder tales of wo. If the Government can suffer them no longer to remain within the limits of the States, it is bound to remove them in the most humane manner, and to provide guards against all abuse of the removing power. There should be left no temptation to the removing agents to withold proper supplies, or to hasten the progress of the bands, regardless of comforts, health and life. And here was the place to secure to them the last offices of mercy and justice, in their reluctant departure from their ancient homes. On Congress, not the Executive, should devolve this protecting power. I have suggested the course fittest, in my judgment, to be pursued. Responsible officers, civil or military, should have the charge of this difficult and delicate operation; and we may have good assurance of their fidelity. Emigrating Indians who have complained of the severity of contractors have spoken well of officers of the army, disinterested as they were in the results of the measure of removal. It might cost the Government more to remove by its own officers than by the intervention of contractors; and I think it ought to cost more than had been paid to the latter. The expense is quite a minor affair. It is impossible, under such contracts, to avoid imposition. The best men cannot always be found to perform this service, and those who are determined to make a profitable job, at any sacrifice to the emigrating savage, would offer to contract for less than the just and humane man. This is the common course of things, attested by all observation and experience; and hence the necessity of a change on the ground of humanity.

But there are in this matter considerations of public policy that cannot be disregarded. We are remo-

ving the tribes from the east, to a country far west of the Mississippi, and we place them in one great community of savages. Some go by direct coercion, and some in fetters; and perhaps this severity cannot be avoided, if the policy of the Government is to be carried out. They will be a fierce and and powerful race. Their removal, then, should be effected in a manner to leave in their mind and memory as few causes of irritation as possible. They will not discriminate between the injuries inflicted by acts of the Government and those proceeding from an abuse of power in the hands of its agents, but will lay up the wrongs endured from either. And who that considers the instinct of savage passion can doubt that, on the slightest occasion, the treasured resentment for a thousand wrongs will burst forth in war and massacre upon our defenceless settlements?

It has been urged, in the course of the debate on this bill, that the Creeks, by making war on our citizens, had forfeited all benefits secured to them under the treaty. Sir, we are now discussing the claims of humanity, of enlightened policy in reference to Indian tribes. These always hold good, with or without treaties. This Creek treaty secured reservations of land to ninety principal chiefs and each head of a Creek family—valuable provisions to them, as was supposed. But it would seem that these benefits, to a great extent, have been wrested from them, through every variety of fraud and circumvention, by white men, citizens of the United States. War ensued. It has been denied that these frauds produced it; nay, their existence was once questioned. But the dreadful hostility is to be traced to these wrongs, as its primary and principal cause. Such is now the general admission. And, it is true, it was marked with all the atrocities incident to a savage conflict—plunder, burning, and carnage. In view of these facts, gentlemen have asked if all our feelings of compassion are reserved for the suffering Indians, and if we have none for suffering whites. As if a just concern for a tribe of Indians, men, women, and children, in their final passage to their new domain, was incompatible with a kind protective sympathy and care for those unfortunate families of our citizens who have fled or fallen before the tomahawk and knife of the savage.

Sir, this Creek nation are subdued, have submitted; they are at our mercy; and I frankly and strenuously maintain that, notwithstanding their recent hostility and outrage, this Government owes it to its own character, and to the soundest policy, to remove them to their Western territory in a peaceful and humane manner, and not in a spirit of vengeance. Sympathy for the sufferers by Indian warfare! Who does not feel it? For myself, I aver that every page in the early history of my native State, and especially of that part of it from which I come, has taught me lessons of sorrow and sympathy for the victims of savage hostility that can never be effaced from my heart. But I cannot suffer such emotions to mislead my judgment on a grave question of legislation between us and these tribes. Nor would I deal with them as we might justly do with a civilized nation which, in contempt of treaties, had made war upon us. This Creek war on their part was without justifiable cause. But, I ask, did this Government, or any department of it, take care that the nation should have the full benefit of the reservations of land secured by the treaty? Is this Government wholly clear in this matter? Did we, in the true spirit and design of the treaty, fulfil it on our part? Was our conduct towards them in this matter perfectly guardian and paternal? And shall we take advantage of their infraction of the treaty for such cause and under such wrong, and make it the ground and occasion, not only of denying to them all its provisions, but of a violent and forcible removal, or expulsion at the point of the bayonet? True, their cause should have been laid before this Government, and the Executive would, or should, have taken instant measures to redress them, to do them justice, and to detect and expose the men, high or low, who had defrauded them. We are, however, to consider that the Indians know nothing of the science of diplomacy. They mistake their remedies. They have no agent, of their race, near this Government, to make known their grievances, to remonstrate against oppression, injustice, and outrage, committed by its citizens; no press to speak for them to the world. Goaded, disappointed, and defrauded, in a matter of property, they know not how to claim right and justice of the distant Government, nor to institute the slow process of negotiation; but they think only of revenge. Nor are they careful to seek out the individual perpetrators of the wrong, but, with sudden fury, fall upon the race to which their oppressors belong, and indiscriminate vengeance is the consequence.

On account of the war, then, so waged by these untaught savages—children of Nature—gentlemen are to regard all the privileges solemnly guarantied to them by treaty as forfeited; and not only so, it seems to be thought good enough for them to be dragged to the West in any way a body of contractors may think most easy and profitable. Certainly the subject has been discussed as if the removal was, and ought to be, a war operation. And if severity and suffering ensued, it was no more than the Indians deserved for their barbarities. The crime and cruelties of a few warriors are to forfeit the kindly regards of our nature for the feeble, the helpless, and innocent beings of the tribe. No, sir, suffering and helplessness and innocence here give no occasion for sympathy! I cannot entertain these views or feelings, but I have a deep conviction that we owe it to public peace and policy, to ourselves as an enlightened, powerful, and Christian nation, transacting with feeble, ignorant, and degraded tribes of men, to exercise mercy in this last act of putting them away from us forever.

Mr. ALFORD asked the indulgence of the House to give his views in relation to this subject of the removal of the Indians, which seemed to him to have elicited in this House a sort of sickly sympathy. He came here as an opponent to the present administration, but he felt constrained to support the policy of the Government in this one of its most important measures—of removing the Indians.

He knew something of the Creek Indians; he came from the frontier, and he knew well how their sufferings had been brought upon them. He had held these Indians as prisoners under his own immediate charge, but he had had no part either in their removal or in the speculations which had been made. But he was well acquainted with their circumstances and their sufferings, from his own observation.

These poor Indians, as they were termed, were better, or fully as well, clad as any ladies in Washington city. They had invaded the frontier of Georgia, murdered our women and our children, and clothed themselves in the muslins and the fine linen rescued from the burning ruins of Roanoke. When he heard these appeals made on this floor, his mind reverted to his own people, who deserved the sympathy of the House more than the savage Indian. What were the facts to sustain these charges of inhumanity on the part of the contractors? A letter from the West. By whom written? God only knew. Who vouched for the truth? It was taken for granted.

Mr. A. replied to the remarks which had been made by several gentlemen in relation to the speculations in the Creek nation. The people of Georgia and Alabama had undoubtedly participated in these speculations, in

common with the people of all the States of the Union, so far as his knowledge went. But the fault lay in the treaty itself, that opened the door to these false speculations. The sin of these speculations ought not to be visited on the Georgians and Alabamians alone. Mr. A. entered into details in relation to the Creek war, and the causes which he considered brought it about. He contended that the Indian was the aggressor; that the tomahawk was first raised by him against the white man, and not by the white man against him. He believed, however, that these land stealers had been instrumental in bringing on the war, and they consisted of citizens of every State in the Union. The Government ought so to have projected the treaty that these frauds could not have crept in. The President should have carried out that part of his policy which rejected Indian reservations. As to the removal of the Indians, he thought they ought to be removed, and he thought that the present manner of their removal was the best. The contractors had done that which the agents of the Government could not do, and he hoped the bill would pass.

[The above is a mere outline of Mr. A's observations.]

Mr. GRENNELL remarked that the gentleman [Mr. ALFORD] had no occasion to apologize; the stillness which had prevailed in the House, the silence with which he had been listened to, was an honorable testimony paid to his eloquence, and a proof of the gratification with which he had been heard; but he (Mr. G.) must beg to differ with the honorable gentleman. He, [Mr. ALFORD,] coming fresh from such scenes of blood, had painted in glowing colors the atrocities of the ruthless savage, which he himself had witnessed; but he is wrong (said Mr. G.) in supposing that I am an advocate of the savage Indian. Mr. G. proceeded to observe that he was not an advocate of the savage, nor had he sought to palliate his atrocities. But he (Mr. G.) was an advocate of Christian forbearance; he was an advocate for treating the Indian, not with a cruel vengeance, in return for bloodshed and atrocities, which he (Mr. G.) did not deny, and which he was not disposed in any way to justify or excuse. He was opposed only to the principle of returning evil for evil; and in so speaking, in thus desiring a mild and gentle and just policy to be pursued toward the Indian, no gentleman was justified in charging him with sickly sympathy, or in imputing to him the charge of being an advocate of brutality, ferocity, and injustice, when he advocated clemency, mercy, and forgiveness.

Mr. EVERETT said he desired to set himself right before the House, and particularly with the gentleman from Georgia [Mr. ALFORD] who had addressed the House to-day. That gentleman had misunderstood a part of his remarks of yesterday. Had he have heard the explanation then given to his colleague, [Mr. DAWSON,] there would have been no occasion for some of his references to those that had preceded him. [Mr. E. repeated the explanation.]

Mr. E. said that, when up yesterday, he had been asked by the gentleman from Georgia on his right [Mr. HOLSEY] for the evidence of the fact that the frauds on the Creeks were a cause of their hostilities. He had then referred the gentleman, in general terms, to the documents before the House, and particularly to the Shorter letters. He had since looked into the Creek documents, laid on the table at the last session. He had turned down some leaves, but would read only a single passage. It was from a letter from our removing agent, Mr. J. B. Hogan, to the War Department, of February 1, 1836.

"I have no doubt but the Indians have been most grossly sinned against; that they are hostile I have never believed; but that they have ample cause of complaint I do know; and I verily believe that this excitement has been fanned by designing men, and that with a hope of putting a stop to the investigation now going on."

To this he would add that the fact was supported by three of the gentlemen from Georgia who had addressed the House, [Mr. DAWSON, Mr. GLASCOCK, and Mr. ALFORD,] and in much stronger terms than he had used.

He had said yesterday, on the introduction of the Fort Gibson letter, that he brought no charge against the Government, except for supineness. He thought now that the exception was too limited. He requested the Clerk to read an article from the Creek document. It was the earnest appeal from the chiefs of the Creek nation to their great father the President, imploring that, in mercy, he would not subject them to be removed by contract, and more especially by land-speculating contractors. He would then leave it to the House to say what was the just responsibility of the Government.

"TUCKABATCHEE TOWN,
January 14, 1836.

"*To our Father the President:*

"Your agent, Colonel Hogan, has just visited our town, and communicated to us the welcome news that the disposition we had made of the twenty-three sections, that were given to the Creek tribe, has met your approbation. As we have heretofore informed you that we were preparing to quit the land of our nativity, and seek a new home in the far-distant West, we again take the liberty of advising with our great father on this subject; believing, as we do, that our great father has ever been disposed to render us all the facilities that are in his power; and as the day we have set to commence removing is fast approaching, and as we are anxious to go with as little trouble to the Government as possible, we again beseech our great father to exercise towards us that same humane and friendly care that has heretofore characterized his administration.

"We have, in our former communications, spoken to our father of the new method of emigrating his Creek children by contract. We hope, by introducing this subject to his consideration, he will not consider us as being too strenuous or importunate on this point, as it is one of vital importance to us. When we came to the determination to never again rekindle our council fire on the eastern side of the Mississippi, it was under the belief that we were to be removed under the superintendence of Colonel Hogan. And we now say to you, in the undisguised language of sincerity, that our people are opposed to, and protest being removed by, the present emigrating company, but beseech our great father to say to our people that they can go, as they formerly expected to go, with Colonel Hogan, and under his immediate control, and we vouch that our people will take their line of march, and go without a murmur; but we fear, unless the plan of emigrating is changed, our people will be found lingering behind in a state of degradation for years to come, for a large majority of the nation have already expressed their determined opposition to the present contractors.

"Our belief is that the present contractors cannot remove us with that same ease, attention, and liberality, that we so fondly anticipated under the management of Colonel Hogan, who, by his gentlemanly deportment, has succeeded in gaining our entire confidence. Our people all know him, and profess an ardent desire to go with him, but protest against going with a company of speculating contractors, who have recently extended their company and taken in new partners, who are too well known to us. And as this company have not the interest of the Government in view, we believe the health, comfort, and interest of the Indians will never be consulted, but that all their arrangements will be conducted for their own good and pecuniary benefit.

"As the Government has ever professed and exercised a fraternal care and anxiety for our welfare, and has promised to aid us in emigrating in the safest and most comfortable way, we believe that the difference that might be saved by the contract, if any, should weigh nothing when compared with the immense advantages that would result. If our people were told that they should be carried off, as they have heretofore been done, under the superintendence of men whose only duty would be to economize on behalf of the United States, and at the same time afford the best attention to the Indians.

"If our great father will change the plan of emigrating to the old and original method, he shall have our lasting thanks and prayers for his happiness, and our undivided effort to effect a speedy removal of all our people. But if he still says we must go with the present contractors, we must submit, but we can give no pledges that all our people will start, nor can we say how many will go; but place us under the entire management of our friend, Colonel Hogan, and we will do our best to get all off with us.

"We now wish to again call the attention of our great father to the lands belonging to Indians, who have died since their lands were certified; and we request that the heirs, in all such cases, may be permitted to sell and certifiy the land, as they generally get nothing when sold under an administration.

"Permit us now to call our great father's attention to a promise made by our great father the President, when we were in Washington city, closing the last treaty with the Government. It was then promised to us, for our influence in making the treaty, to give each of us, at some convenient time, the sum of one thousand dollars. This promise was made in presence of friends Colonel William C. King and the honorable Samuel W. Mardis. As we are now bringing all our matters to a close, we wish our great father to say to us whether we may still calculate on receiving the same.

"This letter is directed to our father the President, as we want it to meet his own eye. We now close, and hope to receive an immediate answer, and tender the President, our great father, our best wishes for his health and happiness.

"And subscribe ourselves his children."

[*Signed by* 22 *chiefs, &c.*]

After which, the question was taken, and the bill passed.

The engrossed bill making appropriations for the support of the army of the United States for the year 1837 was read a third time and passed.

Mr. CAMBRELENG moved to suspend the rule, to go into committee on the bill making appropriations for the naval service for the year 1837.

Mr. W. THOMPSON called for the yeas and nays on that motion; which were ordered, and were: Yeas 132, nays 23.

So the rule was suspended.

NAVY APPROPRIATION BILL.

On motion of Mr. CAMBRELENG, the House resolved itself into a Committee of the Whole on the state of the Union, (Mr. PATTON in the chair,) on the bill making appropriations for the naval service for the year 1837.

Mr. CAMBRELENG explained that the principal increase in this bill above that of last year was in consequence of the equipping the exploring expedition; besides this, there was an appropriation for fitting out the ship of the line Pennsylvania and two sloops of war.

The first clause was read, as follows:

"For pay of commissioned, warrant, and petty officers, and of seamen, $2,434,886."

Mr. JARVIS said that as in the first item was included a part of the expense of the exploring expedition, which seemed about to be carried to an extent which he did not think necessary, or that the country would justify, he should move a reduction of it. He had been taken by surprise, for he had understood that the civil and diplomatic appropriation bill would be taken up to-day, and he had left his estimates for the reduction at home. He would, however, venture to move a reduction of $150,000 in the estimates for the exploring expedition, comprised in this and some other items, of which the pay would be about one third; and before the bill was brought into the House he should be able to ascertain the exact reductions which were necessary, and would correct the bill accordingly, provided the committee agreed with him in opinion upon the expediency of diminishing the expenditure.

Mr. J. said he objected to the employment of so large a vessel as the frigate Macedonian on the exploring expedition, on account of her unfitness for the purpose and the great increase of expense. He said we ought not to think so highly of ourselves as to suppose that we could not profit by the experience of other nations, and went on to recapitulate the scale of the exploring expeditions of Great Britain and France. He adduced the testimony of Captain Cook, who, before he departed upon his third expedition, that ended so fatally to himself, bequeathed, as a legacy to the world, his opinions on this subject. That great navigator contended that large vessels were unfit for the business; that the vessels must be of a light draught of water; of a construction that would take the ground easily, and that might be hove down whenever and wherever it might be necessary to examine their bottoms. The vessels he recommended were the north-country colliers, of from four hundred and fifty to three hundred tons burden. These were the description of vessels in which he had performed his two voyages, and was about to undertake a third; and he distinctly says that a forty-gun ship would be too large. Yet we are about to send out a frigate mounting forty-nine guns. He repeated the assertion of Cook, that no captain could discharge his duty as the head of an exploring expedition in a vessel of this description without too great hazard to the safety of his ship and of his crew. It might be urged that increased experience had shown that Cook was in error; but, so far was this from being the fact, it was well known that the latest expeditions of France and Great Britain had been performed by still smaller vessels. The Chanticleer was only about two hundred and fifty tons, and had between fifty and sixty men; and the Astrolabe, of whose voyage so splendid an account had been published by the French Government, was only a corvette, with a crew consisting of seventy-nine persons, including officers and men of science. The whole number of her scientific corps consisted of two surgeons of the navy and one draughtsman, while ours was to consist of eighteen persons, which (Mr. J. said) he had no doubt would be found equal in number, if not in science, to the corps of savans that Bonaparte took with him to Egypt.

The officers of the navy, (Mr. J. said,) so far as he had been able to ascertain their views, agreed with him in opinion—high and low, young and old; however they might differ on other points, all seemed to think that a frigate was not the vessel to be sent. If the squadron were composed of small vessels, the accidental loss of one of them would not endanger the result of the expedition; the crew might, without inconvenience, be divided among the remainder; but if the frigate were to meet with an accident, and her three hundred men were to be so divided, they would be so crowded on board the small vessels as to force them to return home, and the whole object in view would be defeated. Mr. J.

concluded by saying that he was desirous that the expedition should be crowned with success, but he was fearful it would only be covered with ridicule unless a change was made in its organization; and he therefore hoped that his motion would prevail.

Mr. CAMBRELENG hoped the motion would be adopted. He concurred entirely with the view taken by the gentleman from Maine, [Mr. JARVIS,] and he felt it his duty to state his concurrence in those views. He had made inquiries of many practical men, and some of the highest officers of the navy, on this subject; and, from the information he had obtained from them, he was perfectly satisfied that the view taken by the gentleman from Maine was correct, and he hoped the House would concur in it, and reduce the appropriation.

Mr. PHILLIPS said, if the leading friends of the administration, in view of the present posture of the question, in view of the present expectation of the world, in view of the responsibility assumed by the President, were disposed to interpose any obstacle to the completion of this expedition, upon them be the responsibility of its failure; for fail it would, if this motion should prevail.

Mr. CHAMBERS, of Kentucky, cited the law passed last session authorizing the President to employ a sloop of war, and such other smaller vessels as might be necessary for the expedition, appropriating $150,000 for that purpose.

Mr. JARVIS remarked that the gentleman from Massachusetts seemed to regard this as a party measure. It was no such thing. It was one in which the honor and renown of the nation were concerned. Mr. J. denied that he was opposed to the expedition; on the contrary, he wished it fitted out with credit to the public, in a manner to insure its complete success, and to redound to the honor and fame of every officer employed. His proposition was made to that end. He stated he had received the opinions of many officers of the navy, of great skill and judgment, and they were all confirmatory of his own as to the kind of vessels that ought to be employed.

Mr. ADAMS thought the gentleman from Maine, the Chairman of the Committee on Naval Affairs, had done the President and heads of Departments injustice. Mr. A. entreated gentlemen to withdraw the motion to reduce the appropriation. He did not consider it too large for the objects to be obtained. He would vote three times the amount, if called upon to do so, because it was his hope that this expedition would shed honor on the American character, instead of holding it up to the ridicule of the world.

Mr. ROBERTSON said that, before he could vote with propriety for the proposed appropriation for the naval service, he should like to be informed what portion of the aggregate sum was designed for the exploring expedition. Mr. R. inquired, further, of the chairman of the Committee of Ways and Means, whether it was his intention to urge an appropriation for completing the equipment of the Pennsylvania, after being apprized that the Committee on Naval Affairs unanimously disapproved the object of that appropriation?

Mr. CAMBRELENG replied, by citing the following estimates:

Estimate of the amount that will be required for the support of the frigate Macedonian, the store ship Relief, the two barques, Pioneer and Consort, and the schooner Pilot, employed on the surveying and exploring expedition, for one year.

For the pay of commission, warrant, petty officers, and seamen, and for the scientific corps -	$210,848 50
For provisions - - - -	58,582 50
For repairs, and wear and tear of the vessels on the expedition - -	50,000 00
For medical and hospital stores - -	$4,000 00
For ordnance and ordnance stores -	7,000 00
For contingencies - - -	16,000 00

Mr. C. also cited some other estimates connected with the exploring expedition, amounting to upwards of 300,000 dollars. He suggested to the gentleman from Maine not to press his motion at that time, but to withdraw it, and renew it in the House.

Mr. C. then adverted to the great scale on which the expedition was projected, and contended, with the gentleman from Maine, that the object he had in view was to insure its success. By sending a large frigate, she ran the hazard of being dashed to pieces on the rocks; and the expense to the country would exceed a million of dollars, if fitted out on the plan proposed. He expressed himself warmly in favor of the objects of the expedition, and reiterated that his support of the motion of Mr. JARVIS was to prevent the expedition from being shipwrecked, as it inevitably would be, in the opinion of many men of skill and judgment, if it embarked on the magnificent scale proposed.

Mr. VINTON said that it belonged to the Legislature to enact laws, and to the Executive to carry them into effect. This line of duty is so distinct and so proper in itself, that a very strong case ought to exist to induce the Legislature to assume the responsibility of taking into its own hands the execution of a law. Congress, at its last session, passed a law directing the President of the United States to send a surveying and exploring expedition to the South Seas; and the present appropriation is asked for, as necessary to defray the expense of the expedition, according to the plan adopted by the Executive. The chairman of the Naval Committee [Mr. JARVIS] is dissatisfied with that plan, and wishes to have vessels sent of a different character from those provided for the service. To effect his object, he has moved a reduction of the sum estimated by the Secretary of the Navy to be necessary for this purpose. He says, in support of his motion, that the Executive, in providing a frigate for the service, instead of a sloop of war, which he [Mr. JARVIS] is of opinion ought to be sent, has been governed by the advice of landlubbers. He therefore asks this House to interfere, and reverse the decision of the Executive. Mr. V. said he did not know whose advice the Executive had followed, or who were his advisers in this matter; but, living as he did in the State of Ohio, and far in the interior, and knowing nothing of sea service, he was one of those to whom the gentleman's appellative of landlubber would apply; and it was for that reason, which the gentleman had furnished to his hand, that he would not vote for the plan proposed by him. Mr. V. said that what he had said of himself was true of a very large majority of the House. A very great majority of us come from without the limits of tide water, and do not and cannot be expected to possess that practical knowledge which would enable us to decide upon the expediency of sending a frigate on this voyage of exploration. The motion and argument of the gentleman came to this: that, as the Executive has been influenced by the advice and opinions of landsmen, in the plan of fitting out this expedition, he therefore comes here, and calls upon another set of landsmen to overrule the Executive, and direct him how it shall be fitted up. The gentleman further says, that one of the small vessels built for this service "sails like a tub." If that be so, the duty and responsibility of inquiring into that matter, and of providing another ship, belongs to the Secretary of the Navy; but certainly the gentleman cannot expect this House to go into such an inquiry, and decide whether ship A or ship B shall be sent.

We have passed the law directing the exploring expedition to be sent, and, for one, he wished the responsibility of its proper execution to rest upon the Execu-

tive, where it belonged, and not upon this House. Mr. V. said that in respect to himself he could say with perfect truth that he was wholly ignorant of the details and preparations necessary for such a voyage; he did not, therefore, wish to assume the responsibility of volunteering any directions respecting them. The gentleman predicts a failure of this expedition if conducted upon the present plan; but is not the hazard of failure greatly increased if we undertake to interfere and direct a new plan? From the moment we interfere, the Secretary is relieved of all responsibility; and in case of failure the Congress of the United States will have acquired the enviable reputation of having procured for itself the praises of the whole civilized world by the enactment of a law directing the expedition, and then of having disappointed the high hopes every where entertained of it, by volunteering its interference in the details of the enterprise as already adopted, and, he had no doubt, wisely adopted.

Without pretending to know which was the most suitable for this service, a frigate or a sloop of war, yet he thought in one important respect at least the former was preferable to the latter. Mr. V. said that he had occasionally seen statements of the extent and operations of our commerce in that quarter of the globe, which to him were truly astonishing. It was carried on in a region where all the inhabitants are barbarians; our merchants, in their intercourse with them, were subjected to perpetual vigilance against surprise and violence, and, after all, accounts are by no means uncommon of attacks, murders of our seamen, and even of captures of ships with their crews. On these occasions the most shocking barbarities are usually committed. Now, these people, whose lives and property are thus perilled, constitute a part of the sum total of the population and wealth of the nation. The Government is bound to give them every reasonable protection. For one, Mr. V. said, he was willing to afford that protection to American capital and enterprise, without stopping to inquire what region of the globe was the theatre of their operation. All barbarians entertain very extravagant ideas of their own power, and very contemptible notions of the power of those who have not made before their eyes a display of superior power. It must of necessity be so, since their whole stock of knowledge, from which to make their comparisons, consists of what they know of themselves and see of others.

These people know they are an overmatch for our merchant vessels; and, never having seen any thing else, they are not aware of the existence of ships of superior force. They therefore attack our vessels without fear of future chastisement. The display before them of a frigate would undeceive them, give them new ideas of our power, and cause them to hesitate before making an attack on our merchantmen, for fear of future punishment. It is in pursuance of this policy we have spent millions of dollars in stationing military posts and making military displays in the presence of the Indians, far in the interior, solely with a view to impress them with an idea of our power, and thus so far overawe them as to give security to the weak and powerless of our people who have intercourse with them, without the means of defending their persons or property. Mr. V. said it appeared to him that the sending out of a frigate was only an extension of our existing and long-established policy to the barbarians in the South Sea islands, with whom our people are brought into intercourse. The small vessels will perform the explorations, while the frigate would perform the equally important duty of demanding satisfaction of the natives for wrongs already done, and promising them punishment for those they may in future commit; and in many other respects greatly facilitate the labors to be performed by the squadron. If he was mistaken in his views of this subject, he should nevertheless adhere to the opinion that the Executive should be left untrammelled in directing the outfit and conduct of this important expedition. Mr. V. said he could not suppress the expression of some surprise at the course the gentleman from Maine [Mr. Jarvis] had taken, recollecting, as he did, that at the last session the same gentleman was opposed to the expedition, because not only the equipment, but even the sending it out at all, had not been left to the sole discretion of the Executive. At present, he would have this House to interpose its authority by indicating to the same Executive what class of vessels should be employed! He, (Mr. V.,) of course, had no right to impugn men's motives, nor did he; but still he could not regard those who wished to derange the organization at present agreed upon as very friendly to the enterprise in any form.

The expedition was, as he had said, honorable to our national character; would be so regarded abroad and at home; was expedient, for wise purposes connected with our great commercial interests; would add much to various departments of human knowledge; and would, he had no doubt, at all times be amply provided for by Congress. It had, he believed, received the individual support of the delegation in Congress from Ohio, and would not be lost sight of by the people of that State.

Mr. BRIGGS said it was evident that they could not get through the bill to-night, and he therefore moved that the committee rise. Agreed to.

The committee then rose and reported,

And the House adjourned.

Friday, February 3.

KERN AND GEORGE.

Mr. PEARCE, of Rhode Island, from the Committee on Commerce, to which was referred the petition of John Kern, deputy collector, and John D. George, deputy naval officer, of the port of Philadelphia, reported the following resolution:

Resolved, That the memorial of John Kern and John D. George be referred to the First Comptroller of the Treasury, to be by him transmitted to the collector of the port of Philadelphia, who is hereby directed to settle the claim of said Kern and George, for services, as clerks, by them performed, in carrying into effect the 18th section of the tariff act of July 14th, 1832, according to agreement.

Mr. WHITTLESEY, of Ohio, desired to know something about this resolution, before he could vote for it.

Mr. PEARCE explained that an appropriation had been made, for the payment of clerk hire, to carry into effect the tariff act of 1832. The service had been performed by the deputy collector and deputy naval officer, after office hours; but the collector had construed the law in such manner that they could not procure their pay; and this resolution was for the purpose of providing that they should be paid.

Mr. WILLIAMS, of North Carolina, was opposed to paying out money in this way. They were not authorized to make appropriations, unless by bill or joint resolution; and he hoped this resolution would not pass.

Mr. PEARCE then went into a full explanation of the manner in which the service had been performed, stating, at the same time, that it had been performed better by these clerks than it could have been by others; yet if other clerks had performed the service there would have been no question as to the propriety of paying them.

Mr. CAMBRELENG suggested that the most appropriate course would be to move to discharge the committee from the subject, and refer it to the Secretary of the Treasury.

Mr. PEARCE said the subject had been before the Secretary, and the only question was as to the construction of the law. It was in consequence of the construction the collector had put upon the law, that the money was refused to be paid. He had done what he considered to be his duty in reporting the resolution; but if the House refused to adopt the report, he had nothing to say.

Mr. WILLIAMS, of North Carolina, said it appeared that the Secretary doubted whether he had the power to pay this money, and the passage of this resolution was to relieve him of the responsibility of the matter. He contended the House had not the power to direct the Secretary to pay this money.

Mr. HARPER contended that these men ought to be paid, inasmuch as the money had been appropriated for the purpose of paying this clerk hire; and they had performed the service, and that, too, out of office hours.

Mr. PEARCE then moved the following, as a substitute for the original resolution:

Resolved, That the Committee on Commerce be discharged from the further consideration of the subject, and that the same, with the report of the committee, be referred to the Secretary of the Treasury.

Mr. WILLIAMS, of North Carolina, then moved to lay the whole subject on the table. Lost.

Mr. CAVE JOHNSON was opposed to allowing claims of this kind. If they admitted this claim, there would innumerable claims come before them of a similar nature.

Mr. HOAR could not see the propriety of referring this subject to the Secretary of the Treasury.

Mr. PEARCE again urged upon the House the propriety and justice of allowing this claim. There was no doubt of their having performed the service, and that, too, better than it could have been done by strange clerks.

Mr. HOAR moved to amend the substitute by striking out that part of it which referred the report of the committee to the Secretary of the Treasury; which was agreed to: Ayes 75, noes not counted.

Mr. HARPER then moved to amend the resolution by referring the claim to the Secretary of the Treasury for settlement.

Mr. CAVE JOHNSON moved to refer the whole subject to the Committee of Claims.

Mr. HARPER could not see the propriety of referring this subject to the Committee of Claims.

Mr. HARDIN was opposed to allowing these claims, as there would be no end to them if once admitted. He considered the Government had the right to have the whole time of the clerks in its employ. Of late years, the clerks had fixed their own hours; they would go to their offices at ten o'clock, and perhaps leave them by two; but if any thing was done by them out of what they called their office hours, they must ask for extra pay! The House had had various applications of this kind, but had always refused to grant them; and he hoped they always would do so.

Mr. REED believed this claim to be just, and he would be pleased to see the committee bring in a bill for the relief of those individuals. This would be the proper course, and he thought the House should take the responsibility of paying these individuals, without sending it to the Secretary of the Treasury.

Mr. BOON thought, if gentlemen were about to establish the principle that the Government should require the whole of the time of its officers, they should begin at home, and not permit members of the House, while they were getting their eight dollars per day, receiving compensation for services rendered out of the House. It was just as proper that this restriction should be placed upon members of that House, as upon clerks in the departments.

Mr. LANE said he fully concurred in the opinion expressed by the honorable gentleman from Massachusetts, [Mr. REED.] That he rose to correct one observation on this point which fell from his friend from Kentucky, [Mr. HARDIN,] which, in his opinion, did great injustice to the clerks in the departments. He had been called upon to do business in the different departments, during the present session, and had called at all hours, from 9 to 12, and lately from 9 to 11; that he had at all times found them in their offices, zealously and faithfully despaching every duty, carrying into effect what he considered a very severe law of the last session.

Mr. HARDIN briefly replied to the gentlemen from Indiana, [Mr. BOON and Mr. LANE.]

Mr. PEARCE denied that this was a claim for extra pay or extra services. He had not advocated it upon that principle. It was a claim for services which would have been paid if other individuals had performed them, and the money was already appropriated, in anticipation, for the payment of these services. But, by the construction put upon the law by the collector, he withheld the money.

Mr. CAVE JOHNSON then read the law on the subject, and Mr. HARPER made some further remarks in support of the claim, when

Mr. WHITTLESEY, of Ohio, moved that the House proceed to the orders of the day; which was agreed to.

EXPLORING EXPEDITION.

Mr. PHILLIPS asked leave of the House to submit the following resolution:

Resolved, That the President of the United States be requested to inform the House of the progress which has been made in the arrangements for the surveying and exploring expedition authorized at the last session of Congress, and of the objects and measures to which said expedition is to be devoted.

Mr. HALL, of Maine, objecting,

Mr. PHILLIPS moved a suspension of the rule for this purpose; which was agreed to.

Mr. MASON, of Ohio, moved the following amendment, which Mr. PHILLIPS accepted as a modification:

"And also of the size and the names of the vessels designated by the Department to be employed in the exploring expedition; with the number of the officers and men therein; together with a statement of the expenditures already incurred in fitting out the expedition, and an estimate of the further expenditures which will be necessary until its successful termination, on the plan now projected."

Mr. ROBERTSON then moved the following amendment. Strike out all after the word "Resolved," and insert the following:

"That the Secretary of the Navy be directed to communicate to this House the number of vessels designed, and fitted out, or now fitting out, for the exploring expedition to the Pacific and South Seas; the class to which they respectively belong; the cost already incurred, and that which is estimated will be incurred, in completing their equipment; the time when the expedition may be expected to sail, and its probable annual cost afterwards; also, whether either of the said vessels, or any other public vessel, has been put in requisition for the conveyance of General Santa Anna to Mexico, or elsewhere; and, if so, the authority under which such requisition has been made; with all orders to and from the Department relative thereto."

Mr. PHILLIPS hoped this amendment would not prevail. The resolution, as modified, called for all the information desired in relation to the South Sea expedition; therefore, he could not see the necessity for the gentleman's amendment.

Mr. WILLIAMS, of North Carolina, called for the

yeas and nays on the proposed amendment; which were not ordered, and the amendment was disagreed to.

Mr. MERCER then submitted an amendment calling on the Secretary for a list of the officers of the navy, with the dates of their respective commissions, and the number of years each had been at sea, since the year 1814.

Mr. JARVIS suggested that it would be more proper to move this as a separate resolution. The information required by it could not be obtained for a considerable time, and would prevent an early answer being made to the original resolution. After a few words from Mr. MERCER, his amendment was disagreed to. The resolution, as modified, was then agreed to.

The House then passed to the orders of the day.

SUSAN DECATUR.

The House proceeded to the consideration of the joint resolution granting a pension to Susan Decatur, widow of the late Commodore Decatur.

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That Mrs. Susan Decatur, widow of the late Commodore S. Decatur, be paid from the navy pension fund a pension for five years, commencing from the 30th June, 1834, in conformity with the provisions of the act concerning naval pensions and the navy pension fund, passed 30th June, 1834; the said pension not to be liable for her responsibilities on account of the debts of her late husband; provided that the said pension shall cease on the death or marriage of the said Susan Decatur."

A motion was made by Mr. WASHINGTON to amend said resolution by striking out the words "the said pension not to be liable for her responsibilities on account of the debts of her late husband," and inserting in lieu thereof the following: "and that she be allowed, from said fund, the arrearages of the half pay of a post captain from the death of Commodore Decatur to the 30th June, 1834, together with the pension hereby allowed her."

To which amendment the following was offered by Mr. MERCER, and accepted by Mr. W.: "And that the arrearage of said pension be vested in the Secretary of the Treasury, in trust, for the use of the said Susan Decatur."

Mr. WHITTLESEY, of Ohio, moved to commit the resolution to the Committee on Naval Affairs; which was lost.

The amendment of Mr. Washington was then agreed to; and the resolution, as amended, was then engrossed, read a third time, and passed, and sent to the Senate for concurrence.

DAVID KILBOURN.

The "bill for the relief of David Kilbourn" was then taken up.

This bill had passed the committee, and was on its engrossment. The case was a well-known one, had been for several years before Congress, and been more than once rejected, and repeatedly set aside. Kilbourn alleges that he was a Canadian spy, and, after much suffering, succeeded in escaping, with the total loss of his property by confiscation.

Mr. WHITTLESEY, of Ohio, asked for the yeas and nays; which were ordered.

Mr. HOWELL called for the reading of the bill and report; which was ordered.

After some remarks by Mr. WARDWELL, the question was taken, and decided in the affirmative: Yeas 83, nays 65.

So the bill was ordered to be engrossed and read a third time to-morrow.

After taking up and disposing of some other business,

The House adjourned.

Saturday, February 4.

Mr. GARLAND, of Virginia, by leave of the House, from the select committee to investigate abuses in the executive departments, reported the following resolution:

Resolved, That the chairman be directed to ask the House of Representatives for an order to print so many copies of the journal of the committee as they may think proper to order for the use of the members, to be printed and laid on their tables, with their report, not exceeding 1,030 copies.

Mr. G. explained that this resolution was introduced with a view to have the journal of the committee printed, and kept in possession of the committee, to be laid before the House at the same time they made their report. If this was not done, it would take some time to have the journal printed after the report was made; consequently, it would delay the action of the House, as it might be some days after the report was made before this journal could be printed and laid upon the tables of members.

Mr. CAVE JOHNSON inquired what number of copies the resolution proposed to print.

Mr. GARLAND replied that it was not stated on the face of the resolution; but it was the intention of the committee that the usual number should be printed.

Mr. CAVE JOHNSON then moved an amendment, that the number to be printed should not exceed 1,030; which was agreed to; and the resolution, as amended, was then adopted.

KERN AND GEORGE.

The House then resumed the consideration of the unfinished business, being the resolution reported by Mr. D. J. Pearce, from the Committee on Commerce, as follows:

"*Resolved*, That the memorial of John Kern and John D. George, be referred to the First Comptroller of the Treasury, to be by him transmitted to the collector of the port of Philadelphia, who is hereby directed to settle the claim of said Kern and George, for services, as clerks, by them performed, in carrying into effect the 18th section of the tariff act of July 14, 1832, according to agreement."

Mr. Pearce had moved the following, as a substitute for the original resolution:

"*Resolved*, That the Committee on Commerce be discharged from the further consideration of the subject, and that the same, with the report of the committee, be referred to the Secretary of the Treasury for settlement."

The question pending was the motion of Mr. Cave Johnson to refer the whole subject to the Committee of Claims.

Mr. CAVE JOHNSON referred to the law of 1834, showing that under its provisions the officers in question were bound to give their whole time to their duties, without any extra compensation. The reason of the law was obvious, being to prevent persons from neglecting the public business during office hours, for the purpose of getting extra compensation for doing the work out of office hours.

Mr. CAMBRELENG hoped no more time would be consumed upon it, but that it would be referred, as recommended by the Committee on Commerce.

Mr. SUTHERLAND remarked, they had already wasted more money in discussing it than the whole subject was worth. He contended that it was unnecessary to send it now to any committee of the House, since all the facts had been fully elicited.

Mr. McKAY could not see the propriety of referring it to the Secretary of the Treasury, for he had already expressed his opinion of the law, that it did not autho-

rize the payment to be made by him; and the House could not enlarge the powers of a law by a simple resolution. He would prefer referring it back to the Committee on Commerce, with instructions to report a bill embracing the claim.

Mr. WHITTLESEY, of Ohio, concurred with the gentleman from Pennsylvania, that it was unnecessary now to send this subject to a committee, and for the reason stated by that gentleman.

The motion to refer it to the Committee of Claims was rejected.

Mr. WILLIAMS, of North Carolina, then moved to refer the subject to the Committee on Commerce, with instructions to report a bill for the relief of the claimants. Lost.

The amendment of Mr. PEARCE was then put, and agreed to, 63 to 58.

Mr. CAMBRELENG moved a reconsideration of the last vote, as he wished to move to strike out the words "for settlement."

Mr. SUTHERLAND and Mr. PEARCE said there would be no objection to strike out these words; and Mr. E. WHITTLESEY suggested that the amendment be agreed to by general consent.

Mr. McKAY moved to lay the whole subject on the table; which was agreed to: Yeas 63, nays 62.

The House then passed to the private orders.

DAVID KILBOURN.

"Bill for the relief of David Kilbourn," on its third reading.

After some remarks by Messrs. HARDIN, STORER, WARDWELL, HOAR, PARKER, and BRIGGS,

Mr. REYNOLDS moved the previous question; which was seconded by the House, and the main question ordered to be put.

Mr. HARDIN called for the yeas and nays on the main question; which were ordered, and were: Yeas 83, nays 73.

So the bill was passed.

ROBERT WALN.

The House proceeded to the consideration of the bill for the relief of Robert Waln; the question being on ordering the bill to be engrossed for a third reading.

A debate ensued, in which Messrs. INGERSOLL, McKIM, JARVIS, LAWRENCE, G. LEE, HARPER, HARDIN, CAMBRELENG, PARKER, and PHILLIPS, participated,

When Mr. ROBERTSON moved to recommit the bill to the Committee of Ways and Means, with instructions to report a general bill to regulate the principles on which it may, in their opinion, be just and expedient to remit the duties on merchandise.

The debate was continued by Messrs. CAMBRELENG, PARKER, LAWRENCE, D. J. PEARCE, McKIM, PHILLIPS, and HARPER.

Mr. McKENNAN moved that the House do now adjourn, but withdrew his motion in order to afford opportunity to the committee of five, appointed on a former day, to make their report in relation to the counting and declaration of the votes for President and Vice President of the United States; which report, on motion, was ordered to be printed.

COMMITTEE OF INVESTIGATION.

Mr. PEYTON asked the indulgence of the House to notice a matter personal to himself, which had appeared in the official journal of this morning.

Leave being given,

Mr. PEYTON rose and said: The House would bear him witness that he had not been in the habit of annoying them with matters personal to himself which occurred out of doors. Now, however, he felt bound to request a moment's indulgence, not so much on his own individual account, as because it was due to the committee, and to the House of which he was a member. He (Mr. P.) referred to a statement which had appeared in the Globe of this morning, which was as follows:

"If this statement be true, or even approach the truth, it is evident that a gross outrage was committed by Mr. PEYTON towards a witness summoned to testify before the committee, and therefore under its protection; and an act of such disrespect to the committee itself as should have subjected Mr. PEYTON to its severest censure."

The statement of Whitney alluded to was not only untrue, but it did not even approach the truth. In answer to it, nothing more was necessary for him to do than simply to state to the House the facts of the case, as they appeared upon the journal of the committee.

It would be sufficient to state that his friend from Ohio, [Mr. HAMER,] though differing from him (Mr. P.) in politics, moved, on the conclusion of the occurrence in question, a resolution of censure against Reuben M. Whitney for insulting him, (Mr. P.,) which passed unanimously. The committee had authorized him (Mr. P.) to publish this resolution, which he would lay before the House.

Extract from the Journal of the Committee of Investigation, J. Garland, Chairman.

"WEDNESDAY, *January* 25, 1837.

"By Mr. PEYTON.—*Question* 15. Did you receive any letter of recommendation from Roger B. Taney, or did he in any manner countenance or encourage you in applying for the agency contemplated, or did he positively refuse to recommend, receive, or countenance you in that capacity, while he was at the head of the Treasury Department?

"Mr. WHITNEY.—*Answer.* I decline answering this interrogatory; more particularly as the individual propounding it has asserted, positively and publicly, that the substance of the latter part of it is true, beginning with 'or did he,' &c.; therefore, being the party accused, I am not a proper witness. I think, in justice, that the individual who has made the allegation should be called to produce his proof.

"The witness was desired to withdraw.

"Mr. HAMER moved that the foregoing answer to the fifteenth question be returned to the witness, being no reply to the interrogatory, and disrespectful to a member of the committee.

"The witness, (R. M. Whitney,) immediately after the passing of this resolution, was brought into the committee room, out of which he had been sent, and the resolution of censure was read to him, (R. M. Whitney,) and his answer was returned to him. He (R. M. Whitney) then apologized to the committee, and took back his answer; after which he peaceably answered the next question which was propounded to him, and such as before he had most indecorously refused to answer. This statement of the simple fact would at once show who was wrong in the occurrence referred to; it would show the unanimous decision of the committee to be that the witness was wrong, and his subsequent apology was an acknowledgment of it."

Having stated thus much, which he (Mr. P.) flattered himself was an ample refutation of the charges implied in the Globe and other papers, perhaps it might not be unnecessary to relate what was the actual occurrence on the occasion referred to. His friend from Virginia, [Mr. GARLAND,] and every other member of the committee, would do him the justice to say that he (Mr. P.) had, in the first instance, treated Whitney with as much courtesy as he would have shown even to Chief Justice Marshall himself, if he had been alive and there; and

for him (Mr. P.) to do so, when the course and conduct of the man to him (Mr. P.) was considered, it required on his part no little exertion of philosophy. He, (Mr. P.,) however, had done so.

From the time the witness (R. M. Whitney) first came into the committee room, he (Mr. P.) had put about sixty questions in regular succession, and at different times, to all of which he could not get more than ten or twelve answers; the witness threw them off contemptuously, denouncing them as inquisitorial; and this contemptuous course he (Whitney) repeated day after day, and night after night. It was manifest that he (R. M. Whitney) had totally mistaken the feelings which prompted his (Mr. P's) course, and from this indulgence in his insolence he made a miscalculation, and went at length too far; no doubt he imagined that because his card in the Globe had not been noticed by me, therefore I was to be insulted with impunity. On the night of the occurrence (said Mr. P.) I put to him a question, in order to draw from him the truth of my statement which he carded me for making; the question related to Mr. Taney's refusal to countenance him; but, as on former occasions, the witness would not answer, affirming that he had a right to demand from me proof of this matter, as I had stated it to be true. Sir, I suffered this conduct to pass unnoticed by me, both because he was a witness, and because I did not wish to enter into personal altercation with one who is as completely shielded from the notice of all honorable men by his infamy as a mad dog is by his hydrophobia. But, sir, he accompanied that answer with a scowl, a frown, an insulting look of defiance, directed boldly to me personally, which perhaps no one else then saw. I appealed, sir, immediately to the Chair, to know if the witness should be permitted to insult me; I walked up to him, and said I would teach him better than to insult me; that I would let him know that I required no constitutional privilege to chastise him if he dared to insult me; that, if he did, would put him to death on the spot. Sir, I used language I which was harsh, for I was excited, as any man would have been who has a soul within him fit to be saved. The Chair called to order, and I took my seat. He says I drew a pistol upon him; it is false. After I sat down, he rose and began again; I walked to h m again, and he, at that moment, seemed as if he was about to use a weapon: he had his hand in his pocket, and, when I walked up to him, I put my hand in my bosom, but I drew nothing from it; every one present believed, from his attitude, he was armed with deadly weapons. My friend from Virginia [Mr. Wise] interposed; the witness was withdrawn, and the committee unanimously passed a resolution censuring his insulting behaviour. As soon as I could, sir, I made an apology, which I felt due to the committee, for having been transported by such provocation to lose the momentary command of my temper. The witness, on being again brought into the room, apologized for the insult, and was afterwards, as he had been by me before, treated with perfect respect, as due to his position as a witness. I think, sir, this explanation and statement of the facts is due to the committee and to the House; the prompt course adopted by the committee is alone a sufficient refutation of the false statements which have rendered this explanation necessary. I knew what was due to a witness, and I felt what was due to myself. I do not envy, sir, that wretch his callousness and insensibility, who, when assailed by a ruffian, would not, without regard to who he is, resist, if necessary, force by force. Grateful to the House for the indulgence which it has accorded to me, I shall not any longer occupy its time unnecessarily.

Mr. Peyton, having concluded, then resumed his seat.

The resolution of the committee of investigation was then read by the Clerk of the House.

Mr. WISE then rose and said:

Mr. Speaker: I request the same indulgence that has been granted to my friend from Tennessee, [Mr. Peyton;] I request the indulgence not so much on my own account, personally, as in respect to the committee of which I am a member. I wish to show how the proceedings of that committee have been misrepresented and belied by that infamous wretch who has published his card in the Globe. From the first moment he (R. M. Whitney) came before the committee, I saw, or thought I saw, in what his examination might result before its termination. It may have been imagination, but I anticipated his intentions from the start. He was evidently disposed to try my friend from Tennessee and myself. He had felt his way, for some time before, in the Globe. He tried our patience there by attempting to draw our attention towards him by his insulting cards and paragraphs. We both had failed to take any notice of him; we could not recognise him as a gentleman in any respect. His behaviour and manner, when he came before the committee, was that of a supercilious, self-important, contumacious, and contemptuous witness. His answers to interrogatories were given in writing. He would write his answer at the table, and then, with an impudent air of nonchalance, would fold his arms, cock up his legs against the wall, and cast glances, full of defiance and expressive of contempt, at me and my friend from Tennessee, as if anxious to insult us by his looks. To all this behaviour, sir, not a remark was applied; no notice of his insolence was taken; we treated him with quiet composure and decent respect, until, emboldened by our forbearence, he went further; he behaved worse; he tried the experiment of being personal in his answer. His course, I think, was tentative; he wanted to see how far he might dare to go. The night this occurrence happened, I was sitting, with several of my colleagues of the committee, on a sofa in a corner of the room, on one side of the fireplace, conversing in perfect good humor, in a way certainly very agreeable to myself, telling anecdotes in whispers. The silence which reigned was broken only at intervals by the annunciation of an interrogatory, or the reading of an answer. The answer to the question which caused the affray was announced; the attention of all to the reading of it was called. The witness was sitting at a table in the corner, on the opposite side of the fireplace from the sofa; a long table was sitting in front of the fireplace; the chairman and Mr. Peyton were sitting on the side next the fire, the former towards the end next the sofa, and the latter towards the end next the witness. The clerk was sitting on the opposite side of the table. The back of the chairman was towards me, and when he read the answer, and Mr. Peyton looked around, it brought his (Mr. P's) full face towards me. As soon as the answer was read, I looked at my friend, and saw he was flushed with excitement; his face beamed with indignation; no one could mistake his feelings. He first addressed the chairman, by saying, "Mr. Chairman, I wish you distinctly to inform the witness that he is not to insult me here." He was proceeding, when I arose, and remarked, "Mr. Chairman, the d——d insolence of this witness is insufferable, and has been borne long enough." He had, in fact, Mr. Speaker, declined to answer one question because it was "inquisitorial;" and because another was "inquisitorial" he declined to answer it, and had rung all the changes upon that word till, if reiteration could convince and supply the place of truth, one might have believed, from mere repetition, that the committee was, what it has been denounced to be, worse than a Spanish inquisition! Sir, he had received his cue.

But to proceed: My friend rose as I uttered these words respecting the witness, put me back with his arm,

and said, "This is my business, Wise; not yours." And he walked straight up to the witness where he sat, and said to him nearly these words—I will endeavor to give his very words, however harsh: "You talk about my shielding myself behind my constitutional privileges. Now, I tell you that I claim no constitutional privileges to protect me from your insults in my presence; and you d——d thief and robber, if you dare to insult me, here or elsewhere, to my face, I will put you to death on the spot!" The chairman had called me to order, and I had sat down; he immediately called my friend back to his seat; for it is but due, Mr. Speaker, to the chairman to say that he has done his duty, in all respects, on that committee. My friend took his seat, when the witness rose, and began to say, "Mr. Chairman, I have been summoned to appear before this committee, and I claim its protection"——He did not finish the sentence before my friend rose, and told him to sit down. "Sit down, sir! you have no right to speak here but in writing, and you shall not utter a word; if you speak another word, I will"——Sir, I do not remember here exactly what he said he would do; he used many harsh epithets, such as "d——d scoundrel." The witness uttered not a word, but he was standing, and immediately advanced his left foot, and put his right hand in his pantaloons right pocket. I was standing then immediately behind my friend, and, seeing Whitney assume this attitude, I walked quickly around the end of the table, near to Whitney's left side. I expected him to draw a deadly weapon on my friend. I watched the motion of that right arm, the elbow of which could be seen by me; and, had it moved one inch, he had died upon the spot! That was my determination. Let me not be misunderstood or misrepresented. I mean to say that, if he had drawn his deadly weapon on my friend, it should never have done its execution. I considered my friend in imminent danger, and stood prepared to arrest it—to prevent his life from being taken by a villain, who wore every appearance and assumed the very attitude of an insidious assassin. Happily I had no occasion to interpose, but in a friendly manner to force my friend away, who had, seeing the position of the witness, put his hand in his bosom. I stepped in between them, took hold of Mr. PEYTON, caught him by his waistcoat, and closed it. I told him Whitney's blood was not worth spilling, and was not fit to stain any man—he was not worthy of his notice. My friend sat down, saying, "Yes, he is worth my notice when he comes to my face and insults me. I would notice any d——d dog!" The chairman expostulated with him, and my friend replied, "You have not seen him, sir; he has been looking at me—looking at me sir; and he shall not look at me again! I submit it to you, sir, whether I have not treated him as if he were a gentleman." The Chair remonstrated against further disorder. Whitney had not uttered a word after he was ordered by my friend to be silent, and did not until after he had retired and returned to the committee room. Mr. HAMER had been speaking; the witness was requested to retire. Mr. HAMER offered the resolution you have heard read; it passed unanimously; witness was called in; the chairman returned him his offensive answer, and informed him of the resolution, and he immediately said: "Mr. Chairman, if I have been disrespectful to the committee, I regret it, sir, and apologize for it." The clerk took down his words immediately, unknown to most of the members, and the committee, afterwards, when Mr. HAMER was about to move to insert the witness's apology, withdrew his motion, because the committee concurred unanimously, I thought, that the clerk had correctly recorded it already. Thus ended the whole affair.

I went to the chairman, to Mr. HAMER, Mr. MARTIN, and Mr. FAIRFIELD, all, I think, of the committee, and begged them not to adjourn until my friend's excitement entirely subsided. I suggested that he should be permitted to ask another question or two, and that the committee should discharge the witness before it adjourned; so that Mr. PEYTON might become calm, and not retire at the same time with the witness. This course was adopted, and successfully pursued. Whitney came back into the committee room, after he had retired, entirely humbled, I thought, and answered the next question propounded in the only becoming manner he exhibited at all. Such, sir, is a true statement of the whole transaction, and such was the part in it which I bore. I put it to the members of the committee to say whether what Whitney has published of my conduct on that occasion is correct; whether, with the exception of my first denunciation of his insolence, and of my after expression that he was not worthy of notice, my interposition was not peaceful. Sir, I acted on the occasion the part of a pacificator. He says I approached him with my friend to ogle him and frown him down. It is true I did approach him, and eye him, when I suspected his design to draw a weapon; I stood ready and watchful to protect my friend; but I call upon every gentleman on the committee, of all parties, friend or foe, to say whether I have not stated the facts truly. I say that no part or parcel, jot or tittle, of the statement of that infamous wretch (Whitney) is true, except the one statement of the question and answer. He states nothing as it occurred, and something that did not occur at all. I call upon the chairman of the committee, who should be the best witness, to say if these are not the facts.

Mr. GARLAND, of Virginia, said that it was extremely unpleasant to him at any time, and under any circumstances, to make a statement in reference to a personal controversy; but, from the various hues, in various directions, which had been given to the transaction referred to by his colleague, [Mr. WISE,] he thought it due to the committee, to the House, and to the country, that a correct statement should be made. Mr. G. said, without expressing any opinion in regard to the "card" referred to, or any other part of the transaction, he would simply say that the statement of the facts and circumstances related by his colleague was substantially correct, and detailed very much as they happened. Some things stated he did not see; others occurred which were omitted, not affecting the substantial correctness of the narrative. Mr. G. said he did not see the scowl and contemptuous look which the gentleman from Tennessee states Mr. Whitney to have given him; his eyes were turned in another direction at the time it is said to have happened; but he distinctly remembers hearing the gentleman from Tennessee complain of it at the time, and as the principal cause of his excitement. Mr. G. said the occurrence was very sudden, and the gentleman from Tennessee was certainly very much excited. He said that, with a view to restore quiet, he stated to Mr. Whitney that a question would arise as to the disposition of his answer, and that he must retire; which he did. After Mr. Whitney had left the room, Mr. PEYTON became more tranquil, apologized to the committee, and stated that he had been very much excited on account of the insult which he regarded as having been given him in the answer of Mr. Whitney, and the scowl and contemptuous look with which it was accompanied. Mr. Whitney was then called in, and the resolution of the committee in reference to his answer read to him; he then apologized to the committee in the terms contained in the copy of the journal of the committee just read.

Mr. GILLET said he rose to make but a few suggestions. The situation in which he stood, as a member of the select committee, required him to make a few remarks, lest his silence should be misconstrued. It would be obvious to all who frequently attend our courts of justice, that it is hardly possible for nine persons to wit-

ness a transaction, and all concur in giving their testimony concerning it, though all might be equally and perfectly honest. Each would remember the part that made the strongest impression on his mind—one would pay more attention to the words spoken, while another would particularly note the gestures. He much doubted whether, if each member of the committee should retire to his room, and write out what he recollected of the transaction in the committee room, any two would be found to agree upon the order and details of it. It would not be strange if they differed as much in their accounts as Mr. Whitney differed in his with either gentleman who had spoken on this subject. This disagreement of persons in their accounts of what had transpired was perfectly reconcilable with honest intentions; consequently, he should not impeach the character of members of the committee, or of the witness who was before them, if all did not concur in the order and details of what had transpired. Unless we can agree among ourselves as to that occurrence, we could not, with any propriety, condemn one who differed no more from us than we among ourselves.

He had just come in from the committee room, and did not understand how this discussion arose, nor the precise object that was in view. He presumed it was intended to put the House and country in possession of an accurate and true account of what occurred between Mr. PEYTON and Mr. Whitney. As so many jarring accounts had gone forth, such a desire is not without reason in its favor. He had not heard the accounts given by those who preceded him, and hence he could not say whether those accounts were in accordance with his own recollection or not. It was no part of his purpose to express an opinion at this time of the correctness of the statements of others, and certainly none in relation to statements which he had heard only in part. Nor would he now express any opinion concerning the card of Mr. Whitney. The gentleman from Virginia [Mr. WISE] had a day or two ago given notice to the committee that, when the report should be made to the House, as he understood him, he should bring up the subject of that card, and should deny the truth of all, except the copies of the question and answer. At that time, and not at the present, he expected this matter would come up as a subject of discussion. He thought the committee had not generally expected it to come up to-day, and he believed they were not generally in; but if they were, he strongly doubted the propriety of members rising in their places and making verbal reports of what they recollected. He thought it better that the committee should agree among themselves, as far as they were capable of doing so, as to what had transpired, and present it in a tangible and definite shape, so that it would command credence wherever it went. When the committee shall agree, the country will feel an assurance that they have arrived at the truth.

If we cannot agree upon the facts, how, sir, are those who report what we now say to agree? Will every reporter and letter-writer give the same account of what we affirm in the matter? He thought he hazarded nothing in saying, not two of all these would agree. It will be the same with others who hear what we now say. Nay, sir, before we leave this House a difference of recollection will be found to prevail as to what we have said. By to-morrow we shall find a very wide difference in this respect. As the news of the debate spreads, these differences will multiply in proportion to the distance they travel, and all will remain in uncertainty. Newspaper readers will fall into the errors of the publishers, and while one part of the community will believe one account, other portions may equally believe others, and all wide from the truth. From these, among other considerations, he thought this manner of placing this matter before the public was highly exceptionable.

He had entirely abstained from stating one word of what did occur, as he recollected it. Before he sat down, he should propose a resolution in these words:

Resolved, That the select committee, of which the honorable JAMES GARLAND is chairman, be directed to report to this House the facts in relation to the difficulty that occurred between Mr. PEYTON, a member of that committee, and Mr. Whitney, a witness called before that committee, while said witness was under examination.

He did not know that the House was desirous of becoming acquainted with the occurrence referred to; but if it was, he thought this would be a suitable and proper manner of obtaining the facts. The narrative given by the witness had been, he understood from those who had listened to gentlemen who preceded him, objected to as inaccurate or untrue. If the committee be required to report the facts, the correctness of this statement would be tested. This would be doing justice to its author and to the objectors. Then the public mind, which is feverish with continued excitement on questions of a disputed character, would be tranquillized and settled on one at least. Continual talking on the subject would no more settle this question than it had settled those which the committee were ordered to inquire about. True, the committee cannot, perhaps, report the intentions of those who were the principal actors in the scene. He had understood these intentions, in whole or in part, had been already communicated to the House. He presumed those who had gone largely into details did not intentionally give more than what was recollected; and he would say that he had not yet heard it alleged by any one that Mr. Whitney's account had been amplified beyond the truth, except in a single word in the relation of what he said after he returned to the committee. He should not express any personal wish as to the disposition of this matter. If its importance entitled it to the consideration of the House, he thought the same reasons would impel us to seek the undisputed truth, and place it before the public; and by that let those who have made statements be judged.

This endorsing or denying the allegations of others was what he did not intend to do. The matter affirmed to be true or untrue might be misreported, and the affirmation be made to cover statements never intended to be vouched for or denied. From differences in recollection new controversies might arise, giving birth to feelings not to be designedly promoted by this House, and not productive of good any where. Thus far, he understood, the statements of facts had been mingled with much other matter not well calculated to enable others to understand them. If the committee should report the facts, they would not be interspersed with biting and criminating epithets heaped upon the witness, having nothing to do with what transpired in the committee room. He thought the true way of arriving at the truth was to call for it in an authentic form, and then the House could judge where the blame ought to rest. This he thought due to all parties, and could not fairly be objected to by any one. He therefore would send to the Speaker the resolution which he had read, and ask the House to adopt it.

[This motion, the reception of it being objected to, was not in order at this time.]

Mr. WISE then again rose to conclude his remarks, which he had not finished before Mr. GILLET rose. He said: Sir, in continuation of my statement, I have to remark that my friend from Tennessee is pardonable for much he said and did on that occasion. He spoke many harsh words, but under the strongest excitement. We both looked upon Reuben M. Whitney as a base

minion of executive power, who went there with a predetermination to insult us. He came, backed and endorsed, and prompted by the highest authority, to browbeat and taunt us, and to trample upon the power of a committee constitutionally raised by the representatives of the people to detect and expose his villanous connexion with the executive branch of the Government. My friend regarded the wretch as a mere agent, a miserable tool of others—others the highest in power. It was too much, sir, to suffer his authorized insults. My friend did not treat him as an equal; but he was transported with passion at his insolence and effrontery. He did and said many things which became not himself, but which Whitney richly deserved. As soon as he became calm and cool, he apologized to the committee in the most respectful terms.

The gentleman from New York [Mr. GILLET] says that "many things which Whitney says are true." I repeat, sir, that no part or parcel, jot or tittle, of his statement, except the question and answer, is true; it is wholly false in matter and manner; in fact, and coloring, and context—emphatically false—false in italics! His statement as to his apology when he returned to the committee, I venture to say, no member of the committee will vouch; and that he makes especially a marked statement by words in italics. In this he is wilfully and brazenly false; and no member on the committee can endorse his statement. The gentleman from New York [Mr. GILLET] says he will not undertake here to make a statement. Sir, I care not whether he does or not. I have my statement confirmed by my honorable colleague, [Mr. GARLAND,] and that is all I want. It may be, sir—I do not say it is so—but it may be likely, that some gentleman who was present so lost his wits on the occasion that he could not make a statement if he were to try! Now, it is proposed to couple the name of my friend in a resolution with that of R. M. Whitney. I hope, sir, the House will not so degrade my friend, by the association even of names. What! couple the name of a villain, pensioned for his perjury, with the name of BALIE PEYTON, in the same resolution! Sir, if you had been present and witnessed the scene of that night, you would have been struck with the immense difference between the two men. I will tell you what you would have seen: you would have seen the high elevation of an honest, bold, courageous, manly, noble disposition, above a low, base, cowering, cowardly, dishonest wretch! That, sir, was the only spectacle you would have seen. And I say, sir, let those of the two classes of spirits then present be respectively consorted together and assimilated to each other!

Mr. HAMER (a member of the committee) said that he should not detain the House with any remarks of his, were it not for an observation that fell from the gentleman from Tennessee, [Mr. PEYTON,] and had been repeated by the gentleman from Virginia who last occupied the floor, [Mr. WISE.] They had stated that the gentleman from Virginia had notified the members of the committee, that when this subject came before the House, he would call upon them to pronounce Mr. Whitney's card false in every part, except so much as related to the proceedings of the committee. If he (Mr. H.) now remained silent, after what had occurred, it might be inferred that he had borne testimony to the falsehood so charged. He did not intend that any such inference should be drawn. He agreed with the gentleman from New York, [Mr. GILLET,] that no nine individuals who might be present at an affair of this kind could be found, who would afterwards state all the details alike; and at this time he would not go into details. As to Mr. Whitney's "card," he would neither pronounce it true nor false. He had, as he stated in conversation with the gentleman from Virginia the other day, read it but hastily, when it first appeared; and he had not taken the trouble to look at it since. But, as he was up, he would say that, without going into particulars, the outlines of the transaction, as given by the gentleman from Tennessee and the gentleman from Virginia, were substantially correct.

He thought it due to himself to state what had been his own course in the matter. When the excitement took place, and the honorable chairman called "order," he (Mr. H.) rose and commenced making a speech, the object of which was to aid the chairman in producing order out of disorder. He had continued upon the floor, occasionally interrupted by other gentlemen, until he closed his remarks by submitting the resolution which was unanimously adopted by the committee. He thought the resolution due to the committee, due to the individual member involved, and due to the witness himself, who had in some measure provoked what followed.

His (Mr. H's) opinion was, that a witness called before a committee, having an interrogatory propounded to him, ought either to answer or to decline. If he declined answering a question, that was enough. He had no right to proceed further, and make remarks about the committee, or an individual member of it, which were of a personal character, or which reflected upon them in any manner disrespectfully. Such a practice could not be tolerated, and the committee were unanimously of that opinion.

After this sudden gust of passion, this momentary excitement, the gentleman from Tennessee expressed his regret, and apologized to the committee for what had taken place on his part. The witness was called back, and apologized to the committee for any thing he had done of a disrespectful character. He (Mr. H.) had hoped the whole matter would have remained there; but it seemed that by some means it had got out, and was travelling through the country in the newspapers. False and exaggerated statements, in regard to it, were no doubt circulated in public journals; and although he deprecated all discussions of this sort, yet he thought the gentleman from Tennessee perfectly justifiable in bringing the subject before the House, for the purpose of making a statement in his own defence.

Having said thus much, he would trouble the House no further.

The House then adjourned.

MONDAY, FEBRUARY 6.

PRESIDENTIAL ELECTION.

A message was received from the Senate, informing the House of its concurrence in the report of the joint committee appointed to consider and report upon the mode of counting out the votes for President and Vice President of the United States.

Mr. THOMAS moved that the House concur with the Senate in the report and resolutions thereto appended, as reported by him to this House on Saturday evening, as follows:

"The committee on the part of the House of Representatives, 'appointed to join such committee as might be appointed on the part of the Senate, to ascertain and report a mode of examining the votes for President and Vice President of the United States; of notifying the persons elected of their election; and also to inquire into the expediency of ascertaining whether any votes were given at the recent election contrary to the prohibition contained in the second section of the second article of the constitution; and, if any such votes were given, what ought to be done with them; and whether any and what provision ought to be made for securing the faithful observance in future of that section of the constitution,' report:

"That the short period at which they were appointed before the day on which the votes for President and Vice President of the United States have to be counted, has prevented them from investigating the facts submitted to their examination as fully as might have been done, had more time been allowed. The corsespondence which has taken place between the chairman of the committee and the heads of the different departments of the executive branch of the Government accompanies this report, from which it appears that Isaac Waldron, who was an elector in New Hampshire, was, at the time of his appointment as elector, president of a deposite bank at Portsmouth, and was appointed and acting as pension agent, without compensation, under the authority of the United States; that, in two cases, persons of the same names with the individuals who were appointed and voted as electors in the State of North Carolina, held the offices of deputy postmasters under the General Government. It also appears that in New Hampshire there is one case; in Connecticut there is one case; in North Carolina there is one case; in which, from the report of the Postmaster General, it is probable that, at the time of the appointment of electors in these States, respectively, the electors, or persons of the same names, were deputy postmasters. The committee have not ascertained whether the electors are the same individuals who held, or are presumed to have held, the offices of deputy postmasters at the time when the appointment of electors was made; and this is the less to be regretted, as it is confidently believed that no change in the result of the election of either the President or Vice President would be effected by the ascertainment of the fact in either way, as five or six votes only would in any event be abstracted from the whole number; for the committee cannot adopt the opinion entertained by some, that a single illegal vote would vitiate the whole electoral vote of the college of electors in which it was given, particularly in cases where the vote of the whole college has been given for the same persons.

"The committee are of opinion that the second section of the second article of the constitution, which declares that 'no Senator, or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector,' ought to be carried in its whole spirit into rigid execution, in order to prevent officers of the General Government from bringing their official power to influence the elections of President and Vice President of the United States. This provision of the constitution, it is believed, excludes and disqualifies deputy postmasters from the appointment of electors; and the disqualification relates to the time of the appointments; and that a resignation of the office of deputy postmaster, after his appointment as elector, would not entitle him to vote as elector under the constitution.

"Should a case occur in which it became necessary to ascertain and determine upon the qualifications of electors of President and Vice President of the United States, the important question would be presented—what tribunal would, under the constitution, be competent to decide? Whether the respective colleges of electors in the different States should decide upon the qualifications of their own members, or Congress should exercise the power, is a question which the committee are of opinion ought to be settled by a permanent provision upon the subject.

"The committee at present, and in part, report the following resolutions:

"*Resolved*, That the two Houses shall assemble in the chamber of the House of Representatives on Wednesday next at 12 o'clock, and the President of the Senate shall be the presiding officer; that one person be appointed a teller on the part of the Senate, and two on the part of the House of Representatives, to make a list of the votes as they shall be declared; that the result shall be delivered to the President of the Senate, who shall announce the state of the vote, and the persons elected, to the two Houses assembled as aforesaid, which shall be deemed a declaration of the persons elected President and Vice President of the United States; and, together with a list of votes, be entered on the journals of the two Houses.

"*Resolved*, That, in relation to the votes of Michigan, if the counting or omitting to count them shall not essentially change the result of the election, they shall be reported by the President of the Senate in the following manner: Were the votes of Michigan to be counted, the result would be, for A B for President of the United States, ——— votes; if not counted, for A B for President of the United States, ——— votes; but, in either event, A B is elected President of the United States. And in the same manner for Vice President."

Mr. MERCER was understood to make an inquiry of the chairman [Mr. Thomas] in relation to the fact, whether any votes have been given by persons not competent, under the constitution of the United States, to vote as electors of President and Vice President.

Mr. THOMAS said a few words in explanation. The committee, on investigation, had found that there were three individuals in North Carolina, one in New Hampshire, and one in Connecticut, elected to the electoral college, who bore the same name with those of individuals who were deputy postmasters under the General Government; and the impression on the minds of the committee was, that they were consequently the same individuals.

The committee, he said, came to the conclusion that, whether these votes were counted or not, the general result would not be affected, and they did not feel themselves authorized to recommend their rejection. The chief reason was, that it would be a very delicate power, to be exercised on the part of Congress, to determine upon the qualification of electors of President and Vice President of the United States. It was with the committee, also, a matter of considerable doubt whether, if such an inquiry should be gone into, it did not belong to the electoral college itself to judge of the qualifications of its own members. The committee, however, had expressed a very decided disapprobation of any officer of the General Government participating, in the manner these gentlemen had done, in the election of President and Vice President of the United States; and they had proposed a remedy, by either giving the power to reject to the college or to Congress, as might be deemed most expedient.

Mr. CAMBRELENG stated, in addition, what had been omitted by the gentleman from Maryland, that it appeared, from examining the list of reappointments of deputy postmasters, that the gentlemen referred to had probably all resigned before they gave in their votes for President and Vice President.

Mr. THOMAS had not adverted to that fact, because the committee came unanimously to the conclusion that they were not eligible at the time they were elected, and therefore the whole proceeding was vitiated *ab initio*.

Mr. CRARY called for a division of the question. He was disposed to vote for the first clause of the resolution, but not for that part which made a disposition of the electoral votes of the State of Michigan. He thought that Michigan ought to be placed on an equal footing with the original States. The resolution made a distinction in the votes unfavorable, and, as he conceived, unjust, to his own State. Michigan was now a sovereign State of the Union, and, if the election of President should come before the House, she would be entitled to a vote in her sovereign character.

When Indiana was in an analogous position, her electoral votes were received and counted. It was true that the votes of Missouri, in 1821, were placed in the same position that those of Michigan now are; but on the ground solely that Missouri was not a State of the Union at the time the electoral votes of the States were counted. Michigan was now in the Union, and Congress ought not to place her votes in a position so equivocal as they were found in the resolution before us. They were not rejected by it, nor were they received. He thought they ought to be received, and to enable him to express that opinion he had moved a division of the question.

The resolutions were then severally concurred in without a division.

COLONIZATION SOCIETY.

The House then proceeded to the unfinished business, being the petition presented on Monday last, from citizens of the State of Kentucky, praying liberal pecuniary aid from Congress in favor of the objects of the Colonization Society.

The said petition had been referred to the Committee on Foreign Affairs; and the question now pending was the motion heretofore submitted by Mr. ADAMS, to reconsider the note by which the petition had been referred to the said committee.

Mr. HUNTSMAN moved the previous question, but withdrew the motion at the suggestion of

Mr. CALHOON, on his promise to renew the same.

Mr. C. said he felt it due to the individuals whose names were attached to the petition to say, from his own knowledge, that they were gentlemen of the first respectability, and he was sure that not a single man amongst them could be charged with abolition. He did not think that, in his whole congressional district in the State of Kentucky, there was a single abolitionist. If there was, he (Mr. C.) did not know him. For himself, he did not think that there was any connexion between the Colonization Society and the abolition of slavery. He should be gratified that the memorial should be referred. And he would now, according to promise, renew the call for the previous question.

Mr. PATTON moved to lay the motion to reconsider on the table.

Mr. ADAMS asked of the candor of the House to permit him to say a few words.

The SPEAKER said that neither the call for the previous question nor the motion to lay on the table could be debated.

After some desultory conversation as to the effect of the motion to lay on the table the motion to reconsider, in which Messrs. PATTON, DENNY, MERCER, ADAMS, and PINCKNEY, participated,

The question on the motion to lay the motion to reconsider on the table was taken, and decided in the affirmative: Yeas 121, nays not counted.

So the motion to reconsider was laid on the table.

A similar petition, presented on Monday last, came up as the unfinished business, on the motion to refer the same to the Committee on Foreign Affairs.

On motion of Mr. JARVIS, the whole subject was laid on the table.

ABOLITION OF SLAVERY.

Petitions and memorials being called for in the order of States and Territories,

Mr. CUSHING said he was charged with a commission of some delicacy, respecting which he craved the indulgence of the House. It happened that in his district the fair sex greatly outnumbered the other, and the better half of creation was no half at all; it was two thirds; so that he was probably the immediate representative of more ladies than any other member of the House. In obedience to the wishes of his fair constituents, whom it was at all times his pleasure to serve, he had to present petitions praying for the abolition of slavery and the slave trade in the District of Columbia, from 3,824 ladies of the city of Lowell and the towns of Amesbury, Andover, Haverhill, Newburyport, Reading, and Salisbury, in the State of Massachusetts.

These petitions were accordingly received and laid on the table, without debate or commitment, under the resolution of the House.

Mr. CUSHING said he had now to beg pardon of the gentleman from New Hampshire, his nearest neighbor at home, [Mr. CUSHMAN,] for appearing to interfere in any way with that gentleman's concerns. He (Mr. CUSHING) was not aware that the ladies of New Hampshire had any general objection to the propounding of the *previous question;* but, on this occasion, they had distinguished him with their preference, so far as to desire to make him their organ in their communications to the House.

Mr. CUSHMAN signified his acquiescence, and

Mr. CUSHING proceeded to present petitions from the ladies of Alstead, Bedford, Boscawen, Canaan, Concord, Durham, Franconia, Gilmanton, Groton, Hampton Falls, Hanover, Haverhill, Hebron, Henniker, Hillsborough, Keene, Lancaster, Lincoln, Lyndeborough, Madbury, Mount Vernon, New Hampton, New Market, Orange, Raymond, Salem, and Salisbury, all in the State of New Hampshire, praying for the abolition of slavery and the slave trade in the District of Columbia; which petitions were severally received and laid on the table, under the resolution of the House.

Mr. ADAMS having presented certain petitions from other States than that of which he is a representative,

Mr. ROBERTSON raised the question of order, whether one member had a right to present petitions from other citizens than those of his own State.

The SPEAKER said it had been the uniform practice of the House that a member might present petitions from any State in the Union, provided those petitions were *bona fide* sent to him for presentation by the citizens interested in them. If one member were to transfer his petitions to another for presentation, the question would then come up in a different form.

Mr. ROBERTSON appealed from the decision, but withdrew the appeal.

And Mr. ADAMS having proceeded to present a petition from certain inhabitants of New Hampshire,

Mr. BOON renewed the point of order; and

The SPEAKER having repeated his decision,

Mr. BOON took an appeal therefrom.

The appeal was debated by Messrs. BOON, HARDIN, MERCER, VINTON, LANE, and VANDERPOEL; when, to save time, Mr. BOON withdrew the appeal.

Mr. CHAMBERS, of Kentucky, renewed it.

Mr. PATTERSON demanded the previous question.

Mr. GLASCOCK asked the gentleman from Ohio to withdraw the motion, on a promise to renew it, so as to enable him (Mr. G.) to submit a remark.

Mr. PATTERSON did not withdraw it; and the House seconded the demand for the previous question.

Mr. GLASCOCK called for the yeas and nays on ordering the main question; which were refused.

And the main question was ordered to be now taken.

Mr. DAVIS called for the yeas and nays on the main question; which were ordered.

And the main question, "Shall the decision of the Chair stand as the judgment of the House?" was taken, and decided in the affirmative: Yeas 139, nays 29.

So the House affirmed the decision of the Chair.

Mr. ADAMS said he wished the House to recollect that more time, thrice told, had been consumed in debating this appeal than he had taken up, or should take

up, in presenting all his petitions. He hoped, therefore, the House would not hold him responsible for the consumption of time. Mr. A. thereupon presented sundry other petitions.

Mr. A. said he presented the petition of nine ladies of Fredericksburg, in the State of Virginia. He would not name them, because, from the disposition which at present prevailed in the country, he did not know what might happen to them if he did name them. It was not a petition for the abolition of slavery in the District of Columbia, but it was a petition praying Congress to put a stop to the slave trade in the District of Columbia.

This was one of those petitions which had seemed so strange to him when he received it, that he did not feel a perfect security that it was genuine, and to which he had alluded when he first began the presentation of his petitions. It was sent to him, purporting to be the petition of nine ladies, not one of whom should be named by him. Whether it was genuine or not, it was not for him to determine.

The petition was ordered to lie on the table, under the resolution.

Mr. ADAMS said he held in his hand a paper on which, before it was presented, he desired to have the decision of the Speaker. It was a petition from twenty-two persons, declaring themselves to be slaves. He wished to know whether the Speaker considered such a petition as coming within the order of the House.

The SPEAKER said he could not tell until he had the contents of the petition in his possession.

Mr. ADAMS said that if the paper was sent to the Clerk's table it would be in possession of the House, and if sent to the Speaker he would see what were its contents. Now, he (Mr. A.) wished to do nothing except in submission to the rules of the House. This paper purported to come from slaves, and it was one of those petitions which had occurred to his mind as not being what it purported to be. It was signed partly by persons who could not write, by making their marks, and partly by persons whose handwriting would manifest that they had received the education of slaves; and the petition declared itself to be from slaves, and he was requested to present it. He would send it to the Chair.

Mr. LAWLER objected to its going to the Chair.

The SPEAKER said that the circumstances of the case were so extraordinary, that he would take the sense of the House on the course to be pursued.

Mr. LAWLER wished it to appear on the journal that he had objected to the paper going to the Chair.

The SPEAKER said the gentleman from Massachusetts had stated that the petition came from slaves; but it had not been sent to the Clerk's table. It was the first time, in the recollection of the Chair, that persons not free had presented a petition to this House. The Chair wished to take the sense of the House, which he had a right to do.

Mr. HAYNES said he felt astonished at the course which had been pursued by the honorable gentleman from Massachusetts, not only to-day, but every day for some time time past, whenever petitions were presented; but his astonishment reached to a height which he felt it impossible to express, when he saw the gentleman rise in his place on this floor, and offer to present such a paper as this had been described to be. Mr. H. could not tell in what manner he would meet a proposition of this kind. It might be giving it more attention than it deserved, if he (Mr. H.) were to object to receiving it. He had risen mainly to express, so far as language could express, his unfeigned surprise that the gentleman from Massachusetts, or any other gentleman, should ever have made a question on a paper of this kind.

Mr. ADAMS called the gentleman from Georgia to order, on the ground that he was making personal reflections.

Mr. PINCKNEY said he was opposed to a protracted discussion on the subject, which could only lead to useless excitement and confusion, the matter before the House being a subject for action, not for debate. He hoped the House would act promptly and decisively.

Mr. HAYNES inquired of the Chair if he did not still hold the floor.

The SPEAKER said the gentleman from Georgia held the floor, but it was not in order to make personal allusions.

Mr. HAYNES said the Speaker was aware that he was one of the last men to violate the rules adopted for the order and government of the House. It was well known that, from the commencement of these discussions, at an early day in the last session of Congress up to this moment, his lips had been closed on the subject in every form; because he had thought that the members from his section of the country should be among the last to seek or promote discussion upon it. But he would not trust his feelings to pursue the subject further under its present aspect, extraordinary as it was. The true motion, in his judgment, would be to move that the petition be rejected, subject, however, to its withdrawal, if the House should become further enlightened as to its contents.

Mr. LEWIS hoped that no motion of that kind would come from any gentleman from a slaveholding section of the country.

Mr. HAYNES said he would cheerfully withdraw his motion.

Mr. LEWIS said he was glad the motion was withdrawn. He believed that the House should punish severely such an infraction of its decorum and its rules; and he called on the members from the slaveholding States to come forward now, and demand from the House the punishment of the gentleman from Massachusetts.

Mr. GRANTLAND would second the motion, and go all lengths in support of it.

Mr. LEWIS said that, if the House would inflict no punishment for such flagrant violations of its dignity as this, it would be better for the Representatives from the slaveholding States to go home at once.

Mr. ALFORD inquired if the gentleman from Massachusetts had certainly proposed to introduce this petition.

The SPEAKER said the member from Massachusetts had risen, and stated that he had a petition coming from slaves, and had inquired of the Chair whether it would come under the order adopted by the House in reference to all petitions and papers on the subject of slavery.

The Clerk having been directed to read the minutes which he had taken at the time, read as follows:

"Mr. ADAMS presented the petition of twenty-two persons, declaring themselves to be slaves, and wished to know whether it came within the order of the House."

Mr. ALFORD said that, if the gentleman from Massachusetts intended to present this petition, he, (Mr. ALFORD,) the moment it was presented, should move, as an act of justice to the South, which he in part represented, and which he conceived had been treated with indignity, that it be taken from the House and burnt; and he hoped that every man who was a friend to the constitution would support him. There must be an end to this constant attempt to raise excitement, or the Union could not exist much longer. The moment any man should disgrace the Government under which he lived, by presenting a petition from slaves praying for emancipation, he hoped that petition would, by order of the House, be committed to the flames.

Mr. PATTON moved to suspend the rule to enable him to submit a motion to take from the table, to be hereafter disposed of as the House may decide, the pa-

per already presented by the gentleman from Massachusetts, and which had been laid on the table under the resolution of the House; he alluded to the paper presented as a petition from nine ladies of Fredericksburg. He (Mr. P.) would state in his place, and on his responsibility, that the name of no lady was attached to that paper. He did not believe there was a single one of them of decent respectability. He believed the signatures to be genuine, and he recognised only one name which he had known before, and that was the name of a free mulatto woman of the worst fame and reputation. He had been raised in Fredericksburg, and believed he was acquainted with all persons of respectability residing there, and he could say there was not one respectable name attached to this paper.

Mr. W. THOMPSON asked that the petition might be read, so as to render the gentleman from Massachusetts amenable to the resolution which he (Mr. T.) proposed to offer.

The SPEAKER said it was not in order at this time.

Mr. ROBERTSON called for the yeas and nays on the motion to suspend; which were ordered, and, being taken, were: Yeas 131, nays 50.

So the rule was suspended.

Mr. PATTON said he was disposed to pursue as kind and respectful a course to the gentleman from Massachusetts as the circumstances of the case would admit, so far as related to the particular question before the House.

The gentleman from Massachusetts, before presenting this petition, had stated that he did not know who these individuals were; he did not know their claims to the consideration of this House, or to his own agency in presenting the petition. Mr. P. thought it was to be regretted that the gentleman from Massachusetts had not thought proper, but, on the contrary, had refused, to permit him, (Mr. P.,) coming from the town from which this paper purported to come, on a subject which the gentleman knew the people whom he (Mr. P.) represented, as well as himself, felt a deep and exciting interest, to see the paper before it had been presented. He (Mr. P.) could not permit himself to believe that, after stating to him, as he (Mr. P.) would have stated privately, what he had since stated publicly, the gentleman from Massachusetts would have persisted in being the organ through whom such a petition should be presented. He (Mr. P.) would again state, on his honor and veracity as a man, that he did not believe that there was the signature of any decently respectable individual in Fredericksburg attached to this paper; that the only name he recognised was that of a mulatto free woman of infamous character; and he believed that the names of others were the names of free negroes, all of whom he believed to be bad. He therefore moved that the paper which had been received and laid on the table should be taken from the table and returned to the gentleman from Massachusetts.

Mr. BOULDIN said that, as he had just voted against suspending the rules on the motion of his colleague, [Mr. PATTON,] and had found himself voting with those who, from their local situation, might be supposed not to feel with him on the very delicate and vital subject now before the House, and as his name had not been recorded with the names of those with whom he knew he did feel and act substantially in every important matter peculiar to the South, and especially in regard to the subject-matter now before the House, it became him to give the reason for his vote. It was this: He wished to dispose of the first branch of the subject, and then he would be willing to suspend the rules for his colleague, and would be willing to go with him in any vote to take from our files the paper he wished withdrawn, and which was well calculated to throw disgrace and contempt on the proceedings of the House. He was willing the resolution and wish of his colleague should prevail, and that the paper should be returned to the venerable gentleman from Massachusetts, to make what mischief he could or he chose from it, in or out of this House.

But the gentleman from Massachusetts had offered in the House the memorial of those who, on the face of it, appeared to be slaves, and had announced to the Chair and to the House that such was the paper.

Mr. B. said he did not care a rush whether the paper went to the Chair or not. Nothing that that gentleman could say or do in relation to it could add to, or detract from, the impression that the statement of the proposition to the Chair by him had made. He (Mr. B.) wished now, without interruption of any other business, to progress with this matter until he saw and understood what countenance the gentleman from Massachusetts should receive from the House.

Mr. B. said he had at the last session gone further with and for the North, on a matter nearly identical with this, than any other man from the South. He alluded to the admission of Michigan and Arkansas into the Union. On that occasion he had said, and said undoubtingly and from his heart, that there was no serious intention or wish, in any considerable number of the members of this House, to assail the interests, the rights, or the safety, of the South, or to throw any obstacles in the way of Arkansas on account of negro slavery. On the vote he found it so. He believed it then, and believes it now. But the countenance and support that the gentleman from Massachusetts may receive from the House in propounding to the Chair his question whether slaves can petition under the rule of the House, or in any way, will either confirm this belief, or weaken or entirely annihilate it.

Upon this issue would depend with him the question of concurrence in the feeling expressed (though not fully, owing to the rules of the House preventing him from proceeding at that time) by the gallant and experienced member from Louisiana, that the time had arrived when it was the business of Southern members to go home.

Mr. B. wished not to be kept in suspense upon this point. He wished to know whether he was right in believing that he was surrounded by brothers, sitting in consultation upon the interest, the prosperity, happiness, and glory, of their common family and country, or whether a portion, a considerable portion, were willing to countenance a proposition of this kind—a proposition that could admit of no interpretation milder than that of a direct insult to the feelings of the South; the most natural import, a direct attack upon the interest, the property, and the safety, of the slaveholding portion of the Union.

Mr. W. THOMPSON said he had risen to move, as an amendment to the motion of the honorable gentleman from Virginia, [Mr. PATTON,] the following resolution:

Resolved, That the honorable JOHN QUINCY ADAMS, by the attempt just made by him to introduce a petition purporting on its face to be from slaves, has been guilty of a gross disrespect to this House, and that he be instantly brought to the bar to receive the severe censure of the Speaker.

Mr. THOMPSON, of South Carolina, said he had always forborne, as far as he could control his feelings, from taking any part in the discussions on this subject. He now felt infinite pain in being forced, by an imperious sense of duty, to present the resolution which he had sent to the Chair. He was aware of the advantages over him which the gentleman's age and the stations which he had filled gave him. But, sir, there is a point at which forbearance ceases to be proper. The sanctu-

ary of age is not lightly to be violated; but when that sanctuary is used to throw poisoned arrows, it ceases to be sacred. The gentleman from Massachusetts offered to present a petition from slaves, and so purporting to be on its face, in open and wilful violation of what he knew to be the rules of this House, and insulting to a large portion of its members. Does the gentleman, even in the latitude which he gives to the right of petition, think that it includes slaves? If he does not, he has wilfully violated the rules of the House and the feelings of its members. Does that gentleman know that there are laws in all the slave States, and here, for the punishment of those who excite insurrection? I can tell him that there are such things as grand juries; and if, sir, the juries of this District have, as I doubt not they have, proper intelligence and spirit, he may yet be made amenable to another tribunal, and we may yet see an incendiary brought to condign punishment. Mr. T. said that, when he first took his seat here, and heard daily denunciations of the people whom he represented, and every vile epithet heaped upon them—a people for whom he claimed, to say the very least, the proudest equality—he was excited almost to the point of frenzy. Now he found himself sitting quietly under these things, when he saw his new colleagues, not more excitable than he was, in the same state of feeling in which he was at the last session. Sir, it is a most instructive commentary upon the gradual wear and tear of feeling, and the cooling of that just indignation which every Southern man should feel. Sir, if I desired the breaking up of this Government, I should thank the gentleman from Massachu[illegible] for his course on this subject. All we desire, si[illegible] issue, a fair and distinct issue. If gentlemen t[illegible]very an abomination, and that they have a rig[illegible] abolish it, why not come up to the point, and say so? I will forgive them for all the past if they will do it. We shall then, sir, soon, very soon, settle this question forever.

Mr. HAYNES said that, believing the object of the gentleman from South Carolina might be more readily obtained by a resolution in a different form, he would send to the table the following amendment:

Strike out all after "*Resolved*," and insert—

"That John Quincy Adams, a Representative from the State of Massachusetts, has rendered himself justly liable to the severest censure of this House, and is censured accordingly, for having attempted to present to the House the petition of slaves."

Mr. GRANGER said this was a question of extreme delicacy, and one which he hoped would not be closed by the previous question. His honorable friend from Massachusetts [Mr. Adams] knew that no man in this House had more sincerely stood by him on the right of petition than he (Mr. G.) had. But he (Mr. G.) must express his surprise that, with papers in his hand from sources of which he was ignorant, and of the genuineness of which he has expressed a doubt, he [Mr. Adams] should have assumed the responsibility he had this day assumed. He (Mr. G.) was surprised that that gentleman, holding the right of petition as one of the most sacred rights granted to this people, should ever have cheapened the value of that right by presenting indiscriminately papers enclosed to him, [Mr. Adams,] when he was himself ignorant of the names, condition, or characters, of those who forwarded them. He was the more surprised that a paper from this immediate vicinity, and purporting to bear the signatures of those who are represented by a gentleman [Mr. Patton] sitting on the left of the gentleman from Massachusetts, and with whom that gentleman was on intimate terms, should have been presented to this House without some inquiry having been made as to the character of those whose names were attached to the petition, or without the gentleman [Mr. Adams] being possessed of, or having guarded himself by, the requisite information in relation to the petition he was about to present. It was well known that no man here deprecated more than he (Mr. G.) did the decision of the Chair in tying down members of the House under the resolution of the last and the present year. It was due to the gentleman whom he had in his eye [Mr. W. Thompson] to say that he believed he [Mr. T.] had invariably voted against it.

[Mr. Thompson explained that he had voted against the resolution, because he thought that the petition should not be received, but instantly rejected.]

Mr. G. resumed. What was the position in which we are now placed by the adoption of that resolution? It was that all papers, in advance, having reference, immediately or remotely, to the subject of slavery, no matter how offensive in its object, or disreputable in its terms, or how respectful, were carried to the Speaker's table.

Instead of securing to the people of this country the sacred right of petition, with every paper to be passed upon, if not by the judgment of the person presenting it, at least by the judgment of the House, this stifling resolution had been the vehicle of carrying on to the records of the House documents that should never have been placed there, and of excluding those which were entitled to its consideration. It had probably placed on the table papers which never ought to have been admitted, and it had shut out from the people of this country the full and free right of having their petitions presented here, and of being heard upon them.

Mr. G. said he had regretted as much as the gentleman from South Carolina [Mr. Thompson] or the gentleman from Virginia [Mr. Patton] that this paper should have been presented. As a member of this House, he (Mr. G.) considered the right of petition sacred; but he also considered himself bound, in the exercise of that right, to guaranty to the House that the paper he offered was one the responsibility of which, so far as presenting it was concerned, rested on his shoulders. It did not follow that he approved or disapproved the object of the petition because he presented it; but it was due to the House, in presenting it, to say that he believed it to be such a paper as a member had a right, and was bound, to present to an American Congress; and he could not think that the honorable gentleman from Massachusetts could strengthen the right of petition by presenting a paper in the manner in which this had been offered.

This question, as now presented, was one of deep interest. He felt bound to say that a certain class of the community were too ready to change their ground, and to hide their opinions on the abolition of slavery under the denial of the right of petition. He had in his mind men, not ordinary men, who, feeling that this right has been unjustly abridged, have enlisted themselves in a cause in which they would never otherwise have engaged; men who, only one year ago, were as much opposed to the abolition of slavery as any man in this House, but who are now found within its ranks. These, he had said, were not ordinary citizens, but those who stood forth to the community in that enviable relief which talent gives to virtue. It was not to be disguised, and he felt bound to declare, that, if the House wished to forward the cause of abolition, they would pass these hasty resolutions. No man in this nation held the right of petition under the constitution more sacred than he did; but it was due to himself to repeat, what he had heretofore stated, that so long as the States of Maryland and Virginia should continue their present policy, he did not believe that Congress had any just power to interfere in this question, nor that either philanthropy or patriotism demanded it; that in his opinion, at the time of the cession of this District, it was no more con-

templated that slavery should be abolished here before it was in the surrounding country, than that this territory should continue in its present position after the adjoining States by which it had been ceded should have changed theirs. But he would say to the gentlemen from South Carolina [Mr. THOMPSON] and from Georgia [Mr. HAYNES] that, if this resolution was pushed to a vote of censure, its effect on the community would be most serious.

What was the position of the gentleman from Massachusetts? He [Mr. ADAMS] had requested instructions, had asked the decision of the Chair as to his right to present the petition, and whether it came within the resolution of the House to which he had referred. Before the decision of the Chair had been announced, and whilst the House remained in ignorance even of the gentleman's own opinions as to the propriety of presenting it, a resolution was introduced, which, in effect, went to censure him for asking the decision of the Chair, and which decision had not yet been announced. If these proceedings must be carried on, for pity's sake, at least, let the opinion of the person presenting it be known; let him at least declare in his place that he claimed the right to present the petition. It will then be time enough to act upon these resolutions, and then be matter of sufficient doubt whether they should be passed, or whether any member should be censured for what he considered an honest discharge of his duty.

He could not conclude without expressing his regret at the occurrence of this morning, and his firm conviction that the course of the gentleman from Massachusetts, so far from rendering the right of petition more sacred, was calculated to render it a mere bauble, to be played with; and he objected to having the right of petition, inalienable in his constituents, tried by any such issue as could be made upon the papers which the venerable gentleman from Massachusetts [Mr. ADAMS] had last presented.

Mr. LEWIS offered the following amendment, which he suggested to his friend from South Carolina [Mr. THOMPSON] to accept as a modification:

Resolved, That JOHN QUINCY ADAMS, a member from the State of Massachusetts, by his attempt to introduce into this House a petition from slaves, for the abolition of slavery in the District of Columbia, committed an outrage on the rights and feelings of a large portion of the people of this Union; a flagrant contempt on the dignity of this House; and, by extending to slaves a privilege only belonging to freemen, directly invites the slave population to insurrection; and that the said member be forthwith called to the bar of the House, and be censured by the Speaker.

Mr. W. THOMPSON accepted the modification.

Mr. LEWIS said that, as a member from the South, he was not disposed to argue this question here. He wished to see whether there was the power or the will to discountenance such proceedings as these. If not, the members from the South had better go home and prepare to protect themselves.

Mr. PATTON said he thought the House was proceeding rather harshly in this matter. The resolution, in the form in which it now stood, asserted two facts, of which he would desire to be certified before he gave his vote upon it. He knew nothing of the character of the paper, for the gentleman from Massachusetts [Mr. ADAMS] had preserved towards him the same silence as on the other paper, purporting to come from Fredericksburg.

But the resolution asserted two facts: First, that the paper was a petition by slaves for the abolition of slavery. Was that the fact? Was any gentleman here authorized to state that this was a paper for the abolition of slavery? It was essentially important, before the House was called on to act, that they should know whether this was the fact or not. The resolution asserted also another fact: that the gentleman from Massachusetts attempted to offer this petition. He (Mr. P.) understood that this was not the fact. He thought he should be disposed to go as far as those who would go farthest in adopting any proper course for arresting these attempts to procure the action of the House in relation to the abolition of slavery in the District of Columbia, or any where else. He should be ready to go to the utmost extent of his constitutional powers to arrest that action, either by the legislative intervention of the House, in its ordinary course, or by refusing to receive the petitions, or by inflicting censure on members transgressing the bounds of their duty to keep up an excitement on the subject. But let us know (said Mr. P.) what we are doing. Suppose that this petition was a quiz; and that, so far from being a petition for the abolition of slavery, it was a petition for a very different thing. Mr. P. would object as much to the one proposition being presented here as the other. But let the House, before it involved itself in this solemn proceeding, before it took this decided and hazardous step of bringing to the bar of the House a member of its body, as having violated its rights, know on what grounds they were proceeding.

Were the facts as they were stated to be? Had any such petition been presented or offered by a member of the House? He regretted to be involved in this excitement on grounds which might turn out to be more of a farce than a tragedy. He expected it would be found that neither the one fact nor the other, assumed in the resolution, was true.

Mr. ADAMS then rose and said he did not know under what rule of the House the several resolutions which had been presented in relation to himself had taken the place of the resolution or motion submitted by his friend from Virginia, [Mr. PATTON,] nor how it had happened that this matter had come under the consideration of the House, whilst a question was pending whether a paper previously presented by him (Mr. A.) should be taken from the Speaker's table and returned to him. The Speaker, he presumed, knew how this had come about.

The SPEAKER explained that this had been effected under the operation of that well-established parliamentary law, which gave precedence to questions of privilege over all other business.

Mr. ADAMS. Well, sir, I am satisfied.

In regard to the resolutions now before the House, as they all concur in naming me, and in charging me with high crimes and misdemeanors, and in calling me to the bar of the House to answer for my crimes, I have thought it was my duty to remain silent until it should be the pleasure of the House to act either on one or other of these resolutions. I suppose that, if I shall be brought to the bar of the House, I shall not be struck mute by the previous question, before I have an opportunity to say a word or two in my own defence.

But, sir, gentlemen are really consuming the time of the House in such a manner, that I think the obligation rests upon me to ask them to modify their resolution. It may be as severe as they propose; but I ask them to change the matter of fact a little, so that when I come to the bar, I may not, in one single word, put an end to their resolution.

The gentlemen, who have such a laudable zeal for the slaveholding portion of this confederacy, and I do not censure them for that zeal, charge upon me, first, that I attempted to present a petition from slaves; and, secondly, that that petition was for their emancipation from slavery. I did not present the petition, and I appeal to the Speaker to say that I did not. I said I had a paper, purporting to be a petition from slaves; I did not say what the prayer of the petition was; I said it was a paper pur-

porting to be a petition from slaves, signed partly by crosses for signatures, and partly by letters, scarcely legible, purporting to be names. I asked the Speaker whether he considered such a paper as included within the general order of the House, that all petitions, memorials, resolutions, and papers, relating in any way, or to any extent whatever, to the subject of slavery, should be laid on the table. I intended to take the decision of the Speaker before I went one step towards presenting, or offering to present, that petition. I stated distinctly to the Speaker that I should not send the paper to the table until the question was decided, whether a paper from persons declaring themselves slaves was included within the order of the House. This is the fact.

Now, as to the fact what the petition was for. I simply state to the gentleman from Alabama, [Mr. LEWIS,] who has sent to the table a resolution assuming that this petition was for the abolition of slavery; I state to him that he is mistaken. He must amend his resolution; for, if the House should choose to read the petition, I can state to them they would find it something very much the reverse of that which the resolution states it to be; and if the gentleman from Alabama still shall choose to bring me to the bar of the House, he must amend his resolution in a very important particular; for he probably may have to put into it, that my crime has been for attempting to introduce the petition of slaves that slavery should not be abolished. This is possible, sir. I say, then, the gentleman must amend his resolution; and I take it for granted that he and the House will be under the necessity of seeing what that petition is, and that they must not take it even from my representation. This representation I am perfectly willing to make, if the House shall think fit that the petition should be received and considered; and I shall be willing to do almost any thing, except to grant the prayer of the petition; for the gentleman from Alabama may, perchance, find that the object of the petition is precisely that which he desires to accomplish; and that these slaves, who have sent this paper to me, are his auxiliaries, instead of being his opponents. I state these facts for the consideration of the House. I shall not present the petition until the decision of the House has been announced; and I am disposed to be perfectly submissive to that decision, whatever it may be.

Whilst I am up, Mr. Speaker, I feel it necessary to say one word in reply to the observations of a gentleman for whom I entertain a profound respect, and who, on this occasion, has not felt as those gentlemen who have entirely misunderstood the course I was pursuing, and the nature of the paper on which I asked the direction of the Speaker. I allude to the gentleman from New York, [Mr. GRANGER,] who has expressed his regret at the course I have this day adopted.

Sir, it is well known to all the members of this House, it is certainly well known to all petitioners for the abolition of slavery in the District of Columbia, that from the day I entered this House down to the present moment, I have invariably here, and invariably elsewhere, declared my opinions to be adverse to the prayer of petitions which call for the abolition of slavery in the District of Columbia. But, sir, it is equally well known that, from the time I entered this House down to the present day, I have felt it a sacred duty to present any petition, couched in respectful language, from any citizen of the United States, be its object what it may; be the prayer of it that in which I could concur, or that to which I was utterly opposed. It is for the sacredness of the right of petition that I have adopted this course; and when my friend from New York [Mr. GRANGER] intimated his opinion—not directly expressed, but yet the necessary inference of his remarks—that, before presenting a paper purporting to be a petition from certain ladies of Fredericksburg, I ought to have shown it to my friend and neighbor here, [Mr. PATTON,] and to have followed the advice which he would have given, I reply to the gentleman [Mr. GRANGER] that such is not my opinion in regard to the right of petition. I did avoid showing my friend the petition, because I had every reason to believe that, if I did, he would exercise his influence over my mind—and that influence is great in every thing in which my duty does not interpose a barrier against its exercise—and that his advice would have been that I should not present the petition. I did not choose to place myself in this position. I adhered to the right of petition; and let me say here that, let the petition be, as the gentleman from Virginia has stated, from free negroes—prostitutes, as he supposes, for he says there is one such on the paper, and he infers that the rest are of the same description—that had not altered my opinion at all. Where is your law which says that the mean, and the low, and the degraded, shall be deprived of the right of petition, if their moral character is not good? Where, in the land of freemen, was the right of petition ever placed on the exclusive basis of morality and virtue? Petition is supplication—it is entreaty—it is prayer! And where is the degree of vice or immorality which shall deprive the citizen of the right to supplicate for a boon, or to pray for mercy? Where is such a law to be found? It does not belong to the most abject despotism. There is no absolute monarch on earth who is not compelled by the constitution of his country to receive the petitions of his people, whosoever they may be. The Sultan of Constantinople cannot walk the streets and refuse to receive petitions from the meanest and the vilest in the land. This is the law even of despotism. And what does your law say? Does it say that, before presenting a petition, you shall look into it, and see whether it comes from the virtuous, and the great, and the mighty? No, sir, it says no such thing; the right of petition belongs to all. And, so far from refusing to present a petition because it might come from those low in the estimation of the world, it would be an additional incentive, if such incentive were wanting. This I say to my friend from Virginia, [Mr. PATTON.]

But I must admit that when color comes into the question, there may be other considerations. It is possible that this House, which seems to consider it so great a crime to attempt to offer a petition from slaves, may, for aught I know, say that freemen, if not of the carnation, shall be deprived of the right of petition, in the sense of the House. It is possible, sir, that had I known the petition from Fredericksburg to have been from colored people, I might have taken into my consideration the question, not whether I ought to present the petition to the House, but whether, in the temper of this House, it would be prudent for me to present it. Sir, I did not know that these were colored women. The petition was sent without any indication of the color or condition of those who sent it. At all events, it did not purport to come from slaves; and when the paper which I last held in my hand came to me as a petition from persons declaring themselves to be slaves, I did not present it, but I asked the Speaker if it came within the general order of the House. I am still waiting for that decision; and if it should be the decision of the Speaker that the petition cannot be received, because it comes from slaves, I shall submit to the determination of the House. If the House think proper to receive the petition, I shall present it.

Mr. MANN, of New York, obtained the floor, and said that the future historian, when arriving at the transactions of the twenty-fourth Congress, would find it requisite to pause and contemplate the spectacle now before us and the American people. He will be at fault to discover the cause for the scenes now presented; and,

contemplating the nature of our political institutions, tracing their formation and establishment, he will find nothing which would necessarily produce or justify the course of proceedings which have occurred here for the last and present sitting of Congress. Sir, (said Mr. M.,) why is it, then, that we are weekly, and almost daily, drawn into the consideration of abstract, impracticable, and (Mr. M. said he must be permitted to say) improper, if not reprehensible subjects, by the course adopted by the venerable member from Massachussetts? [Mr. ADAMS.] Is it from any defect in the forms or principles of our proceedings? Is it inherent in the compact upon which rests all that is valuable in our institutions? Is it to be found and justified in the condition and circumstances of our country? Can it be traced to a want of patriotic devotion in any considerable portion of our country to the Union? Would it be charitable to attribute it to any disappointment of individual ambition, seeking revenge for such disappointments in attempting to ruin that which it could not rule?

On no one of these inquiries, Mr. Speaker, (said Mr. M.,) can we find a satisfactory solution of the question why we are now presenting to the country the deplorable spectacle, shown off every petition day, by the honorable member from Massachussetts, in presenting the abolition petitions of his infatuated friends and constituents. The House has, with a unanimity almost unparalleled, prescribed a rule for its government in respect to these petitions, with which it is, upon experience, as well (Mr. M. ventured the opinion) as the considerate men of all parties, in every portion of the confederacy, well satisfied. Yet the honorable member has made himself to believe that it was his duty, against the sense of the whole House, (Mr. M. believed, with but few exceptions,) against the sense of the whole country, including his own political friends, (if any he has,) to resist the execution of that rule with a degree of violence paralleled only by revolutionary madness of desperation. Sir, (said Mr. M.,) it becomes me, the House, and the country, to remember that the venerable gentlemen from Massachusetts has occupied the executive chair, and administered the duties of the highest office of the civilized world. And it becomes us, also, to respect his gray hairs, his old age, his long public services, and to seek out apologies and excuses in his behalf, if possible, for the obstinacy and ebullitions of temper which on these occasions he so often exhibits, and which is so much opposed to cool deliberation and the dignity of the proceedings of this House. Thus shielded and protected by his age and public character, it has been matter of surprise to those who are not spectators of our proceedings, that a member of his great learning and experience should so far forget his dignity as to presume upon that age and character as a license to him to annoy and trifle with the House and its most solemn and satisfactory regulations.

Sir, (said Mr. M.,) while we contemplate the character and respect the age of the honorable member, charity claims that we should also remember the frailty of our nature, and that man is mortal. It would be unjust to believe that, in the prime and vigor of manhood, the honorable member would have adopted the course of action which, at this late period of his life, seems to control him. The high noontide of that life has long since passed with him, and its wane is no doubt upon him, before he is either aware or sensible of it; for it cannot be believed that, in the days of his more acute perceptions, he could have yielded to influences which now seem to have the mastery.

In this, (Mr. M. said,) by the aid of a liberal charity, he found both the cause and apology for the course of proceedings adopted by the member, and for the consequent disorders and delays which occur in our proceedings. Sir, let me not be misunderstood; for although the honorable member is far advanced into the autumn of his career, yet (Mr. M. said) he entertained a veneration for his learning and experience which he should always cherish with pride.

But, Mr. Speaker, (said Mr. M.,) the proceedings of this day should admonish us of the danger of being thrown into unusual excitements, and acting hastily under such influences. Mr. M. said he was aware of the nature of the petition which the honorable member had offered before he had, by innuendoes, explained it; but some gentlemen had supposed that it affected the constitutional rights of their States—their rights to their slave property; and, supposing this, it was very natural for them to be suddenly alarmed.

It now, however, appears probable that some mischievous persons have trifled with the honorable member from Massachusetts; and he, in turn, seeks to trifle with the House and country, by treating with seriousness that which was probably, in its origin, levity. The resolution to censure the honorable member is not, it seems, framed upon the real facts of the case, and assumes too much; and, as it now stands, cannot be maintained. It should describe truly the matters to justify its adoption. Mr. M. would have no hesitation, when the honorable member shall be guilty of a violation of the rules and rights of the House, and that violation shall be apparent, to vote any censure merited by the offence; and this, too, notwithstanding his age and character, because he is not elevated above law by any age or any character.

Mr. M. said he had always viewed this question of abolition and its progress with the deepest solicitude, as affecting the political integrity of the confederacy. In the formation of this Union it was, as we well know, one of the greatest obstacles to be overcome, and was only surmounted by a spirit of concession and compromise which it is feared does not exist now. In that compromise, we of the free States agreed to the doctrine of non-interference in the domestic institutions and concerns of the others. Some few of our people, however, pretending to a holy zeal, worthy of a better and more lawful cause, influenced by what they claim to be paramount considerations to the obligations of the constitution and the integrity of the republic, regardless of consequences, insidiously violate the spirit of the compact by interfering with the subject in this District. And we are now again called upon by our Southern brethren to know whether we will live up to the agreement we have made; whether we will keep the faith and perform our bargain. This is the true question propounded to us in all these proceedings. And, Mr. Speaker, (said Mr. M.,) as for me and my household, my constituents and friends, I say, without reservation, we will. Is there a patriotic heart in this hall, in this nation, is there a friend to the welfare of the republic, who can answer that he will not? Mr. M. did not believe there was one; and he therefore asked that honorable members from the South should give themselves no uneasiness on account of these ill-advised proceedings. Mr. M. relied upon the patriotism and good faith of the people of the North to abide by the compact they have made. He knew that this reliance would not fail.

Mr. W. THOMPSON said he was sorry to see the air of levity which it is attempted to throw over this matter. He felt very differently. What, sir, is it a mere trifle to hoax, to trifle with the members from the South in this way and on this subject? Is it a light thing, for the amusement of others, to irritate, almost to madness, the whole delegation from the slave States? Sir, it is an aggravation. It is intimated that the petition does not pray for the abolition of slavery, but a very different object. It makes not the slightest difference; it is the attempt to introduce a petition from slaves for any object; as inso-

lent if it be for one purpose as for another. It is the naked fact of the presentation of a petition from slaves. But, sir, there is another view of this matter, which, in my judgment, makes the thing worse. The gentleman from Massachusetts had been presenting abolition petitions all the morning; it is his daily labor of love; and I appeal to every member on the floor, if the conduct of the member was not such as to induce every one to believe that it was an abolition petition. He allowed resolutions to be presented on that supposition, and speeches to be made, without undeceiving the House. This trifling was an additional contempt of the House; how much befitting the age and standing of the gentleman it is not for me to say.

Mr. T. then further modified his resolution by substituting the three following resolutions:

1. *Resolved*, That the honorable John Q. Adams, by an effort to present a petition from slaves, has committed a gross contempt of this House.

2. *Resolved*, That the member from Massachusetts above named, by creating the impression, and showing the House, under that impression, that the said petition was for the abolition of slavery, when he knew that it was not, has trifled with the House.

3. *Resolved*, That the honorable John Q. Adams receive the censure of the House for his conduct referred to in the preceding resolutions.

Mr. PICKENS observed that it had not been his intention to address the House upon this subject; he had not intended to utter one word, if it had not been for the remarks that fell from his friend from Virginia, [Mr. Wise,] and that he would now endeavor to preserve all the calmness he could, considering the momentous topics which had been drawn into this discussion. Mr. P. perfectly agreed with the gentleman from Virginia [Mr. Wise] in reference to the resolutions which the member from Charleston [Mr. Pinckney] introduced last session, and which had been substantially adopted again at this session, by which all this class of petitions had been received into this House. They were miserable and pitiful resolutions; pitiful, because they had trifled with the rights of the South, and trifled with the rights of this House. He could thank God that he had nothing to do with their passage, and the deep responsibility they had brought down upon their authors. He would say, in reply to the remarks of the gentleman from New York, [Mr. Granger,] in censure of the gentlemen from the South who supported those resolutions, "Thou canst not say I did it." When those resolutions passed, he (Mr. P.) had predicted what had now come to pass: the scenes which we now see passing around us—the introduction of all kinds of vile petitions from free negroes and slaves, which, under the resolutions, are treated with the respect, in advance, of having them received and laid upon the table. But, (said Mr. P.,) although these were his opinions, yet, as long as we were members of this body, we were bound to maintain its dignity, and do what we could to prevent scenes calculated to harass and insult the feelings of a large portion of the members of this House, by calling down our censure upon the gentleman from Massachusetts [Mr. Adams] for his wanton attempt to introduce the rights of slaves upon this floor, and by avowing he held a paper in his pocket purporting to be a petition from slaves, signed by twenty-two. Mr. P. said this admitted that he had communication with slaves, and was evidence, in law, of collusion. It broke down the principle that the slave could only be known through his master. For this he was indictable, under statute, for aiding and abetting insurrection; and for such conduct is he not amenable to the censure of this House? The privilege of speech protected a member from being questioned before any other tribunal, but does not exempt him from being questioned before this House.

Mr. P. said, if this House was to be made the tribunal before which we were to be traduced and slandered, if we were to be made the instruments through which denunciation and falsehood are to be heaped upon one half of this confederacy, if we are to sit here and have our feelings harrowed up and wounded by those who pretend to be our brethren, better, far better, for us to grasp the pillars that support the noble edifice of our Union, and make them rock and totter to their deepest foundation, even though we, together with the Philistines, should be overwhelmed and perish in one universal ruin. He (Mr. P.) would loathe and detest to hear his heart beat, if it could beat, with one single emotion of affection for this Union, if it is to be made habitually a vehicle of abuse and imputation upon his constituents—a Union that is to bring death and ruin upon my own home and country. He would not use moderate language on such a topic, and he would most cheerfully vote for the resolution of his colleague, [Mr. Thompson.] Viewing, as he did, the attempt which had been made as an outrage upon this House, perpetrated in a spirit of wantonness, sporting with the feelings of those who were here under a common constitution, with equal rights, and entitled to equal respect, he looked upon such conduct as amenable to the laws of the land, and could be shown as aiding and abetting insurrection. When the proceedings of this day get abroad throughout the country—that a member of this House held a petition from slaves, and was here the avowed and ready receptacle of such papers from slaves, what might be the consequences no man could foretell.

He (Mr. P.) was astonished to hear the gentleman from Kentucky, [Mr. Hardin,] an able lawyer, maintain that we were bound to receive petitions under the constitution. Mr. P. here read the amendment in the constitution securing the right of the people peaceably to assemble and petition for redress of grievances, &c.; and then asked if we were engaged in passing any act abridging the freedom of speech, or the right of the people peaceably to assemble and petition, &c. He contended that, if we were to pass such an act, it would be null and void, because unconstitutional; and this was the meaning of that part of the constitution; but when they peaceably assemble and petition, their rights under the constitution ended, and our rights under the same instrument commenced. As well might it be urged that the petition must necessarily be granted and forced through, as to say that we cannot judge of the propriety of its reception or rejection; we must necessarily judge of the propriety of receiving any papers whatever that may be presented to our judgment; it is our right and duty, as a reflecting or rational assembly; it is inherent. And the issue made upon the right of petition is merely a diversion intended for public effect.

Mr. P. then made some other remarks, tending to show that it must not be supposed that he was apprehensive, or feared for any thing that might be brought upon the country. No; he said that South Carolina had no fears on this subject; she knew her rights, and, knowing them, was resolved to maintain them, or to perish in the attempt. She asks no favors of this Government on this question; and, as one of her representatives, he proudly disdained to ask any forbearance whatever. He knew the power of this Government, and the rights of his country; and while South Carolina was prepared to defend the latter, she defied the former.

Mr. CAMBRELENG observed that he was not among the number of those who despaired of the safety of the Union, let the hurricane come from what quarter it would—from the North or from the South. There was sufficient virtue and power among a large population, in every quarter of the Union, to keep the two extremes from breaking down the pillars of the confederacy,

whether threatened with fanaticism on the one hand, or insurrection on the other. This was the first time he (Mr. C.) had ever risen to speak upon this subject; he had felt as gentlemen from the South, when the honorable member from Alabama [Mr. LEWIS] presented his resolution; he felt, that great as the sacrifice was to bring to the bar of this House one who had occupied the highest station on earth, as President of the United States, yet thought that it ought to be made. But now, after having heard the explanation of the honorable gentleman, [Mr. ADAMS,] he viewed the subject altogether in a different light. It appeared to him that that gentleman [Mr. ADAMS] had been hoaxed by some young men in Fredericksburg. The two gentlemen from South Carolina [Mr. PICKENS and Mr. THOMPSON] must pardon him for attaching less importance to this whole affair as it now stood, and if he could not treat it with the same solemnity. The venerable gentleman from Massachusetts had evidently been not only hoaxed in regard to the Fredericksburg petition, but insulted in the very petition for making the inquiry about which he was now arraigned before the House. The contents of the petition were known in this House before the gentleman from Massachusetts announced them. It was manifestly designed to make him appear ridiculous, by presenting a petition praying for his own expulsion. It came from a slaveholding quarter, and was no doubt designed to insult him for presenting so frequently abolition petitions.

Mr. DAWSON called upon Mr. CAMBRELENG to mention who it was that had played this hoax; whoever it might be, he ought to be expelled from this House.

Mr. BOULDIN expressed the same opinion.

Mr. CAMBRELENG said he would not answer the question as to persons; he had merely heard it stated near him that the character of the petition was known before the gentleman from Massachusetts alluded to its contents. There were two reasons why he should not vote as he had first intended to have done for the resolution of censure: the first was, because, viewing the matter in the light he had placed it, he thought it too trifling a matter for which to bring one who had been President of the United States to the bar of the House; and the second reason was, because that gentleman had, by the avowal of his hostility to the abolition of slavery in this District, made some atonement for the disorder he had occasioned from week to week in presenting these petitions. It was due to the gentleman from Massachusetts to say, further, that he took the occasion, on presenting the first petition some years ago, praying for the abolition of slavery in this District, to state explicitly, lest his opinions might be misunderstood by the petitioners and the country, that he was utterly opposed to the prayer of the petition; he had distinctly said that he viewed the subject as one of those cases in which the remedy was to be considered worse than the disease. He (Mr. C.) should, therefore, with these views of the case, not now give his vote to the proposition for censuring that honorable gentleman, [Mr. ADAMS.]

Mr. GLASCOCK thought that what had fallen from the gentleman from Virginia, [Mr. PATTON,] so far from being a satisfactory explanation, only helped to make the matter worse.

[Mr. PATTON explained. When he (Mr. P.) saw the House proceeding with haste and warmth, he had merely risen to express his opinion that perhaps it would be necessary first to know if we had the facts; he (Mr. P.) did not know what the facts were, but he felt that it was undoubtedly necessary that, in such a case, the House ought first to be assured of the facts.]

Mr. G. proceeded. He (Mr. G.) would, after the explanation he had heard, confine himself to the statement which had been made by the gentleman from Massachusetts, [Mr. ADAMS.] That gentleman knew well, by his own showing, that, when he asked for information from the Chair on this subject, he was entering upon that which was calculated deeply to wound the feelings of the South; it was obvious, therefore, that his intention had been to inflict a wound; and why, he (Mr. G.) would inquire, why should he have asked such a question of of the Chair, when he must have known what would be the answer? His intentions being evidently such, namely, to cast a spark which would immediately kindle into a flame, he should feel himself recreant to every proper feeling of the heart and mind, if he did not give his vote for this resolution.

Mr. PINCKNEY said that, from the peculiar position in which he stood in relation to this question, he was constrained to throw himself upon the indulgence of the House. He concurred entirely with the gentleman from Alabama, [Mr. LEWIS,] that this subject ought not to be discussed by Southern members. Opposed, as he always was, to the agitation of the subject of slavery on that floor, he was decidedly of opinion that now, more than ever, under the extraordinary circumstances of the present case, no Southern delegate should have said a word. The decision of the question should have been left entirely to the members from the non-slaveholding portions of the Union. He was sure that, if the decision was left to them, without any of that excited debate which always injures a cause, however intrinsically good, the enlightened patriotism and liberal feeling of the members from the non-slaveholding States would have done all that was necessary either to satisfy the injured feelings of the South, or to maintain the order and dignity of that honorable House, both of which had been outraged by the extraordinary conduct of the gentleman from Massachusetts, [Mr. ADAMS,] against whom resolutions of censure had been moved. But, instead of simply demanding the action of the House upon this matter, and having the seal of its reprobation placed instantly and promptly upon the indignity that had been offered both to the South and to the House, member after member had risen, speech after speech had been made, resolution upon resolution had been offered, by Southern members, until excitement had risen to the very highest pitch; and, now, what was the consequence? Why, the gentleman from Massachusetts tells us that, if the gentlemen who have moved these resolutions wish to have him censured by the House, they must modify their resolutions, by striking out all that relates to the abolition of slavery; for the petition which had caused all this excitement not only does not pray for the abolition of slavery in the District of Columbia, but prays for directly the reverse, and even denounces him [Mr. ADAMS] for intermeddling with the subject. It seems, then, (said Mr. P.,) that the petition which the gentleman offered to present is not a petition in point of fact; that it is nothing more than a quiz, or hoax, which has been played off upon the gentleman himself; and that, probably, in retaliation for the joke practised on himself, he determined to carry it still further, by playing it off upon the House. But whether the petition was genuine or not; whether it prayed for the abolition of slavery, or the expulsion of the gentleman himself; and whether the gentleman was in jest or earnest, his conduct was unquestionably reprehensible, and such as ought to be visited with the severest censure of the House. If the petition was genuine, it was an indignity to the House to have offered to present it, purporting, as it did, to come from slaves. Does not the gentleman know that the right of petition only attaches to the free white people of the Union, and that slaves can only be heard in a legislative body through the agency of their owners? But if the petition was a hoax, then the conduct of the gentleman was still more unjustifiable. It was adding insult to injury: first, by creating the

impression that it was a genuine petition, and producing a scene of unparalleled excitement in the House; and then, as if he revelled in the tempest he had raised, turning it all into ridicule, by telling us now, after a protracted debate of several hours, that the petition is in favor of slavery, not against it, and that it was more against himself than any thing else. The gentleman, if such is his disposition, may enjoy this joke, and enjoy this scene; but farces of this kind neither suit the humor of the slaveholding States, nor comport with the character and dignity of the Legislature of the nation. But the gentleman says he did not present this petition, nor offer to present it; he only stated that he had such a petition, and inquired of the Chair whether it would come under the order of the House, by which all papers relating to slavery are directed to be laid upon the table, without printing or commitment, or any action whatsoever.

It would seem, then, (said Mr. P.,) that this notable hoax of a slave memorial was an ingenious device, by which the gentleman had attempted to manifest his contempt for an order solemnly adopted by this House, under the pitiful pretext that because the said hoax had reference to slavery, it must, therefore, be received and laid upon the table, as included in the general and comprehensive scope of the aforesaid order. If this was the object of the gentleman, so far from mending the matter, it only made it worse; for, according to his own showing, he had not only offended the House, in earnest, or trifled with it, if in jest, but, in either case, had determined, if possible, to throw ridicule upon a resolution which the House had thought proper to adopt for its own governance, in relation to all papers connected with the subject of the abolition of slavery. Mr. P. had no doubt that this laudable motive was duly appreciated by the House, and that they would manifest their high sense of the ingenuity of the gentleman in the manner that became them. But it was not Mr. P's object to discuss the conduct of that gentleman; that had been amply done by others. He rose for another and a very different purpose; one somewhat personally affecting himself, and but for which he would not have troubled the House with a single observation. Pointed allusions, which he felt it his duty to notice, had been made by two gentlemen to the resolution adopted at the last session, in relation to abolition, and of which he was proud that he had been the mover. The gentleman from New York [Mr. Granger] had endeavored to prove that the attempt by the gentleman from Massachusetts [Mr. Adams] to offer a petition from slaves, and all the mischief and excitement produced by that attempt, were all entirely owing to the adoption of the resolution to which he had just adverted. Such an argument was scarcely worthy of serious refutation; but, coming from the high source it did, he could not permit it to pass unnoticed. Strictly speaking, Mr. P. had no connexion with the order or resolution recently adopted and now in force. The Speaker had decided that the resolution adopted last session ceased its operation with the termination of that session. The resolution now in force was moved by Mr. Hawes, a member from Kentucky. Mr. P. did not say this by way of avoiding any responsibility connected with that movement; far from it. He had voted for the resolution most cordially, because it was identical with the one adopted last session, and which originated with himself. Nay, more: he had intended to have renewed that proposition this session, but was anticipated by the member from Kentucky. A gentleman from North Carolina [Mr. Bynum] had the floor upon the question of reception, raised upon a memorial presented by the member from Massachusetts, [Mr. Adams.] He had spoken on one Monday, and was to have concluded on the next. Courtesy demanded the postponement of the resolution until he should have had an opportunity to complete his argument, and it was delayed accordingly. The member from North Carolina knew of Mr. P's intention, and of his motive for delaying its execution, because he had communicated with him on the subject. [Mr. Bynum signified assent.] But, as he had already stated, he was anticipated by the the member from Kentucky. The resolution, notwithstanding, had had his most cordial concurrence; and, if gentlemen desired to lay it to his door, he was perfectly willing to assume its paternity. Considering the present resolution, then, and the one adopted last session, as one and the same, and himself responsible therefor, what was the history of that much-abused resolution? Every gentleman recollects the occurrences that transpired last session. After three months of extraordinary excitement, arising from a most injudicious contest on the question of reception, or, in other words, on the great constitutional question of the right of petition, a resolution was adopted by the House, referring all abolition memorials to a select committee, with instructions to report that Congress cannot interfere with the institution of slavery in the District of Columbia, because it would be a violation of the public faith, and dangerous to the existence of this Union. That resolution was adopted by a very large majority; and when the committee submitted their report, another resolution, recommended by the committee, was subsequently adopted by the House, directing that all abolition papers should, without being printed or referred, be laid upon the table, and that no further action whatever should be had thereon. By the adoption of the first resolution, particularly when taken in connexion with the report of the committee, the faith of the nation was solemnly pledged to the slaveholding States that no interference whatever would be attempted, on the part of the Federal Government, with the institution of slavery in the District of Columbia. By the adoption of the second, an equally solemn assurance was given that no further agitation of the subject of slavery would be permitted within the hall of the House of Representatives. The latter was an appropriate corollary to the former, and showed conclusively that the House did not intend to "hold the word of promise to the ear, and break it to the hope." The great object of all those proceedings was to allay excitement, to repress the fanatical spirit of abolitionism, to restore harmony to our distracted country, and to strengthen and burnish that beautiful constitutional compact which binds us in unity as a family of States. And that object has been attained. The resolutions alluded to were satisfactory to the South and satisfactory to the North. Their success succeeded the expectations of their most sanguine advocates. Every thing that has occurred since the last session of Congress affords abundant evidence of this. Abolition meetings and lectures were incomparably fewer and less numerous than formerly. Several Legislatures of the non-slaveholding States had adopted admirable and patriotic resolutions against the abolitionists, and in favor of the constitutional rights of the Southern States, as regards their peculiar domestic polity. The spirit of the people every where was against abolition. It was manifestly going down, though, in its dissolution, it heaved and struggled with convulsive agony. This was clearly proved by the comparative fewness and exclusive character of the memorials presented to the House this session. They are decidedly fewer than those presented last session, and, with only two or three exceptions, are all signed by women and children. This is a remarkable fact, and well worthy of attention. Last year there were upwards of 20,000 male signatures; now we have scarcely any thing but female. The fact is undeniable that the proceedings of the last session have been productive of immense advantage. They have roused the patriotism of the nation, and chained down fanaticism in

its den of darkness. But it is because the spirit of abolition is thus repressed and kept down by the resolutions of this House that it struggles and screams as it does with demoniac rage. Its element is agitation, its life-blood is excitement. Give it the question of reception—give it a daily contest on the right of petition—produce constant confusion and turmoil here—produce a corresponding spirit in every section of the Union—and this is all it wants, and all it asks. Like the abhorrent animal that preys on corpses, it thrives and fattens on the distresses of the country. All that it asks is to kindle a flame at the Capitol that may consume the Union. Allow it to do that, and its work is done. Allow it to do that, and it will soon "cry Hecate, and let slip the dogs of war." But repress agitation—give no scope for turmoil—nail the memorials to the table—allow no discussion or action on them—and having nothing to go on, no flame to fan, no strife to stir, it must necessarily droop and die, and soon cease to infect us with its pestiferous breath. This is not only the language of common sense, but it is the testimony of experience. We have the evidence of this session, and of the last six months, to prove that abolition has decreased and is decreasing. And this result has been produced by the resolutions of this House; and it is because this result has been produced, and because slavery can no longer be made the subject of agitation and excitement, that the resolution of the last session is now assailed on all sides with unwonted bitterness and fury.

The gentleman from New York [Mr. GRANGER] regrets that Mr. ADAMS should have offered to present a memorial from slaves, but ascribes it entirely to the circumstance that the resolution now in force requires that all papers relating to slavery, or the abolition of slavery, shall be laid upon the table. This was the argument of Mr. ADAMS himself. But the gentleman from New York is mistaken. The resolution is answerable for no such consequence. In the first place, this slave memorial has not been received, and never will be. It has not been laid upon the table, and never will be. It does not come within the order of the House, nor ever will. This answer is sufficient. The objection to the resolution is scattered to the winds. But again: the resolution necessarily embraces only those who are constitutionally entitled to address this House. It relates exclusively to the free white citizens of the United States. Slaves are not entitled to petition. They are not known to the Federal Government. They cannot approach it, nor can the Government legislate for them. Even in the slaveholding States, a slave can only approach the Legislature through the intervention of his master. He has no right to petition for himself. How absurd, then, to suppose that he can petition here! If he had a right to petition, Congress would have the correlative right to hear him. But Congress cannot hear him, cannot act for him, and therefore it is demonstrable that, as Congress cannot hear him, he cannot have a right to be heard. Who ever dreamt, when that resolution was adopted, that any member of this House would so far forget its dignity as to endeavor to evade the resolution, or to cast contempt upon it, by attempting to introduce a memorial from negroes! Mr. P. said he would just as soon have supposed that the gentleman from Massachusetts would have offered a memorial from a cow or a horse—for he might as well be the organ of one species of property as another. Slaves were property. They were not only recognised as such by the laws of the slaveholding States, but by the federal constitution itself. This could easily be shown by reference to various provisions in that instrument, bearing on this subject. But the subject itself was too absurd for argument. Not a single member, he was sure, one only excepted, could be persuaded to think seriously of the right of a slave to memorialize that House; and he would therefore say nothing further upon that point. But again: the gentleman from New York, [Mr. GRANGER,] after denouncing the resolution, contends that the only true way to treat the subject of abolition is to allow every memorial to be considered on its merits, and to be received or rejected, as the House may think proper to determine, after a manly trial of the issue on the question of reception. No doubt (said Mr. P.) every abolition journal in the country is of the same opinion. Mr. P. said he had recently been favored by the editor of "The Friend of Man," with a number of that paper. It contained a long review of the report he had submitted to the House, at the last session, on the subject of abolition. It not only condemned that report, but assailed Mr. P. himself, in the most bitter and unsparing terms. It insisted that the resolutions adopted by the House were equivalent to a denial of the right of petition, and charged the House with cruelty and despotism, arguing very naturally that the right to petition is a nullity, if, after the memorials are received, they are deposited quietly in the tomb of the Capulets, with no hope of resurrection from their sleep of death. And it had a great deal about the rights of freemen, and the insolence of slaveholders, and the base servility of the House, declaring unequivocally that it would rather see the Union dissolved than that the free citizens of the free States should be forced to succumb to slaves. But then it went most manfully for the question of reception—the editor, no doubt, chuckling at the recollection of the memorable vote of three fourths and more by which the South was defeated in the Senate.

But the question of reception is the true issue. So says the gentleman from New York. So say the abolitionists. So say certain gentlemen from the slaveholding States. We must not fight the principle of abolition, but the right of petition. We must not repress the actual movements of the fanatics, but give them every advantage that we can by making factitious issues upon abstract points. We must not meet them upon grounds on which we are able to conquer them, but on those grounds only on which they are most sure to conquer us. Well, gentlemen have had their will. Their true issue has been made. The question of reception has been forced upon the House, as it was upon the Senate and the South, a second time; has been most signally defeated. And how have the abolitionists borne their triumph? He would tell the House. Another paper, "The Emancipator," had been very kindly sent him. It hailed with ecstasy the "glorious news from Washington." It sung Io pæan to the victory that had been gained at last over "the nullifiers of the South." It rallied its forces to a renewed conflict with "the dark spirit of slavery." It called upon them to exert all their energies in the transmission of memorials to Congress. The enemy was beaten; the Capitol was theirs; they had only to enter, and possess the spoils. It was a remarkable fact, that before that issue was made, very few abolition memorials had been sent to be presented to the House. The general understanding was, that, under the resolutions of the last session, every memorial of that kind would be instantly laid upon the table, there to lie untouched forever; and under that gloomy and discouraging prospect, even the indomitable spirit of fanaticism had no heart to send them. But the moment the abolitionists had heard that the Chair had decided that the resolution of the last session expired with the expiration of the session, and, in addition to that, that the question of reception had been tried and carried in their favor, they revived from the dead, shook off their despondency, renewed the contest with redoubled vigor, and began to pour in the memorials with which the gentleman from Massachusetts has entertained and edified the House for the last three weeks. Such

were the fruits of the true issue, as gentlemen were pleased to term it. Mr. P. said he thanked Heaven he had no participation in the production of those fruits. He thanked Heaven that the incendiary fanatics, against whom he had contended faithfully, had never boasted of advantages that he had given them, nor proclaimed a triumph which they had been enabled to achieve through his instrumentality. It was his peculiar fortune to be abused and vilified by a certain portion of the South on the one side, and by all the abolitionists upon the other. It troubled not his peace. He had an approving conscience of which nothing could deprive him, and was determined to move on calmly in the even tenor of his way. He knew that justice would yet be done him, even by those who now denounced him, and he would continue to protect their interests, in spite of their curses, and regardless of their enmity.

It was the lot of others, on the contrary, to be lauded by that portion of the South who were displeased with him, and also by the very incendiary enemy with whom they were contending for the rights and welfare of the injured South. He did not pretend to account for this remarkable coincidence. Conscious of the purity of his own motives, he never cast imputations upon the motives of others. It was true there were many things in the political operations of the present day that passed his comprehension; but still he was willing to believe that it was more the result of his own obtuseness of intellect than of any thing wrong in the operations themselves. He was a Southerner, but he could not understand why papers, professedly devoted to the South, should hail the election of individuals friendly to abolition as political triumphs, nor why Southerners and abolitionists should choose the same mode of action, leading invariably to the advantage of the latter. He was a free-trade man, but he could not understand why papers, professing free-trade principles, should be opposed to a reduction of high protective duties, and be constantly filled with speeches and essays in favor of the manufacturers, and the obligation of the Government to sustain their monopoly. He was a strict constructionist, but he could not understand upon what principle of strict construction those professing the doctrine acted, who advocated the continuance of an enormous surplus in the Treasury, with a view to its distribution among the States, rather than a reduction of unnecessary and oppressive taxes to the legitimate necessities of Government. He was a State-rights man, but he could not understand why the admission of Michigan was opposed because she was a State, nor why the voice of her people was to be rejected, because they had chosen to assemble in convention, in their sovereign capacity, without the permission of their Legislature. He held that the power of the people was supreme, and that constitutions and legislatures were but organized expressions of their will, and authorized agents to execute their pleasure. He certainly would not venture to say to the people of South Carolina that they had no right to assemble in convention, in their sovereign capacity, if the Legislature of their State should presumptuously forbid it. And what he would assert and maintain for his own State, he did not feel warranted to deny to the people of Michigan. He saw no anarchy in their conduct. He saw nothing but a peaceful and rightful assemblage of the people, for the lawful purpose of giving their assent to the act of Congress, and with the laudable design of effecting their admission into the confederacy of the States. In his humble judgment, to have rejected her application for admission would have been conduct infinitely more liable to the charge of anarchy and revolution. She would then have been a State, but out of the Union; and Congress in that event would not only have dismembered the Union of a large portion of its territory, but would have erected a separate and independent State, in the bosom of the confederacy, not subject to the laws of the Federal Government, but at full liberty to pursue whatever career she pleased, no matter what confusion or disorder might have resulted from her movements.

But to return to the resolution relating to abolition. One assailant, he would have supposed, might have been sufficient to destroy so poor a breastwork, especially when that assailant was the distinguished member from New York. But it still stood firm; ay, as firm as the pillars of honesty and truth; and, therefore, one of his colleagues from South Carolina [Mr. Pickens] had come to the aid of that honorable member. He, too, had denounced the resolution. He had called it "miserable," "pitiful," and, following the example of the honorable member from New York, had endeavored to demonstrate that it was owing to that resolution that Mr. Adams had acted as he had done, and that all the unpleasant and exciting scenes of the day had happened.

Mr. P. said he cared nothing for the epithets his colleague had thought proper to apply to that resolution. Epithets were not argument, and argument was necessary to prove that the epithets were warranted. But he would tell his colleague one thing. The gentleman from Kentucky, [Mr. Hawes,] who introduced the resolution, was not present to defend it. He would tell him another thing. It had been adopted by an overwhelming majority of the whole House; and, therefore, if it was really pitiful, there were so many to divide the censure, that scarcely any one would feel its weight. He would tell him yet another thing. It was adopted by an overwhelming majority of the Representatives from the slaveholding States; and, therefore, if all who voted for it were disloyal to the South, she might indeed be considered as having been surrendered to the enemy. There were on that floor upwards of a hundred slaveholding delegates, and of all that number not more than sixteen had voted against the resolution; upwards of eighty on the one side, and sixteen on the other. Mr. P. said he did not profess to understand the interests of the slaveholding States better than other members from those States, and he was, therefore, sincerely rejoiced at the almost undivided support that his miserable resolution had received from the slaveholding interest within those walls. Miserable as it might be, the support that had been given it showed the absolute necessity for its adoption. It showed its importance and its policy. More than that, it showed its great and growing popularity. At the last session, the slaveholding vote in favor of this resolution was, perhaps, not more than two thirds; now, it is more than four fifths. This great increase of slaveholding votes would not have taken place but for the favor the resolution has acquired in the slaveholding States. It is its strength with the people that has caused their delegates to rally around it with such unanimity and ardor. And that strength will increase still more. The occurrences of this very day will increase it. If any thing on earth can show the necessity of laying abolition papers on the table without printing, reference, or action of any kind whatever, it is the extraordinary legislative play that has this day been enacted on this theatre; the tragedy, the farce, the painful excitement, the ludicrous burlesque, the contempt and ridicule brought upon this House, and the deep disgrace inflicted on our country. Mr. P. said he would tell his colleague yet another thing. That same miserable resolution had been sustained by a decided majority of Charleston district. The late congressional canvass turned exclusively upon the abolition question. True, he had lost his election by a very small majority. But the approval of his conduct, by a majority of the voters, was equally true, notwithstanding. A large number of those who voted for his

competitor are known to have approved it, and would have voted for him (Mr. P.) against any other individual in the district.

Mr. P. said his respected competitor himself had openly expressed his concurrence in his course, and he rejoiced that that course would be sustained hereafter by intellect and eloquence so admirably calculated to sustain it. Yes, (said Mr. P.,) I glory in that course. I glory in that resolution. I glory that for once, at least, in my life, I looked to the true welfare of the South, in connexion with the happiness and harmony of our whole common country. I am proud that, in having pursued that course, I have been cheered by the cordial "well done" of heads as sound and hearts as pure as any that undertook to proscribe me, here or elsewhere; of venerable revolutionary patriots; of as intelligent and high-minded merchants and mechanics as ever did honor by their spirit and enterprise to any city upon the earth; of those gallant volunteers who flew, at the first cry for help, to rescue their brethren of Florida from the murderous tomahawk and scalping-knife; and of those generous and patriotic adopted citizens, who always prove themselves the very best natives when their adopted country demands their services. Mr. P. said he would trouble the House with only one word more. There were two acts of his life he should always remember with peculiar pleasure: the one was the miserable resolution, which, miserable as it was, had so far kept down abolition that not all the efforts of fanatics and agitators could remove the pressure; and the other, that it was on his motion that the first colonization memorial, praying for the aid and interference of this Government, had been laid upon the table; the vote upon that question being recorded on the journal. And he would take this occasion to enter his protest against any further efforts to obtain such aid. Congress has no more constitutional authority to apply the public revenue in aid of colonization than of abolition societies, and the first appropriation of this kind in behalf of the one may well be regarded as an entering wedge to similar expenditures in relation to the other. He hoped that the friends of the cause would discountenance such applications. It was the most impolitic course that could be adopted as regards the stability and utility of the cause itself. The people of the South will never tolerate any interference by the Federal Government with any operation in which negroes are involved. By connecting this cause with the Federal Government, it will assuredly become odious to the great body of the people, and multitudes who now cheerfully support it will become its foes. Colonization is exclusively a State concern. It belongs entirely to the individual States and to the people. The State Legislatures, if they choose, may sustain it from their treasuries. They have the right to do so; but Congress has no such right; nor will the people of the South ever submit to be taxed that the proceeds of the taxes may be applied to the purchase of their slaves, with a view to their emancipation or removal into Africa. As to abolition, he would only remark, that while others struggle to create excitement, he would endeavor to prevent it; while others are calling for a Southern convention, he would endeavor to avert its necessity; while others are sapping the foundations of the Union, he would endeavor to confirm it; and, with these views, he sincerely hoped that as the resolution, of which he was the original mover, had been adopted at the last session, and readopted at the present, so it would continue to be adopted and enforced during every succeeding Congress, while there was a single fanatic to infest this hall, or an American patriot to defeat his object.

After a few incidental observations by Mr. CAMBRELENG, Mr. LAWLER, Mr. WISE, and Mr. JENIFER, the House adjourned, without coming to any decision.

TUESDAY, FEBRUARY 7.

CENSURE OF MR. ADAMS.

As soon as the reading of the journal was concluded, Mr. ADAMS rose and said the minutes on the journal of the proceedings of yesterday were not, in one particular, sufficiently explicit. The journal stated that Mr. THOMPSON, of South Carolina, moved a modification of his own resolution "at the suggestion of Mr. LEWIS, of Alabama;" whereas, Mr. A. contended that the journal should set forth that Mr. LEWIS had moved, or offered to move, that resolution as an amendment, and that then Mr. THOMPSON, of South Carolina, accepted it.

After some conversation between Messrs. ADAMS, THOMPSON of South Carolina, LAWLER, EVERETT, WILLIAMS of Kentucky, ALFORD, ELMORE, and MERCER, the journal was amended according to the suggestion of Mr. ADAMS.

The House then resumed the consideration of the unfinished business of yesterday, being the "privileged question" of censure embraced in the following resolutions, submitted by Mr. THOMPSON, of South Carolina:

"1. *Resolved*, That the Hon. JOHN QUINCY ADAMS, by an effort to present a petition from slaves, has committed a gross contempt of this House.

"2. *Resolved*, That the member from Massachusetts, above named, by creating the impression, and leaving the House under such impression, that said petition was for the abolition of slavery, when he knew it was not, has trifled with the House.

"3. *Resolved*, That the Hon. JOHN QUINCY ADAMS receive the censure of the House for his conduct referred to in the preceding resolutions."

The question pending was the following, submitted as a substitute by Mr. HAYNES:

"*Resolved*, That JOHN QUINCY ADAMS, a Representative from the State of Massachusetts, has rendered himself justly liable to the severest censure of this House, and is censured accordingly, for having attempted to present to this House the petition of slaves."

Mr. JENIFER, who was entitled to the floor, begged leave to propound an inquiry to the venerable member from Massachusetts [Mr. ADAMS.] He read the following proceedings from the Globe of this morning, and he would respectfully ask that gentleman if that report was correct.

"Mr. ADAMS then proceeded, and further presented abolition petitions from New Hampshire, New York, Michigan, Virginia, (nine ladies in Fredericksburg,") &c.

"Mr. ADAMS next stated he had in his possession a paper, upon which he wished to have a decision of the Speaker. The paper, he said, came from twenty persons declaring themselves to be slaves. He wished to know whether the Speaker would consider this paper as coming under the rule of the House."

Mr. ADAMS said it must be perfectly within the recollection of the Speaker, that what was there stated in the Globe was correct. He did not present the petition, but kept it in his possession. He had stated to the Speaker that he had in his possession a paper purporting to be from twenty-two slaves, and he had asked the Speaker whether a petition of this kind would come under the rule of the 18th of January last; and the Speaker said, as it was a novel question, he would take the sense of the House upon it. He had also stated, before he commenced presenting his petitions, that he had some in his possession which it had occurred to him were impositions; as, by the order of the 18th of January, members who had an attachment to the right of petition were liable to imposition. He had stated that, among the petitions which were in his possession, he had the suspicion that some of them were not genuine;

and he would appeal to members to say whether he had not given this statement when he presented several of his petitions. He had given this statement when he stated he had in his possession the petition purporting to be from slaves; but he did not say, and no member of the House had the right to infer, that this paper was for the abolition of slavery. It was impossible for him to have said any such thing; for if the House had received the petition, and it had been read, they would instantly have seen that he made a false statement. He would, furthermore, say that if it had been a petition of slaves for the abolition of slavery, he should at least have paused before he brought the subject before the House in any form. However sacred he might hold the right of petition, he would still exercise a discretionary power in bringing before the House petitions which it was his opinion ought not to be presented; that discretionary power, however, he would use with prudence, and he would say that the mere circumstance of a petition being from slaves would not prevent him from presenting it; and if he should have incurred the censure of the House for so doing, he was ready to receive it. A gentleman had said, on yesterday, that he would as soon receive a petition from a horse or a dog as from slaves. Sir, said Mr. A., if a horse or a dog had the power of speech and of writing, and he should send him a petition, he would present it to the House; ay, if it were from a famished horse or dog, he would present it. What was a petition? It was a prayer, a supplication to a superior being—that which we offer up to our God; and if the Creator of the universe did not deny to the lowest, the humblest, and the meanest, the right of petition and supplication, were they to say they would not hear the prayer of these petitioners because they were slaves? If slaves sent to him a petition for any thing unjust or improper, or any thing which the House ought not to hear, he would pause at least before he asked of the Speaker the same question which he asked on yesterday. If, however, on the contrary, he should receive a petition from slaves, praying that not only himself, but all others who presented abolition petitions, should desist, because it only tended to weld the chains of slavery; and if he should receive a petition from slaves, saying that they were perfectly satisfied with their situation, and that they would rather be slaves than freemen, that their masters were kind to them, and that when they were reduced to infirmity by old age, their masters would take care of them, and praying that they might be left in this situation, he would, if the House would permit him, present it.

As he had before said, however, he had not presented this petition to the House, and he was yet waiting the Speaker's decision before he could determine whether he would present it. If the House should decide that it was not a paper which came under the order of the 18th of January, and was not admissible, he should not present it at all. He would take this opportunity of saying to the House, that however much he might have been misunderstood by gentlemen, there was nothing further from his intention than to trifle with the House on this occasion; and never in the course of his life had he intended to pay a greater respect to the rules of the House and the rights and privileges of members. Had he consulted his own feelings, he would have presented the paper to the House; but, from the respect he paid to the rules of the House, he had asked the decision of the Chair before he presented the paper.

Mr. JENIFER said, if the gentleman paid such veneration to the right of petition, why not present his petition to the House without asking the decision of the Speaker? That gentleman had never paid so much regard to the decisions of the Speaker heretofore, as it must be within the recollection of every gentleman that, on almost every petition day, the gentleman had come in collision with the Speaker, in his efforts to transgress the rules of the House; and Mr. J. could not conceive why he had paid so much regard to the decision of the Speaker on this occasion, unless it was that he wished to shield himself behind the decision of the Speaker. He hoped the gentleman from Massachusetts would perform his duty, as he considered it, and present this petition; and then the House would know what couse to take. Mr. J. felt a deep interest in this matter, being from one of the frontier slaveholding States; and he wished to resist at the very threshold every effort to throw firebrands among the slave population. He had heretofore refrain- from taking part in these discussions, because he did not wish to add to the excitement which already existed; but if the gentleman from Massachusetts should present a petition of the kind which raised this discussion, he should not only not vote for either of the resolutions which had been brought before the House, but he would vote for the expulsion of the member presenting it.

Mr. DROMGOOLE said he preferred action on a question of this character rather than debate, and he had risen only for the purpose of requesting the gentleman from South Carolina [Mr. Thompson] to accept a modification he would send to the Clerk's table:

The modification was read, as follows:

1. *Resolved*, That the honorable John Quincy Adams, a member of this House, by stating in his place that he had in his possession a paper purporting to be a petition from slaves, and inquiring if it came within the meaning of a resolution heretofore adopted, (as preliminary to its presentation,) has given color to the idea that slaves have the right of petition, and of his readiness to be their organ; and that for the same he deserves the censure of this House.

2. *Resolved*, That the aforesaid John Q. Adams receive a censure from the Speaker, in the presence of the House of Representatives.

Mr. THOMPSON accepted the above as a substitute for his own resolutions.

Mr. HAYNES said he had intended to have availed himself of the opportunity of making a defence against the charges thrown out upon those who had voted for the resolution of the 18th of January. But preferring, with his friend from Virginia, action rather than discussion, he would refrain from doing so, and confine himself to withdrawing his amendment.

The question then recurred upon the original resolution, as modified at the suggestion of Mr. Dromgoole.

Mr. ELMORE trusted there was no intention of arguing this subject, but that the South would present united action, and an undivided front, and suffer all minor differences of opinion to subside.

Mr. PICKENS made a brief explanation in relation to his remarks on the adoption of the resolution of the 18th ultimo, viz: that ordering all abolition papers to lie on the table. In denouncing that resolution itself, he had been misapprehended, if it had been inferred that he coupled with it any denunciation of those who voted for it. He had spoken of the resolution, both last session and the present, as pitiful and contemptible, and as trifling with the rights of the South, but not with any desire to cast disrespect upon any gentleman who had felt disposed to and who had supported it, on both occasions. That opinion he still entertained. But seeing the feeling and unanimity that, it gave him pleasure to say, had been manifested on the present occasion, he hoped and trusted that, so far as he was concerned, and so far as he was identified with the South, they would present but one imbodied, single, unbroken phalanx.

He desired a word of explanation from the gentleman from New York, [Mr. Cambreleng,] in relation to some

remarks that were said to have fallen from him yesterday, though Mr. P. himself had not heard them. He had been informed this morning that the gentleman had said to the effect that he trusted there was virtue and spirit enough (and this was in reply to Mr. P.) in the North and in the South to put down fanaticism in the one, and rebellion in the other.

Mr. CAMBRELENG explained. What he had said was, that there was virtue and spirit enough among the vast population of this Union, East, West, North, and South, which would keep the two extremes from breaking down the barriers of the constitution; but he had not used the word "rebellion," but "insurrection," and had made no application to the gentleman from South Carolina.

Mr. PICKENS was perfectly satisfied, and had not himself understood the gentleman as saying what he had referred to, but others had.

Mr. LAWLER then took the floor, and insisted, at some length, that the explanation of the member from Massachusetts was any thing but satisfactory, and he made an earnest appeal to him to retract what he had done.

Mr. ROBERTSON desired that the resolution before the House might be again read.

The resolution offered by Mr. DROMGOOLE, and accepted by Mr. THOMPSON, of South Carolina, as a modification of one previously offered by him, was then read by the Clerk.

Mr. ROBERTSON resumed. Mr. Speaker, I wished the resolution proposed by my colleague [Mr. DROMGOOLE] read again, that I might be certain I correctly apprehended its import. I cannot vote for it. Called upon as the Southern members are to unite in one phalanx to sustain it, I cannot obey the summons without, as I conscientiously believe, overleaping the barriers of the constitution, and violating, in the person of the gentleman from Massachusetts, [Mr. ADAMS,] that liberty of speech guarantied to every member in this hall. I am sorry, sir, to stand in the way of gentlemen who seem so impatient for the floor; but I cannot forego the opportunity allowed me of explaining the reasons which govern my vote. I will detain them but a few moments.

I have taken no part, Mr. Speaker, in the stormy debate which the extraordinary conduct of the gentleman from Massachusetts has elicited. I was, sir, I confess, unwilling to trust to the emotions which that conduct could not fail to excite in the bosom of every Southern man. There was danger the first impulse might hurry us too far; for it is ever in moments of high excitement, of exasperation, such as we have just witnessed, that the most fatal precedents are established, and that, too, often under the influence of high and honorable motives. It is due, therefore, to ourselves, to the member implicated, and to the country, now that some degree of calmness is restored, to weigh well the consequences of the measure proposed under such circumstances for our adoption. To drag a member to the bar of this House, and cause him to be publicly censured by the Speaker, must be regarded by him and by all as a heavy punishment, and we ought to be able to give satisfactory reasons for inflicting it. Let us look to the resolution which professes to assign them. It declares that the member in question, by stating that he had a petition purporting to be from slaves, and inquiring whether it came within the meaning of a certain resolution, as preliminary to its presentation, has given color to the idea that slaves have the right of petition, and of his readiness to be their organ. Yes, sir; we charge that by stating a fact, and making an inquiry, he has given color to an offensive idea; and it is for the crime of intimating that idea we demand his punishment. I cannot go this length. So long as I have the honor of a seat here I will never consent, be the consequences to myself personally what they may, to censure or expel any member for the utmost latitude of inquiry or remark in which he may indulge, whilst acting in what he may regard, however erroneously, as the discharge of his duty, and keeping within the limits of parliamentary order. Let me not be understood as approving the conduct of the gentleman from Massachusetts. Far from it; no one more strongly condemns it. I concur with those who think that he has trifled with the patience of the House, to the great delay of its business, and wantonly tortured the feelings of a large portion of its members, by the minuteness with which he has dwelt upon the contents of offensive petitions, and the names and characters of those who signed them. I cannot hold him guiltless in unnecessarily introducing and enlarging upon this irritating topic of abolition; especially he seems to me much to blame for leaving the House so long under an evident and painful mistake in relation to the petition in his possession, by suppressing information of its contents. Nor do I believe that he has succeeded, by the explanation he has offered, in convincing one human being, except himself, of the propriety of his course. Indeed, in one respect that explanation must rather be regarded in the light of an aggravation, reiterating, as it did, the offensive doctrine that slaves have a right to send their petitions into this hall. That gentleman is too intelligent to assert, in his calmer moments, the preposterous position, that those who under the constitution are recognised as property, who constitute no part of the body politic, can exercise political rights. He ought to have foreseen the consequences which have ensued from suggesting a doubt upon that subject. But whatever may be my opinion, or that of the House, of the absurdity or impropriety of raising such a question here, it by no means follows that we can make it the ground of a penal proceeding.

The gentleman has cleared himself of any supposed contempt, by disclaiming, in the most solemn manner, any intentional disrespect. He has declared that his real object was to obtain the Speaker's construction of one of our standing orders, and to conform to that construction. We are not authorized to discredit this statement. But if we were, or if the disclaimer had never been made, with what propriety can we censure him for making an inquiry which the Speaker himself seems to have regarded so doubtful as to decline answering, and referred to the judgment of the House? How punish him for inquiring of the proper organ of the House, whether he had the right to present a petition under a subsisting order, which right one of my colleagues, [Mr. WISE,] and other members, explicitly assert that order clearly gave him. It is true, sir, I do not agree with those who entertain this opinion. Broad and comprehensive as is the resolution of the 18th of January, requiring, in terms, all papers relating to slavery to be laid upon the table without reading, it could not have contemplated the reception of petitions from slaves; and it was matter of surprise to me that the Speaker should have hesitated for one moment so to decide. But if the Chair doubted, more especially if members in their places maintain the construction that such petitions must be admitted under the resolution, how is it that we can single out the member from Massachusetts, and censure him for suggesting a doubt, or making an inquiry, relative to its proper interpretation? But it may be said he is not to be censured for asking the question, but because that question gives color to the idea that slaves may petition, and that he is willing to be their organ. Absurd and offensive as such an idea certainly is, I am yet to learn that members of Congress may be proceeded against criminally for intimating or uttering opinions here which a majority may consider heretical or odious. On the contrary, I hold the prop-

osition, in its broadest extent, that no member can be challenged, here or elsewhere, for the assertion of any principle or sentiment, however preposterous, unconstitutional, or monstrous, so long as he keeps within the limits prescribed by our rules for the preservation of order. He may undertake, if he will, to prove that Congress ought to repeal the constitution, or to abolish the Union. Nothing, surely, could be more absurd, nor more insulting. It would be to invite the House to violate the instrument it has sworn to observe; in effect, to commit perjury and treason. Yet who will say that he could be subjected, on that account, to censure or expulsion? What member will be safe for a day, if such a doctrine shall prevail? A minority, at least, should beware of a precedent which, once established, would not long tolerate any difference of opinion with the dominant majority. The power of the House to prescribe rules for the presentation and reception of petitions must be admitted; but I deny that the resolution of censure now under consideration can be justified under any subsisting rule of the House, or any law of the land; and I trust that gentlemen will pause before they set a precedent which may recoil upon themselves, and give a death-blow to the freedom of discussion secured to us by the constitution, and which is the best guarantee of the public liberty.

While up, Mr. Speaker, I will correct a misconception into which the gentleman from New York [Mr. Granger] seems to have fallen in regard to the views of myself and other Southern members who voted against the resolution of the 18th of January. That gentleman, if I correctly understood him, considered our vote as influenced by the motives which governed his—the belief that it trenched upon the right of petition.

[Mr. Granger explained. He said the gentleman from Virginia had misapprehended him. He had understood the gentleman from Virginia, and other Southern gentlemen who voted with him, as doing so on the ground that they were opposed to the reception of memorials on the subject of abolition, and had given them credit for their manly and consistent course on that occasion.]

Mr. R. said he was pleased to learn that he had been mistaken; but the vote had been misinterpreted, here and elsewhere, by those who had thought it worthy their notice; and he desired then, so far as he was concerned, to correct the erroneous construction. I voted, sir, (continued Mr. R.,) against the resolution in question, because, by requiring all abolition memorials to be laid upon the table, it necessarily implied that such memorials should be received. I have uniformly denied the propriety of their reception, and am daily more and more convinced that the greater part of the annoyance and agitation experienced here from the abolitionists has arisen from this favor shown to their memorials. The power of the House to refuse to receive them cannot be justly denied. The parliamentary rule itself which, upon the presentment of a petition, regularly requires the question to be put whether it shall be received, necessarily implies that power; for the moment it is admitted that this question may be put, it follows that it may be answered either affirmatively or negatively; and, consequently, that the reception, in the exercise of a sound discretion, may be refused.

The right of petition, like all other human rights, must have some limits. It is generally admitted that the House may refuse to receive petitions indecorous or insulting in their language. But where is the rule or the reason of confining this power to objections on the score of language? Why not refuse to receive them where the subject-matter is beyond our jurisdiction, or the application so palpably immoral, unjust, or unconstitutional, as to require no deliberation and deserve no favor? The rights of the petitioner may be coextensive with the constitutional power of Congress, but cannot transcend it. It is an absurdity in terms to talk of a right to petition, where there is not a correlative power to grant. Why ask what cannot be given? Where there exists a rational doubt, petitions, I agree, ought to be received and considered; and no one will go further to respect the right, within just and reasonable bounds. But where the petition is plainly unjust or unconstitutional, where it cannot be granted without robbing others of their property or their rights, without violating that instrument we have sworn to observe, or endangering the Union it is our duty to guard, it is insulting in its character, whatever may be its language, and ought not to be entertained. It is idle to receive a petition we are predetermined to reject; and no wrong is done by refusing to entertain an application which it is indecorous or unjust to make, or unlawful to grant. Suppose a petition praying to take away a man's life by act of Congress, to abolish the trial by jury, establish a national church, or do any thing else prohibited by the constitution: to what end receive it? And do not these abolition memorials propose to violate the constitution? Do they not seek to take away what that constitution recognises as property, and forbids to be taken except for public use? But gentlemen say it is more respectful to receive them, and lay them upon the table without reading them. Sir, I deny it. They who tell them at once, frankly, that they will not receive them, because they ask what ought not to be granted, treat them with full as much respect as those who, boasting to be the exclusive friends of the right of petition, receive them, and lay them aside, without deigning to look at them. It is a mere pretence, a mockery, to call this respect for the right of petition.

This, Mr. Speaker, is the view I took of the resolution of the 18th January. Believing that the abolitionists demanded what Congress had no moral or constitutional power to concede, I was not willing to give their memorials admission. I was not willing that this hall, devoted as it should be to harmonious deliberations for the common good of the Union, should be made a receptacle for foul and odious libels upon the character and institutions of the Southern people. But the House have ordered otherwise. These offensive memorials, in many cases signed by women and children ignorant of the institutions under which we live, and not knowing, it is to be hoped, the consequences of their folly, have been received—out of respect, it is said, to the right of petition—and are to be preserved forever among the archives of the nation. If there were any hope of success, I would ask a reconsideration of the resolution under which this outrage is inflicted upon us, and an order to the Clerk to deliver them back to those who presented them. Sir, I have told gentlemen from the North, and I tell them again, that they do not, and will not, I fear, until it shall be too late, appreciate the motives or the feelings of the Southern and Southwestern people. Perhaps they cannot: for it is a law of our nature that we do not, without difficulty, enter into the feelings of others differently situated from ourselves. A parent only can know the extent of parental affection; he only who has experienced it can realize the strength of that tie which binds the husband to his wife. So, sir, Northern men can have but a faint conception of the emotions we experience at the unceasing assaults aimed at our peace, our property, our rights, and our institutions. They sit secure and unmoved, while the missiles destined to assail and annoy us are prepared before their eyes, and coolly and most philosophically wonder at the warmth of the South. How, sir, would they bear similar aggressions upon themselves? Would they sit calmly, and listen to petitions for the re-establishment of slavery in the non-

slaveholding States? It seems, sir, they think they would. Will they receive petitions from the South to abolish the abolitionists? And let me tell them that the people of the South regard abolitionism and abolitionists as grievances full as hard to bear with as they can possibly consider us or our institutions. Will petitions be received here to banish them? to put them to death? [Several Northern gentlemen appeared to assent.] Gentlemen, I am to understand, think such petitions would be admitted. Then, sir, I go further; I put a stronger case. Suppose the Southern people had organized societies to seize upon the wives and children of their Northern brethren, to make them hewers of wood and drawers of water, in lieu of the slaves sought to be wrested from them; suppose these societies boasted of their growing strength, while their petitions were daily flowing by hundreds into Congress for aid in their nefarious schemes; suppose there were really some ground to believe that their anticipations of success might be realized: I demand to know whether Northern gentlemen would still sit quietly in their seats and submit to such an outrage. No, sir; no man will say it. No man will believe it. If they could, then, indeed, are they destitute of the best feelings that belong to the human heart, and colder than the ice-bound region they inhabit. Let them judge what would be their feelings in such a case, and they will begin to understand what are ours under the daily attempt made in the non-slaveholding States, and countenanced by the favor shown them here, to wrest from us our property, blacken our character, and endanger the safety of our wives and our children. It is time that the further progress of these schemes should be arrested. I will yield, sir, to no man in devotion to the Union. God grant it may be perpetual. But it is impossible to doubt that these persevering efforts to trample upon our rights and disturb our peace are every day alienating the attachment of our people, and endangering the stability of our Union. It is because I would have it to endure that I would never give entrance here to any petition that should bring the institutions of the South into question before a tribunal having no power to judge them. If we cannot succeed in that, I would agree to re-cede this District—so particularly aimed at—to Maryland and Virginia, reserving only the national property, and power to protect the public functionaries in the due discharge of their duties. Or, sir, I will unite with the Western delegation to remove the seat of Government itself, if no other means can be devised of preserving the Union and putting a stop to the harassing interference and mischievous designs of the abolitionists.

But, sir, this topic has carried me from the question properly before us. It is always a fruitful source of disorder, and it is much to be regretted it has been again introduced. I promised not to detain the House, and I will conclude with adding my request to that of a gentleman who preceded me in the debate—though I fear it will be unavailing—that the gentleman from Massachusetts will withdraw the inquiry propounded by him to the Chair, so that we may return to the business of the House, already too long neglected.

Mr. ALFORD addressed the House as follows:

Mr. Speaker: I have several times attempted to address the House upon this important question, but have not been able to obtain the floor before this, on account of the great number of members who wished to speak; indeed, nothing but a solemn conviction of my duty to do so has sustained me in the determination to be heard. To me, sir, it has been a subject of the most painful excitement, to sit here and see the constitutional rights of the South all put aside, and the feelings of the people whom I have the honor to represent insulted in this House, by the introduction of petitions from the wild and furious fanatics of the North, upon the subject of abolition. Great stress has been laid, in this debate, upon the sacred right of petition, and numbers of our Southern people have been heretofore deceived into the fatal error of receiving them. Upon the present condition of this affair, there can be no mistake; and all, I hope, at least all from the South, feel the same just indignation against the measure now proposed to the House. The gentleman from Massachusetts [Mr. ADAMS] has presented to this House, and it had been received, under a rule of the House adopted before I came here, a petition from free negroes, and now holds in his hands what he is pleased to call a petition which purports to be signed by slaves, and asks of the Speaker what disposition he shall make of it. Sir, is there to be no end of this ruinous and insulting course? Is the gentleman to be protected in a continued assault upon the South, and in a course of things here, which must, if persevered in, result in the overthrow of this Government, and I fear in the destruction of the liberty of the American people? When the member from Massachusetts announced his course to the House, I looked around me and saw, or thought I saw, but one sentiment, and that was of universal disgust; and the idea crossed my mind, if it could be possible that there was a single man in this House that would attempt to screen him from an expression of that censure by this House, much less to justify him in his course. I answered myself, in my own mind, not one, unless the fact that free negroes petitioned here through the member from Massachusetts should arouse the ardor of some honorable Representatives from the great State of New York, who, history said, had a peculiar regard for free-negro suffrage, and, of course, the right of petition. Scarce had I forgotten the thought, before an honorable gentleman from New York, the leader of Mr. Van Buren's friends in this House, was upon his feet, and, not pretending to repeat his words, the substance of what he said was, that if there was any thing wrong in this proceeding it came from the South; the petition came from the South; and if there was censure any where, it was where the petition came from, and not with the member from Massachusetts; thus throwing the broad shield of protection of the coming administration over the member from Massachusetts. Can any one be now ignorant of the true character of those who have deceived the South? Can honorable gentlemen from the South be any longer in the dark as to the course they should pursue? I hope not—I believe not. I think I see in Southern members upon this floor a strong disposition to be united upon this subject at last; and no man shall say I have thrown a firebrand among them. No, sir, although they committed the fatal error of voting to receive these petitions last session, if they are now convinced, I for one will receive them as Southern men, as citizens of the South, with an identity of interest, of feeling, and of honor, under the strong impulse of a common feeling of disgust at the wrongs done to the South here. Let them unbutton their collars and come back to the support of their common country and their old friends, and they shall be received.

Mr. Speaker, the member from Massachusetts would screen himself from the censure of this House, because he has not sent his petition from slaves to your table. Sir, he has sent the petition from the free negroes of Fredericksburg, and that is as wrong and insulting to us as if it were from slaves. The constitution of these United States no more allows the one than the other, and both are equally insulting. Moreover, the member has said he would not refuse to present a petition from slaves, if the House did not object. The member from Massachusetts says he would not offer an indignity to this House; the fact speaks for itself, and is more conclusive to my mind than all his professions.

A great number of these petitions are from females of good character, says the member from Massachusetts. It may be so, and I have no reason to dispute the fact; but I must say the member has placed them in bad company, when he places them on a level with such people; as the honorable gentleman from Virginia [Mr. Patton] says his mulatto petitioners are persons of ill fame and infamous character, as far as he knows them. I ask again, Mr. Speaker, if this war upon the South is never to cease? And if it is to go on, what kind of people are we to look for in the grand crusade against us? Are they to be old men and young women? If so, we shall not want Cochran's rifle to fight them with; we will conquer them with softer means, if they are as clever as their member would have them to be. But, sir, if they are to be the Goths and Vandals of the North, (no allusions to our friends in that section of country,) I hope their fate will not be as favorable as those that invaded Britain. At least, sir, we will do all we can in our own defence. If war ever comes of this, which may God forbid, we will not recede one inch; we will plant ourselves upon this soil, and preserve our constitutional rights, or perish in the attempt. Sir, there seems to be some difference of opinion amongst our friends here, as to what course we ought to pursue in this awful crisis of our beloved country. Some of our friends, as patriotic as any, have urged, in this debate, that we ought not to sit here and submit to this outrageous course of things; that if it does not cease, we should go home. No, sir; no, sir; this must not be; we will neither submit nor retire. If they prosecute this measure in this House, by attempts at legislating us out of our rights, we will resist it here by legislative acts as long as we can; and if at last they prove too strong for us, and succeed in passing unconstitutional laws to rob us of our property, to murder our wives and children, still we will not submit; they must change the constitution before they can bind us by any laws of abolition; this they never can do, if the South is true to itself. And true we shall be, I hope in God, to our constitution, our wives, our children, and our country. If still they pursue us to the last, and attempt to do by force what they can never do by law, we will not be found wanting; we will not desert this Capitol nor this country. This is the Old Dominion; this land is ours as well as theirs; it was ceded by Virginia and Maryland, where slavery is tolerated by law. Shall we leave it, then, to the dominion of force, and that, too, inflicted by the unhallowed arm of the wild and worse than savage fanatic? No, never!

I apprehend, Mr. Speaker, that the South is not well understood upon this subject. Party purposes and party policy may have prevented a fair and full expression of the feelings and opinions of people of all parties at the South, upon this floor. The spirit of the South has not been felt here as it should have been. Let me tell gentlemen, it is a firm and unconquerable resolution never to surrender one jot or tittle of our constitutional rights upon this subject. We have a common interest in this Government, a common title in this capital; it bears the name of the immortal Washington, and he was a Southern man. Shall we, then, ever surrender the one or desert the other? No, never! Never, until this fair city is a field of Waterloo, and this beautiful Potomac a river of blood.

Mr. HOLSEY said: Mr. Speaker: The subject embraced in the resolution on your table is one of deep and momentous consideration. Whilst, on the one hand, it involves the political character and privilege of a Representative of a State of this confederacy, so, on the other, it deeply concerns the rights and interests of the Southern portion of the Union, and the existence of the compact which binds us together as a people. I am aware that, in approaching a question of privilege, I am treading upon delicate and sacred ground. But, sir, delicate and sacred as it is, I feel myself impelled by every consideration of duty to tread it. I shall bring to this discussion no feelings of personal disrespect to the gentleman from Massachusetts. I could have none for the time-worn veteran in the councils of his country. If I had them, I would disdain to utter them on this floor. Nay, sir, were I even permitted to consult my private inclination, I should have avoided this discussion. But, sir, the gentleman from Massachusetts, by attempting to introduce such a principle into our legislation, has committed an outrage upon the genius and spirit of the constitution, and aimed a deadly blow at the State I have the honor to represent. Were I to remain silent, I should expect to be withered by the frowns of an insulted and indignant people. In such a cause, neither the sanctuary of age nor the civic wreath which binds his brow shall protect the assailant. With a parricidal and sacrilegious hand he has attempted to sap the foundations of the temple reared by our ancestors as the abode of fraternal peace and the guarantee of international liberty. With foundations broad and deep as the hearts of the people, and a summit reaching beyond the cloud-capt palaces of kings, it may withstand the assaults of the foe and the ravages of time. But, sir, this volcanic principle, if once admitted, will rend in pieces the monuments of the republic; and he who attempts to introduce it is worthy of the stern rebuke of this House. The gentleman from Massachusetts has not only demanded the judgment of the House on the right of slaves to petition, but he has openly avowed and maintained that right pending this investigation. If it be an offence against the majesty of the constitution and the inviolable rights of the States, he has not only presented the issue to the House, but maintained the affirmative. Sir, I deny it. The people whom I represent will deny it, with the sword in one hand and the constitution in the other. They will never consent to participate in the councils of those who sanction it. With such a principle ingrafted on your constitution, they could never ratify it. Nay, sir, the attempt to ingraft it would have dissolved the convention which formed it. Are slaves included in the description of the "people of the United States," in the preamble of the constitution? Look at the very nature of representative government. It is but a substitute for a pure democracy, or an assembly of the people in their personal sovereign character. Slaves are, from the nature of their condition, excluded from such an assembly. They can acquire no property, have no civil rights in the courts of justice, and cannot be permitted the elective franchise. They cannot influence the public deliberations. They can have no greater claim upon a representative assembly. The doctrine is both theoretically and practically absurd; it is contradicted by every principle of public law; it is incapable of being tortured from the constitution, and is totally irreconcileable with the admitted relation of master and slave, contemporaneous with the formation of the Government. Put into the hands of the gentleman from Massachusetts such a trident, and he could, at his pleasure, call up the billows of discord, and lash them into a storm which would shake the adamantine walls of the republic to their centre. With a petition from slaves pending in this hall, their weight might be thrown into the scale under circumstances most appalling. Sir, it would be the natural and inevitable result. But the gentleman from Massachusetts has not attempted to present a petition from them inconsistent with the rights of the owner. Sir, this is not the proper issue. The representatives of the South will not be misled by the miserable pretext. It is enough for them to know that the right of petition on the part of their slaves is openly avowed upon this floor, and the judgment of the House

demanded upon the question. The details of the petition cannot vary the principle. If admitted in one case, it will be admitted in all.

Sir, I can no longer contemplate a doctrine so odious and indefensible with any composure. But, monstrous as it is, the gentleman from Massachusetts has attempted to poison our legislation and our peace with its baneful influence. He has done this not under a temporary illusion or excitement. He has concentrated in his bureau all the combustible elements of the republic, and week after week presented them to this House, under circumstances so marked and aggravated, as to leave no room to mistake his intentions. Restricted by the rule of the House from all debate upon abolition memorials, he has been refractory to its order in every mode his ingenuity could devise. To give force and effect to the memorials, and to prepare the public sentiment for the consummation of the policy they ask, he has, in defiance of the injunctions of the rule, fortified his memorials by a recital of the characters of those who signed them, and dignified the hell-born scrolls with the names of magistrates and rulers, of patriots, statesmen, heroes, and philosophers. A memorial from the town of Franklin has induced him to profane to this unholy purpose the motto of the godlike man, *ubi libertas sibi patria*. When a petition has been signed on the 4th day of July, he has called up the inspirations of the day which gave us birth as a nation and a people, to aid in a cause that can only tend to a premature and convulsive dissolution. Thus, sir, has the gentleman from Massachusetts, with a fixedness of purpose peculiar to fanaticism, and a breach of order and decorum which all have witnessed with mortification and regret, advanced with rapid and steady strides to a point at which the rights of others, and the peace and safety of your Union, requires he should be arrested. Thus, sir, have I attempted to demonstrate that the principle sought to be established by the gentleman from Massachusetts is in open defiance of the constitution and the indisputable rights of the slaveholding States—that he has moved on to this dreadful consummation with an "eye that never winks, and a wing that never tires"—that he has attempted to poison the fountains of fraternal peace and of our federal alliance; and all this, too, sir, not from casual error or momentary ebullition; but, sir, from a deliberate design of agitation, manifested by his perverseness under the rule which forbids the discussion of slavery; and his repeated appeals to abstract rights and declarations of departed and illustrious heroes, unknown in questions of right between confederate States. I have spoken boldly, sir, of the conduct of the gentleman from Massachusetts. It has devolved upon me, as a representative of a people whom he has deliberately and openly assailed in the recesses of their firesides, their altars, and their homes; and which, let me tell the gentleman and this House, they will defend at all and every hazard.

Mr. LINCOLN addressed the Chair as follows:

Mr. Speaker: It may seem the extreme of rashness that I should attempt to oppose, by my humble efforts, the torrent of invective which is pouring forth, from every quarter of this House, upon the devoted head of my venerable colleague. It was alike my intention to take no part in this debate, and my wish to keep free from the excitement to which it might lead. But whatever my original purpose, I can no longer consent to remain silent, when the subject before the House assumes the form of a direct censure upon my colleague for an act which he deliberately and solemnly declares he conscientiously believed to be in discharge of his representative duty. Such is the reverence due to his age, such the respect paid to his character and the remembrance of his public services, so high the confidence in his integrity and in the purity and patriotism of his motives, so beloved and honored is he at home, and so known to fame abroad, that whatever may be the result of this discussion, whatever the action of the House upon these most extraordinary resolutions, there are those, and they are not a few, here and elsewhere, who will deeply sympathize with him in the trial to which he is now informally subjected. I plant myself by his side on the principles for which he is contending. I come not, sir, to his protection against the particular occasion of offence which he may have given. To this he is, of himself, most abundantly able. He needs not, if he would accept, my feeble aid. His justification is in his own mouth, and he is far more capable than I could pretend to be to make it effectual.

It was, perhaps, fortunate for me, Mr. Speaker, that I was not present when the supposed offence was committed by my colleague. [Mr. LINCOLN was then engaged as a member of the select committee of which Mr. WISE is chairman.] I may, therefore, hope to be excused from participating in much of that excitement which is so strongly manifested by others. Besides, sir, I come from that cold region of country so reproachfully referred to by the gentleman from Georgia, [Mr. ALFORD,] where the passions, like the temperature of the climate, are supposed to be less ardent than in more southern latitudes.

Yet the people of the North, I can assure that honorable gentleman, are not wanting in all the sensibilities which do honor to human nature. They have, indeed, like passions, and partake of like infirmities, with other men. If they do not always speak "in words which burn," and act with an impulse which startles, it is because they are schooled and disciplined to habits of calm and sober reflection; because they have been taught, from infancy, that reason is a better guide than passion; that it is wiser and safer to regulate the conduct by the dictates of judgment, than blindly to follow those generous and fearless promptings of our nature which sometimes lead to excesses, even in virtue. Sir, will not this House, on the present occasion, profit somewhat by imitating the characteristic coolness and discretion of Northern men, in yielding something of the excess of feeling to the more calm suggestions of reason, while deliberating upon the conduct of my venerable friend, and deciding the character of the offence which he is charged with having committed? Offence, did I say? There has been no offence. It is a false denomination of the act of my colleague. There are too many lawyers on this floor to permit a sanction to the misnomer by the deliberate judgment of the House.

The House will bear with me, I humbly trust, while I advert to the conduct of my colleague, which is charged as a premeditated and heinous crime. At a proper time, in order, within the strictest rules of the House, my colleague, being entitled to the floor, propounded a question to the Speaker, in reference to the disposition to be made of a petition, the answer to which he intended to receive as directory to his conduct in the matter. Distrusting his own judgment, he addressed, respectfully, a request for information to the Chair, in the faithful determination, as he now explicitly declares, to regulate his subsequent action by the direction which should be given him. And is such the offence for which the venerable member from Massachusetts is to suffer the severe reprehension of this House?

[Mr. PICKENS here rose, and desired to say that it was for announcing that he had a petition from slaves, thus destroying all the relations of master and slave, and denying the doctrine that the slave can only be heard through his master: this is the offence.]

Mr. LINCOLN resumed. Yes, Mr. Speaker, I am aware that this is the understanding of the gentleman from South Carolina. But did my colleague assert or deny any doc-

trine, or in any wise allude to the relation of master and slave? I will not stop to inquire whether he might, or might not, very properly have done so. It is enough to say that his language was confined to a naked inquiry, in which no doctrine was denied, and the rights of masters in no respect involved. The question put to the Speaker was simply this: Does a petition purporting to be from slaves fall within a rule of the House? The purport of the petition was not even intimated. Again, then, I demand, is it for making this inquiry that my colleague is to answer? It is to the act itself we must look, to determine its character; and that act consisted, wholly and exclusively, in putting the question to the Chair.

But it has been urged, in the course of this debate, that, however equivocal or innocent might seem to be the language of the inquiry, yet that it was made with a sinister and culpable intent. Is it intention, then, the secret purpose of mind, which constitutes the crime of which this House is to take cognizance? In what code of criminal jurisprudence, from what law of parliamentary practice, do gentlemen gather jurisdiction of the thoughts of the heart? If the external action be not criminal, the inward motive cannot change its character. Who ever heard, in a court of justice, that intention could be imputed as crime, when the act with which that intention was connected constituted no offence? The wrong, which is cognizable by law, is in the overt act. The plotting of treason is not treason. The design to lie in wait is not murder. The intent may change the apparent character of the act, but, without the act, the intent is nothing. Need I illustrate? A homicide is committed; it may be murder or manslaughter; an excusable or a justifiable act, according to the intention of the agent; but if there be no slaying, the mere purpose to do it, however malicious or premeditated, violates no law. Apply the principle, however incongruous may seem the illustration, to the case before the House. My honorable colleague is charged with a contempt. It has been satisfactorily shown, as I trust, that, in the language of the inquiry proposed by him to the Chair, there was nothing contemptuous to the Chair or to the House. In and by itself, the inquiry was altogether harmless. Wherein, then, is the contempt? It still rests, if intended, in the breast of my colleague, without the form of expression to give it the character of an offence.

The gentleman from Georgia [Mr. HOLSEY] has objected to my colleague that, by his conduct, subsequent to the inquiry propounded by him to the Chair, he has trifled with the feelings of members and the dignity of the House. This is distinct and different ground for accusation; but, Mr. Speaker, I put it to the liberality of the gentleman himself to say whether, after the explicit disclaimer by my colleague, this cause of complaint should further be insisted on. What, sir, have we heard this very morning? After time has been given for the excitement of yesterday's debate to subside; after a night, doubtless, of thoughtful consideration and recollection, my venerable colleague has, here, in the presence of the House, made the deliberate and solemn declaration, that to trifle with the House or its members would be the last possible purpose of his heart. And is not this enough? Can it be permitted for the gentleman from Georgia now to argue, by inference, against the sincerity of that declaration? It is asked, if no disrespect to the House was intended, wherefore the manner of my colleague, so different from that of other members, in presenting memorials? This inquiry I will not undertake to answer. It may be matter of taste or matter of judgment with my colleague. His manner is not my manner; nor do I see in his better success, on this subject, in this House, any encouragement to me for its adoption. But, Mr. Speaker, it was not unreasonable to suppose that the exception is taken rather to the character of the memorials than to the manner of presenting them. If the charge of trifling with the House is made upon the ground that the venerable gentleman presents to the House abolition memorials, then is he not the only offender. If to present the petition of abolitionists be to trifle with the House, there are many here who should not cast the first stone. Sir, I am, in the popular sense of the term, no abolitionist. Although I would to God that every human being was enlightened and free, yet I have never advocated, either on this floor or elsewhere, the peculiar views or schemes of the abolitionists. Pure and philanthropic as I believe the motives of most of them to be, I have seen many and most serious obstacles to their progress, and anticipated fearful consequences from their success. But for this cause, in an honest difference of sentiment between us, I have not felt at liberty to withstand their right of petition. Like my colleague, I have presented their memorials—willingly and cheerfully presented them—as the will of that portion of my constituents who have committed them to my charge. I have presented them from men and women of as pure, elevated, and intellectual character as any in the world; men and women, kind and generous, and of tenderest sympathies, who would no sooner do an injury or an act of injustice to any human being than the most chivalrous or true-hearted of the sons or daughters of the South. Sir, I shall continue to present these petitions, within the rules of the House, whenever and as often as they are transmitted to me.

But, say gentlemen, my colleague, in presenting these abolition memorials, has eulogized the character of those who have subscribed to them. The gentleman from South Carolina [Mr. THOMPSON] in an especial manner excepts to this as an aggravation of the offence, and insists that it evinces, in the technical language of the law, "a heart void of social obligation, and fatally bent upon mischief." Will the honorable gentleman be pleased to consider whether this supposed cause of exception be so peculiarly applicable to the members from Massachusetts, or to this class of petitions? Sir, do not other members do the same on other occasions, and in regard to every other subject? Is it not usual, common, within the rule of the House, or, at least, the practice of the House, so to do? Has not a member, in presenting a petition of any description, a right to declare whence and from whom it comes? May he not say that this one, who subscribes it, is a minister of the gospel of peace; that another is a citizen of the highest intelligence and the purest virtue; that others are intellectual and accomplished women, in whose breasts the feelings of kindness and human sympathy ever find a home? To do this, is it an offence? How often, sir, have the character, and influence, and standing in society, of petitioners been stated on this floor, to enforce the prayer of their petition? In the memorable panic session, as it has been termed, of the last Congress, on a question, regarded by some who now exhibit peculiar sensitiveness as one of mere pecuniary concern, involving the simple consideration whether the revenue of the country should be deposited in one strong box or another, gentlemen in every quarter of the House stated and dwelt upon the character and standing of the petitioners; and who then held this to be a breach of privilege? Sir, it is every day's practice. And may that be done in respect to matters of property which is forbidden in things of infinitely higher moment, affecting the rights of person and the prerogatives of freemen, the liberty of speech and the right of petition? Mr. Speaker, it has fallen to the lot of my venerable colleague to have been charged with more of these petitions than all of his associates in the delegation together. His age, his character, the stations he has held, and his standing before the world, have

brought upon him responsibilities which others might not have borne. The people have thrown upon the shoulders of Ajax the weight which no common man could have sustained. They trusted to his talents, his learning, and his great experience, to secure to him the deference of respect due to these qualifications in the duties he was called upon to discharge. If this shall not now be accorded to him, and these resolutions are to pass, I shall, in common with my colleagues, not cease to lament that we were not permitted more largely to share in that painful pre-eminence to which the preference of our respective more immediate constituents may have contributed to subject him.

Mr. Speaker, there is another topic in this connexion upon which I wish to address a few words to the consideration of this House. Coming from the State by which I have been so highly honored, and knowing full well, as I think I do, the character of the people whom I represent, I cannot pass by this occasion without, for the first time since I have been on this floor, expressing something of that feeling with which I have often been compelled to listen to the tone of remark from one quarter of this House. Sir, I have sat day after day, week after week, year after year, and heard the North and the East assailed by every epithet of indignity and reproach. I have seen honorable, high-minded, "chivalrous" men from the South stand up in their place, and heard from their lips denunciations of a whole section of country, as selfish, sordid, mean-spirited, unpatriotic. In the fury of debate, the vocabulary of opprobrious terms has been exhausted. Respectful petitions, presented by my colleagues and myself, have been characterized as the acts of the vilest incendiaries! I rejoice in the opportunity now afforded me to repel these most offensive and calumnious aspersions. Those who indulge in them are ignorant alike of our character and our doings. What do we now witness? Under a rule of the House, petitions laid on your table without being read, and yet, with no knowledge of their contents, flippantly denounced as vile, incendiary productions! For myself, I say here, in my place, such is not the character of a single paper which I have presented; nor do I believe it applies to any offered by either of my colleagues. On the contrary, they are respectful memorials, clothed in language decorous to the body to which they are addressed, and appropriate to the object they are designed to accomplish, such as no man in a fit state of mind for legislation, with cool and deliberate judgment, could justly take offence at. If Southern gentlemen had done with this class of memorials as, in my humble judgment, it would have been for their peace and happiness to have done, sent them to the consideration of a committee, we should have had fewer of them here, and a better feeling on the part of those of us from the North who are disposed, by every reasonable means within our power, to prevent interference and allay agitation at home, on this most dangerous subject. Great injustice has been done, both to us and to our constituents, in this hall. Can gentlemen seriously believe what their impassioned feelings, in the ardor of debate, too often lead them to express? There are those among them who have visited at least one portion of the country from whence these petitions come, and have had some opportunity of judging of the character of its population. What say these gentlemen of our New England? We call upon them to stand up here and testify. Did they find the mass of our citizens ignorant, priest-ridden fanatics; incendiaries, prepared for deeds of rapine and blood, and eager to wrap the dwellings of slaveholders in flames? Idle, worse than idle, is every such pretence of apprehension. Those who sign these petitions are among the most harmless, moral, conscientious, pious people of the land. They would be the last to excite to violence, or willingly do their Southern brethren a wrong. They are acting under honest (however mistaken) convictions of duty. They conscientiously believe that a great moral evil exists in the form of slavery; and they believe, as I also believe, that Congress has the power to abolish slavery and the slave trade in the District of Columbia. Beyond this, practically, I have never found, among my constituents, man, woman, or child, who wished to go. On the point of sound policy, of high political expediency, of the propriety and wisdom of the interposition of this power, of the tendency of the measures which these worthy people propose, to improve the condition of the slaves themselves, of the consequences, here and elsewhere, of sudden and entire abolition, even within the District of Columbia, I do, indeed, differ with them. But I respect their motives. Theirs may be, and I think is, an error of judgment, in urging, under existing circumstances, and in the present excited state of the South, these memorials upon Congress. In my opinion, this is not the time for their favorable reception, or for the proper action upon them. But the memorialists view this matter in a different light. Freemen themselves, they deem it neither consistent with the character of a free people, nor creditable to the nation, that their representatives should be legislating here, in the midst of slaves. They plant themselves upon the constitution, and, honestly believing that they bring their petitions within its spirit, they earnestly implore you to remove this stigma from the land. And will you not, sir, look into the matter? Dare you not trust yourselves with a question over which you have exclusive control? Believe me, there is nothing to fear. These thousands of women, these hundreds of clergymen, the kind-hearted, the sympathetic, and the devout, who sign these petitions, are not the incendiaries to apply the torch to Southern dwellings. May not piety utter its prayer for the relief of human misery? May not female tenderness heave a sigh for the condition of the oppressed, without giving occasion for alarm? This is no scheme of ambition, no plotting of selfish, designing, reckless politicians. It is principally the unsophisticated, the artless, the simple, and the unoffending, who thus approach you; who, regarding duty in its remote relations, and taking counsel of their kinder feelings, believe it safe to ask you if you cannot interpose, within your own unlimited jurisdiction, to alleviate a crying evil, without prejudice to the public weal. And will you not even hear such a request, from a humiliating distrust of the exercise of your own judgment, to grant or refuse it?

One word more on this point, with the indulgence of the House, in reference to the State from which I come. The people of Massachusetts are a just, a faithful, and a liberal people. They are devotedly attached to the Union; and, for its preservation, will ever seek to cultivate the truest sentiments of affection and respect for their brethren of the South. There is none other than kind feeling in the North towards the South. I know this to be the fact. I full well know that even those who sign these abolition petitions have nothing further from their hearts than harm or danger to the Southern States. They call slavery a sin; but they charge not upon the present generation the responsibility for its existence. They look into the constitution, which the North will be the last to violate, and they see and recognise there the guarantee of this peculiar institution of the South in the States of the Union. They dream not of mischief to their Southern brethren from the indulgence of their benevolent wishes for the freedom of the slave. Not a man among them but would stand appalled at the very thought that what he was here attempting would incite to servile insurrection or civil war. If the time and the occasion shall ever come—

which may Heaven in mercy avert!—when, however instigated, the hand of the slave shall be raised against his lawful master, and the tocsin of alarm shall be sounded from our Southern borders, then shall it be known that the cords of affection, of a common kindred, and of ancient friendships with our Southern brethren, are closely knit in every Northern bosom, and that the hour of trial with them cannot pass, without our sympathy and generous participation in their service and suffering.

Mr. Speaker, I represent, with my colleagues, the people of a State who were early taught the value of civil liberty. They know of no freedom without the freedom of speech, the freedom of the press, and the right of petition. They derive not these enjoyments from any parchment charter of Government, but claim them as the absolute, unqualified inheritance of freemen, the prerogative of civilized, social man. The constitution of Massachusetts was adopted in the midst of the great struggle for American liberty; and there is written, in letters of gold, in her glorious Bill of Rights, that the right of the people peaceably to assemble and petition is an inalienable right, and cannot be impaired; that the liberty of speech and of the press is essential to freedom in a State, and ought not to be restrained. It is upon these fundamental principles, first proclaimed by themselves, and afterwards ingrafted into the frame of the Federal Government, mainly by the action of the convention of Massachusetts, that the people of Massachusetts claim the right to speak, and write, and petition. Having this right, they send their petitions here; and all they ask or hope is, that their requests may be considered, and such disposition made of them as best comports with the honor, peace, and welfare of the nation. They mean no offence; they meditate no wrong; and, in vindicating them, I do but vindicate and assert those great principles of civil liberty, to enforce and carry out which this Government was founded, and the subversion of which this republic cannot survive.

Mr. Speaker, I have risen and made these unpremeditated remarks, not knowing that I shall even be sustained by a single member from my own State, or the North, in protesting against the passage of the resolutions upon your table. But, whether I stand alone or am supported, I can never consent that my venerable colleague shall be brought to your bar, to be censured for a conscientious discharge of duty. What he has done he has manfully, rightfully, nobly done, in defence of the inestimable right of petition and the freedom of speech in this House.

Mr. BYNUM then addressed the House at some length, and concluded by submitting the following proposition:

Strike out all after the word "*Resolved*," and insert, "That an attempt to present any petition or memorial from any slave or slaves, or free negro, from any part of the Union, is a contempt of the House, and calculated to embroil it in a strife and confusion incompatible with the dignity of the body; and that any member guilty of the same justly subjects himself to the censure of the House.

"*Resolved*, That a committee be appointed to inquire into the fact whether any such attempt has been made by any member of this House, and report the same to the House as soon as practicable."

Mr. GRAVES addressed the Chair as follows:

I have arisen to submit a few remarks in support of the vote I shall feel myself constrained to give on this subject.

Sir, I am from a slaveholding State, myself a slaveholder, and am not ashamed to acknowledge it. And I do enter my most solemn protest against the abolitionists, or any other portion of the population of the non-slaveholding States, to interfere in any degree, as remotely soever as it may be, with the subject of slavery in the slaveholding States. And I state, further, that I am utterly opposed to the object of the prayer of those who have petitioned Congress to abolish slavery in the District of Columbia; for although I am inclined to the opinion that Congress has a right to legislate on this subject, I am utterly and wholly opposed to any effort to touch it, for many of the most obvious reasons; one of which, paramount to all others, is the feeling of the Southern slaveholding States; for gentlemen from the South have assumed an unbroken front in assuring us that the first effort to legislate on this subject will produce an instantaneous dissolution of the Union, to which I am, in the sincerity of my soul, attached above all other political considerations. But, sir, I cannot go with those honorable gentlemen the lengths proposed. I cannot consent to pass a vote of censure on any honorable member, whether from the North or the South, the East or the West, for rising in his place and orderly asking a question, or independently expressing an opinion, as much soever as I may believe them to be erroneous, or as monstrous soever as all may admit them to be.

Sir, I calmly ask this House to take a dispassionate, common-sense view of what it seems we are about to do, under the influence of heated imagination and excitement, almost by acclamation; the facts in the case are few and easily understood. They are simply that the honorable gentleman arose in his place and asked of the Chair—

Mr. ADAMS stated that he had in his possession a paper upon which he wished to have the decision of the Speaker. It purported to be a petition from twenty-two slaves, declaring themselves such, and he was requested to present it. He wished to know whether the Speaker would consider the paper as embraced by the resolution of the House of the 18th of January last.

The SPEAKER answered that the gentleman having the paper in his possession was the best judge of the matter; but if the gentleman would send the paper to the Chair, he would then decide.

Mr. ADAMS said if he sent it to the Chair it would then be in possession of the House, whereas he wished to know of the Speaker whether it came within the resolution of the House of the 18th of January, before he presented it. The paper purported to come from slaves; and this, like the other petition which he had last presented, was one of the cases to which he had alluded, in before stating to the House that, when he received them, a doubt had arisen in his mind whether the paper was genuine, or whether it was spurious and an imposition. The paper appeared to be signed partly by persons who could not write, but made their marks, and partly by persons, judging from the handwriting, of little education. He would send the paper to the table.

Mr. LAWLER objected to its going to the table.

The SPEAKER said, as this was a novel case, he would leave it to the House, and take its advice and counsel.

For this supposed crime (said Mr. GRAVES) the honorable gentleman from South Carolina [Mr. THOMPSON] has submitted a resolution to have him brought to the bar of the House and reprimanded by the Chair. Now, sir, whilst I wholly differ with the honorable gentleman from Massachusetts in supposing, as he says he does, that slaves have a right to petition this House, and whilst I suppose that not a member on this floor concurs with that gentleman in this most extraordinary opinion, yet he has asserted to this House that every human being, whether bond or free, has a right to petition this body. He says that such are the conclusions of his best reflections, and as such intended, if he had found it not disagreeable to the House, to have discharged what he considered his duty, by presenting it. And for this expres-

sion of what I feel myself constrained to believe to be an honest but a most absurd opinion, we, the members of this House, are called on to pass a vote of censure on one who has filled with honor to himself and his country what I consider the highest station on earth; one whose history is identified with that of our common country.

I, sir, supported, with all the humble influence which I possessed, the administration of that honorable gentleman. But I regret to say his course since I have met him on this floor has most generally met with my most decided disapprobation and condemnation. But, sir, in the vote I am about to give, I am not to regard any opinions I may have or now do entertain of that honorable gentleman's course on other subjects. But I look only to the abstract question of the operation of the proposed movement upon a member of this House. Believing that the obvious tendency of this movement is calculated, though no doubt unintentional on the part of the mover, to abridge the freedom of speech here, I will never, as long as I maintain the stand of an American Congressman, consent to take this or any other step which is calculated to restrict the liberty of speech in any member of this body, or any other American citizen.

Sir, it is insisted, notwithstanding the gentleman from Massachusetts disavows any such intention, that the question which he has asked the House was calculated and designed to ridicule and bring into contempt the resolution adopted by this House, by which all petitions and papers of every description, in relation to the subject of slavery, should be received and laid on the table, without reading. Now, sir, if it was the intention of the honorable gentleman from Massachusetts to bring contempt and ridicule on this or any other measure of this House, he has only done that from which such a design might be inferred: he intended a reflection on that resolution, and to show what he says is the absurd operation of such a rule, whilst a gentleman from South Carolina [Mr. PICKENS] has openly and boldly announced, in his speech upon this subject, that he denounced this resolution, adopted by the overwhelming vote of this House, with but 16 members from slaveholding States voting against it, as both contemptible and ridiculous, without offending the sensibility of this body. Shall we pass a vote of censure on the venerable member from Massachusetts for doing that which has been done with impunity by another? I am not one of the number to take this step by joining in this vote of censure. I am not for censuring either of those gentlemen, for I am for allowing the greatest possible latitude to debaters, to the entire freedom of speech, and will resist to the last moment any encroachment on either.

But, sir, allow me to take another view of this subject. We are not authorized to infer, from the question which the gentleman has asked, that he designed to bring into ridicule and contempt this House, or any of its acts. Though I confess I thought differently at first, now that the gentleman has asserted, in his place, that he had a definite and practical object in asking this question; that it was his object, if it should be approbated by the House, to proceed to present the petition: now, sir, I believe it was the object of that honorable gentleman to learn, through the Speaker, whether it would be agreeable to the House for him to present this petition. Sir, if, then, a member desires to take a step in this House which his conscience approves, and he feels it his duty to do, and still, from respect to the House, shall ask their opinion on the subject, shall we, who profess to stand up against any encroachment on the liberty of the citizen, vote a resolution to censure a free citizen, a representative of freemen, for thus daring to ask the pleasure of the House as to a step which he thinks right?

Sir, I have witnessed many things in this House which I thought very much out of order, and language from which a great disrespect to the opinions of the House might much more readily be inferred, than from the language of the gentleman from Massachusetts. Yet I have never felt disposed to pass a vote of censure on an honorable member for this course. Sir, there are, to my mind, numberless objections to this resolution of censure. Once establish it as a principle that a member may be degraded, by a vote of censure, for expressing an opinion which a majority thinks is not orthodox, which they may suppose is disrespectful to some measure which they have adopted, and where is it to stop? Sir, there is no telling. Once set a precedent to the exercise of this extraordinary power, and how soon may gentlemen of the minority of this House find it operating with the greatest possible severity upon them with whom I glory in being numbered?

Sir, I have stood breast to breast with gentlemen from slaveholding States, and other sections of this Union, in battling against what we all profess to think to be encroachments upon the liberty of the citizen. But, sir, I must be excused for pausing to take this step, which I regard at all times as an extreme remedy, and which, under the present circumstances, is unnecessary. What, then, are the facts of this case?

The gentleman from Massachusetts has, in his arguments on this floor, asserted heretofore that the right of petition ought not to be restricted, but that it should be held open to every human being. That, entertaining the opinions he does on the subject, he should feel himself unauthorized to refuse to present the petition of any human being that might be sent to him. These arguments of the gentleman were delivered when advocating and defending the petitioners of the North, on the subject of abolishing slavery in this District. And, I suppose, to try his faith in this opinion, and to ridicule its absurdity, this petition from twenty-two slaves, in reference to the presentation of which he asked the offensive question, was sent to him. And, further, to show it was intended to ridicule him and his opinions, I understand they pray that the gentleman himself, and all such as entertain abolition principles, shall be expelled from this House. Does not the fact that this came from slaves in a slaveholding State, praying to have the honorable gentleman expelled, show, to the satisfaction of all, that it was designed to ridicule him, and test the sincerity of his professions? This, I have no doubt, was done by persons who abominate the gentleman and his opinions. Sir, if the gentleman from Massachusetts is to be censured for this language of his, may not a majority of this House, who disagree with me on national politics, as well undertake to punish me for contempt or disrespect, for uttering an opinion which, in the presence of my God and my country, is true—that, in effect, our Government has been revolutionized under this administration; that all power is concentered in your President; that he has asserted prerogative after prerogative, usurped power after power, until he now has more power, and governs with infinitely less restraint, than either the King of England or France?

Sir, I will now, and as long as I may remain here, battle against every inch of such grounds. I do not know that I shall have a single member from a slaveholding State with me in voting against this resolution, except the honorable gentleman from Virginia, [Mr. ROBERTSON;] but, sir, if I stood alone, I should think the stand the more glorious. I know of no criterion by which to govern my course on this or any other subject, other than the dictates of my own judgment; that, sir, I will follow, lead me where it may. Sir, I am perfectly satisfied that the fanaticism in the North upon the subject of slavery in the slaveholding States proceeds mainly from a misapprehension on the condition of the slaves. They sup-

pose that slaveholders treat their slaves like brutes; that they are not supplied with the necessaries of life, with necessary food and raiment. In this they are greatly mistaken. Sir, the population of the slaveholding States are as kind, benevolent, and as beneficent a people as live on earth, and treat their slaves not as brutes but as human beings, entitled to all the indulgences which are consistent with their condition. But if the people of the slaveholding States were insensible to every feeling of humanity, and were only capable of being operated on by the most sordid and selfish considerations, they would perceive it to be their most obvious policy both to clothe and feed the slave well, for by it his health is promoted and his life prolonged. Sir, I profess to understand perfectly well the relations subsisting between master and slave, and I hesitate not to say that the condition of the slave, particularly in Kentucky, the State I have the honor in part to represent, is better than the condition of the poor portion of the population of any nation on earth; for there the necessaries of life are so cheap that the food and clothing of a slave are but small considerations with the owner.

The adoption of a resolution of censure on the venerable gentleman from Massachusetts, taken in connexion with the severe and acrimonious censure which Southern gentlemen, in this debate, have cast on these deluded citizens of the North, who have sent their petitions to us for the abolition of slavery in this District, would, in my estimation, be the most unwise step which could be taken by this body, desirous as it must be to allay the unfortunate excitement which is now prevailing on the subject of the petitions sent here. It is inconsistent with the freedom of the age to expect to drive a community from opinions which they have adopted, except by showing them to be erroneous. You cannot by denunciation drive them from making efforts to accomplish favorite objects, except by convincing them of their impracticability. But let them once see the utter inutility of further efforts, of the obvious folly of perseverance, and they will probably desist; but no individual or community was ever convinced of an erroneous opinion by denunciation. Let them see that they may petition, and Congress will disregard their prayers, and lay their petitions on the table without reading, and it would be worse than folly in them to persevere in their useless course.

Whilst I am prepared to admit that many honest persons in the North, believing slavery to be opposed to and possibly inconsistent with religion, have become fanatics, and are seen sending their petitions for its abolition in this District, let me tell them their course is fraught with the worst of consequences; it is not only welding more strongly the fetters of slavery, but it is now verging on producing that state of parties in this Union which Mr. Jefferson so much deprecated, which every lover of this Union must deprecate above all other curses that can befall our country—a state of parties divided by geographical lines, which, when formed, will, yea, must, inevitably burst asunder the bonds of this blessed Union.

Mr. PHILLIPS then inquired whether the resolution of the gentleman from North Carolina, which was proposed as an amendment, was in order. He made this inquiry because he considered that, if this resolution was in order, the subject lost its character of a question of privilege.

The CHAIR decided that it was in order.

Mr. PHILLIPS appealed from this decision, and went on briefly to discuss his point of order.

The CHAIR then stated the grounds of his decision, and read the parliamentary law on the subject; when

Mr. PHILLIPS said, to save the time of the House, he would withdraw the appeal.

Mr. PATTON obtained the floor, and made some few remarks—invoked gentlemen of the South not longer to discuss this subject, but to take the vote as soon as Northern men were disposed to do so. Mr. P. concluded by moving the following resolutions, as an amendment to the amendment:

Resolved, That the right of petition does not belong to slaves of this Union; that no petition from them can be presented to this House without derogating from the rights of the slaveholding States, and endangering the integrity of the Union.

Resolved, That every member who shall hereafter present any such petition to this House ought to be considered as regardless of the feelings of this House, the rights of the South, and an enemy to the Union.

Resolved, That the Hon. John Q. Adams having solemnly disclaimed a design of doing any thing disrespectful to the House in the inquiry he made of the Speaker as to the petition purporting to be from slaves, and having avowed his intention not to offer to present the petition if the House was of opinion that it ought not to be presented—therefore, all further proceedings as to his conduct now cease.

Mr. THOMPSON addressed the Chair as follows:

Mr. Speaker: I am reluctant, sir, to throw myself again upon the indulgence of the House. The original resolution which I submitted upon this subject, and which seems so much to have shocked the delicate sensibilities of some gentlemen, was dictated by the irrepressible feelings which the conduct of the honorable member from Massachusetts was so well calculated to excite. More calm reflection has only served to confirm me in the opinion that the course which I adopted was that which duty demanded; and although I should not be sustained by a single vote, it would not in the slightest degree shake my purpose. No, sir; in this, as in every other contest of duty, honor, and right, there is consolation, if in nothing else, in the glorious sentiment of Henry at Agincourt: "The fewer men, the greater share of honor." It is not the first time that, in the moment of conflict, I have found myself abandoned by some of those who had urged me into it. I am somewhat in the condition of Richard before the fatal day of Bosworth: my allies dropping off one by one. Like him, I hope in nothing else. Gentlemen who yesterday reproved my flagging zeal, and urged a resolution for the expulsion of the member from Massachusetts, to-day find my resolution too strong by half. All I desire is, the formal and unequivocal expression of the House, that to present a petition from slaves is unauthorized by the constitution, a disrespect to the House, and a violation of the rights and feelings of a portion of its members. I have no personal feelings of vengeance against the honorable member [Mr. Adams] to gratify, although his habitually harassing the House, and irritating conduct on this subject of abolition, have been well calculated to rouse such feelings. How great have been his trespasses during this session upon your patience, and that of the House, is in the knowledge of every member.

My honorable friend from Virginia [Mr. Robertson] admits that the conduct of the member from Massachusetts was "a wanton trifling with the House, and unjustifiable torturing of the feelings of its members; and that the subsequent explanations of the gentleman nothing extenuate the offence." Now, sir, I beg to be informed, if a wanton trifling with the House and torturing the feelings of its members is not a disrespect deserving censure, what is?

The honorable member from Massachusetts [Mr. Lincoln] has urged with much zeal and force that there was no offence in the question which was asked; that there can be no violation of the decorum of the House in asking a question—a question which may or

may not be answered. Is this true, sir? No offence in a question! Can greater offence be offered than by asking some questions? There are some questions not to be asked; and this is one of them. Is it no disrespect to ask a member if he is not destitute of honor or truth? None whatever, according to the argument, because the question may be answered or not.

Slaves have no right to petition. They are property, not persons; they have no political rights; and even their civil rights must be claimed through their masters. Having no political rights, Congress has no power in regard to them, and therefore no right to receive their petitions. They are property, not persons, under the constitution. The constitution is the paramount rule of the House; and any attempt, however made, to present petitions from them is a violation of that constitution, and a flagrant disrespect and insult to a portion of its members. Does any man dare to claim that the House of which I am a member is a tribunal to which appeals from my slaves are to be addressed, and in which their denunciations of me are to be received? This is a question that I will not argue. From the position that slaves have a right to petition, to that which should assert their right to vote, "the step is short and natural." They can have no such right, unless they have political rights. If they have, to refuse them an agency in making the laws by which those rights are guarded is to violate the great fundamental principle of our Revolution. If they have the right to petition, the principle must be carried out to that extent. I repeat, sir, I will not argue such a question for any other purpose than to show the enormity of the act of offering such a petition.

The gentleman from Massachusetts [Mr. LINCOLN] objects that the charge is indefinite, intangible. How, says he, did the member trifle with the House? I will tell you, sir. After presenting various abolition petitions, the member [Mr. ADAMS] stated that he had a petition from twenty-two slaves, and asked if it came within the resolution of the gentleman from Kentucky, [Mr. HAWES;] thus giving to the House an additional reason to believe that the prayer of the petition was for the abolition of slavery. I inquired if it was an abolition petition, and requested that it might be read. The honorable member from Massachusetts declined to answer. My friend from Alabama [Mr. LEWIS] inquired of the Chair whether the petition did pray for the abolition of slavery. He was informed by the Chair that it did. The honorable member was silent, and permitted the misapprehension of the Chair, into which he had led both you, sir, and the whole House, to remain uncorrected, when he alone had it in his power to set the House right. One word from him would have sufficed. He refused to give that one word. He allowed more than one resolution to be submitted and speeches to be made on that supposition; and not until he supposed the House sufficiently embarrassed and entrapped did he condescend to state what was the nature of the petition. Is not this trifling with the House? Let every member honestly answer the question. But, sir, I take broader ground. To present any petition, for any object, (and it is perfectly indifferent what that object is,) from slaves, is without authority or right, and an unjustifiable and insolent trifling with the House.

The honorable member from Kentucky [Mr. GRAVES] has replied to an argument which no one has used. I certainly have not. He seems to suppose that the act of the honorable member from Massachusetts is regarded as offensive, because it is calculated to bring into contempt the resolutions of his honorable colleague, [Mr. HAWES.] I have not heard any such ground assumed. I shall certainly be one of the last to break a lance in defence of those resolutions. The same honorable member has also argued that it could be no disrespect, as the member from Massachusetts disclaims any such intention. Does not every one see this would excuse any the greatest violation of decorum? A member may ask another if he is not guilty of falsehood, and is not a knave, and in his defence say he meant no offence: is he to pass without censure?

The honorable member is a slaveholder, and represents slaveholders, and on that account I must say that I have heard no speech on this floor which has grated so harshly on my ear. I regretted it, deeply regretted it, as coming from a slaveholder. It concedes, in my judgment, the most vital principles for which the abolitionists contend. Look at their petitions. They say that slavery is an evil, a national sin, and a disgrace. Will these be cured by abolition in this miserable ten miles square? Does any man believe that their purposes are confined to that? You might as well tell me that you would set fire to ten feet square in a dry prairie, and that you designed and expected that it would extend no further. No, sir; these men, fanatics as they are, understand their game. They know that this is our weakest point—that upon which their strongest show of plausible argument can be made; and, like a skilful commander, they first assail the weakest point of the enemy, as diseases settle upon the weakest part of the system; and a more pestilent disease than this does not exist. It is a foul and blasting malaria, which is prostrating the justice, virtue, and independence, of a portion of the country. Is there not at least one member on this floor, who last session was opposed to these wretches, but who, at the last election, was obliged to give in his adhesion or give up his seat here—a painful alternative to any but a patriot—to a patriot a proud occasion of sacrificing the poor honor of a seat in this body to his sense of justice and right—to the peace and harmony of the Union.

They regard abolition in the District as a first but decisive step to abolition in the States. So do I. So does the whole slaveholding country. The gentleman concedes them the power here, and we are only tenants at sufferance, at will—and at the will of those who we know will strike the blow whenever they dare do it. They are adders fanged and coiled, and only do not strike because they dare not. Is this the aid which slaveholders in this body give to each other? "Call ye this backing your friends? A plague of such backing, say I."

I think, Mr. Speaker, I may say that I am not responsible for the erratic and discursive course of this debate. I have endeavored to confine myself to the subject before the House, and I now reluctantly advert to some topics not strictly pertinent, but which have not been first involved by me. The gentleman from Massachusetts [Mr. LINCOLN] has complained of severe denunciations of his State. Not by me, sir. I am guiltless on this, as on all former occasions. I would not wantonly assail the character of any State, and especially of that ancient, enlightened, and renowned Commonwealth. But when these vile assassins are exciting our slaves to revolt—to murder—infanticide; when their poisoned shafts are daily aimed at our lives, and, what is of infinitely more value, at our characters, when I strike back, and gentlemen choose to interpose their State to receive the blows aimed at them, they must take the consequences. I shall bate no jot of the force of my blows on that account.

The gentleman has given us another eulogy upon these amiable fiends—these most respectable assassins. Now, sir, allow me to say that I have read a work on the subject of slavery, written by a man than whom none is more honored at the North, and one whom the South, too, once delighted to honor, and who, I doubt not, is the best of the infamous brotherhood; and I venture to say that no book of the same number of pages, in any

language, contains libels more foul and false. As a class, they are fools or knaves, and there is no escape from the alternative. If they do not know how worse than vain are their efforts, and that they only tend to make worse the condition of those whose friends they profess to be, they are entitled to the former—if, knowing it, they persist in their vile purposes, with no hope of good, but at the risk of tearing down the proudest temple which human wisdom has reared to human liberty, none will deny their right to the latter appellation.

The gentleman from Massachusetts, as if entirely unconscious of the offensiveness of such topics, speaks of the right of the people of the North to sympathize with human suffering—with the oppressed—with those improperly held in bondage. Now, sir, what does all this mean, when translated? It means this: that we of the South are oppressors; holding men in bondage so cruel and unlawful as to enlist the sympathies of the generous, the warm-hearted people of the North—sympathies of which we must be destitute, or we would cease from such wickedness. Now, sir, gentlemen must expect these charges to be repelled. Rosseau, I believe it was, regretted that he had not been born a Roman. I am thankful and proud that I was born an American, a slaveholder, and a South Carolinian. I regard African slavery, in all it bearings, as a blessing—as a blessing to the slave himself; and I challenge a denial of the proposition, that nowhere on the earth, in his native land or any other, is the African so elevated in the scale of being, or in the enjoyment of as much comfort—so virtuous, enlightened, or happy—as those who are slaves in this country. I am satisfied that in no country where domestic slavery does not exist has the character of man ever been, or ever will be, found in its highest development. I believe it essential to the maintenance of liberty. Where, let me ask, when the liberties and honor of this country have been assailed by enemies, foreign or domestic, have they flown for refuge? I feel that I am treading on delicate ground. It may be invidious in these times, when the whole North is so clamorous about the freedom of speech and the press, to remind gentlemen of the sedition law;* and when they seem to have taken American honor exclusively under their keeping; to remind them of the part which their States bore in the late war—that second struggle for independence—for we should have ceased to have had the most essential attributes of a nation if we had not waged that war. Northern commerce was assailed, and Northern seamen impressed. The North counted the cost, and was opposed to war. The national honor was assailed, and the rest of the nation counted not the cost, but rushed into the conflict, and came out of it triumphantly, with the North all the while hanging upon their skirts. I know, sir, that there were illustrious exceptions. I speak not of individuals, but of the conduct of States.

When the gentleman [Mr. Lincoln] speaks of the sympathies of the North for human suffering, for the oppressed and those held in unlawful bondage, I cannot forbear to congratulate him upon the return of those feelings—for, if "aught that's true in history be," it was not always so. There would seem to have been a time when these honorable feelings had fled from their land. And even now it seems to be a most modified benevolence, a most restricted philanthropy, which demands, as indispensable, that their objects should have a red or a black skin; for their own color and race, their hearts are as cold as they ever were. How, Mr. Speaker, if it should turn out that slavery has been brought upon the country by this most tender-hearted people? How, if I shall show that the blackest and the bloodiest pages in the history of this country, or of man, are to be found in the treatment of the aborigines by New England? That, as long as the slave trade was profitable and tolerated, it had no horrors in their sight? That they had no sympathies with the poor Indians until they had literally exterminated all the tribes by whom their fathers, flying from another land, were kindly and hospitably received—ere yet the untutored savage had learned the arts, the frauds, the rapacity, of the white man, which they first taught him? Now, when they are no longer incommoded by the vicinity of the savage, their sympathies are not with their brethren, circumstanced as their fathers were. Their philanthropy and their selfish interests are never opposed, however there may be such opposition to the interests of others. I like not your courtezan turned prude, after ability to be vicious has ceased, and trust her nothing the more that she claims to be of the "*unco' guid*, the rigidly righteous," and is seen at church meetings and christenings, sanctified and demure to a proverb.

Are gentlemen ignorant that mainly on New England rests the responsibility of the great importation of slaves to this country? that the Colonial Legislature of Virginia passed twenty-two acts against it? and that it was through the power and influence of the New England colonies that the trade was not stopped? It was a business in which they could turn a penny, and their humanity

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* *Note by Mr. T.*—Freedom of opinion and of speech, and sympathies with the Indian and African, are the three great topics of New England cant of the present day. How long has it been thus, vide the following extracts from Neal's History of New England; to say nothing of that glorious act for securing the freedom of opinion and the press, the sedition law, which had the united support of New England.

The New Englanders petition their magistrates to take speedy measures against the Anabaptists.—Neal's History of New England, vol. 1, 279.

Three were punished shortly after for religious opinions, viz: John Clarks, fined £20 or to be whipped; John Crandall, £5 or whipped; Obadiah Holmes, £30.—Vol. 1, 280-1.

Holmes received thirty lashes at the whipping-post.—Vol. 1, 283.

And John Stone and John Hazwell were each fined 40*s.* or to be whipped, for shaking hands with him, and praising God for his courage and constancy.—Vol. 1, 283.

The Government of New England proceeded against the Quakers as it had done against the Anabaptists, by fines, imprisonment, and whipping; and, these proving ineffectual, they put three or four to death.—Vol. 1, 291.

They imprison and banish Mary Fisher and Ann Austin, for being Quakers.—Vol. 1, 292-3.

Laws against Quakers.—Vol. 1, 293-4.

Nicholas Upshall, aged sixty years, was fined £30 and banished, for speaking against that law.

Mary Clarke whipped twenty stripes for being a Quaker and coming into New England, 1657.—Vol. 1, 295.

Ch. Holder and John Copeland each received thirty lashes and nine weeks imprisonment for the same.—295.

Leave passed to cut off the ears of Quaker men, and whip the women, and for boring their tongues with hot irons.—296-7.

Holder, Copeland, and Roane, lost their ears.—297.

Several others whipped and imprisoned.—Vol. 1, 301.

Law to ship them to Barba and Virginia, and sell them as slaves.—304.

Families ruined by fines.—305.

Law to put them to death.—306-7.

Marmaduke Stevenson and William Robinson hanged.—309.

Mary Dyer also hanged.—309.

Others banished.—312-13-14.

slept. When gentlemen are daily regaling the House with their pathetic jeremiads on the horror and atrocity of slavery, are they not disturbing the bones of their fathers? Are they not guilty of that worst of parricide, the murder of a father's fame? I should think that, if they believed in spirits, as they once did, they would expect the ghosts of their fathers to rise up and accuse them. In our own times, let me ask, how long has it been since the people of a State, now the headquarters of the abolitionists, by way of showing their abhorrence of slavery and the slave trade, placed the sovereignty of that State in another branch of Congress in the hands of a convicted, a notorious, (notorious in all the meanings of the word,) slave dealer and kidnapper?

Well, sir, as to the other point on which these philanthropists are most sensitive—the treatment of the poor Indians; for their hearts seem to have two subdivisions—one for negroes, the other for Indians. Speak of the poor African, they are in paroxysms of charity; of the poor Indian, and their philanthropy is almost spasmodic; a most rare benevolence, which uses as its means murder and rapine; a charity which does its alms with money rifled from the pockets of others. What think you, sir, of Indian chiefs—ay, and women, too—taken prisoners in war, and shot or sold as slaves in the West Indies? What think you of wars of which the historian thus speaks, with truly Spartan brevity: "The whole tribe was exterminated?" The Narragansetts, Mohegans, Pequods, Wampanoags—where are they? Exterminated! It is fitting—there is a beautiful propriety in the sons of those who exterminated them setting up for philanthropists! as the exclusive friends of the Indians! What think you, sir, of a civilized and most religious soldiery, made up of men who had left their native land to indulge here, without restraint, a religion of peace, love, and charity, firing into the wigwams of squaws and children—enriching their steril soil with the blood of women and children? What, sir, of rewards being offered by law for Indian scalps, indifferent (of course, for it could not be known) whether torn from the heads of warriors or women, of decrepit age or sleeping infancy? We of the South, who boast not of our humanity, have never gone further than to offer rewards for the scalps of wolves—never for human scalps. The heart sickens, and human nature shudders at the picture. And from what history, I am asked, are these elegant extracts? From the history of the immediate descendants of the Pilgrims; and what may be deemed even a higher honor than that they were thus descended, the ancestors of our present philanthropists—as Cornelia boasted more of being the mother of the Gracchi than the daughter of Scipio. It is no excuse to say that these colonies were then subject to Great Britain. The form of their government may have been in some particulars different, but these were the acts of the colonists themselves.*

I repeat, sir, that I congratulate the gentleman on the return of these humane feelings. I would, in all deference, recommend his people to beware lest the reaction may lead, as reactions are apt to do, to extremes. This spirit of philanthropy these good people may be unaccustomed to. Let them not drink of it too deeply at first. I take no special pleasure in these topics, but I am tired, sir, of defending, and I know of no better way of defending than to attack.

I commend the chalice to the lips of gentlemen themselves, and desire that they should realize, by actual experience, how pleasant it is. If there is any thing which is calculated to wound gentlemen, it is the truth of history which offends, and not I who have referred to it.

[Mr. ADAMS inquired whether Mr. THOMPSON still adhered to the opinions heretofore expressed by him, which follow:

"Does the gentleman, even in the latitude which he gives to the right of petition, think that it includes slaves? If he does not, he has wilfully violated the rules of the House and the feelings of its members. Does that gentleman know that there are laws in all the slave States, and here, for the punishment of those who excite insurrection? I can tell him that there are such things as grand juries; and if, sir, the juries of this District have, as I doubt not they have, proper intelligence and spirit, he may yet be made amenable to another tribunal, and we may yet see an incendiary brought to condign punishment."]

Mr. T. replied, as to the first: When those remarks were made, I did not believe that there could be any man who entertained the opinion that slaves have the right of petitioning. The gentleman has since avowed that most extraordinary opinion. He had not, however, done so before my remarks were made. An opinion so extraordinary, that I could not have supposed he entertained it on any other authority than his own declaration. As to the second, I have only to say, that when I spoke of the liability of the gentleman to a criminal pros-

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* Extracts from Hutchinson's History of Massachusetts.—Account of the Pequod war.

"The Indians soon climbed to the top of the palisades to avoid the fire, and so exposed themselves to the English bullets; others forced their way out of the fort, and if any of them broke through the English, the allied Indians were in a ring at some distance, so that few, if any, escaped. There were 60 or 70 wigwams, and it was imagined four or five hundred Pequods, men, women, and children. Few, if any, escaped."—Vol. 1, page 78.

"The Indians in alliance with the English (i. e. colonists) had taken ten males and eight females; four of the males were disposed of, one to each of our sachems, the rest put to the sword. Four of the females were left at the fort; the other four carried to Connecticut, where the Indians challenged them as their prize; they were sacrificed to end the dispute.—79. Many of the captives were sent to Bermudas and sold for slaves. The Pequod tribe was wholly extinguished."—80.

All these atrocities were perpetrated in the name of God, and to do him service. Hear E. G.: "That it was evident that God had chosen New England to plant his people in, and that it would be displeasing unto him that his work should be hindered." In the account of the war with the Narragansetts this is found: "They began to fire the wigwams—in many of them the Indian women and children perished."—298.

The termination of Philip's war.—"A great many of the chiefs were executed at Boston and Plymouth, and most of the rest were sold and shipped off for slaves to Bermudas and other parts."—307.

"The hand of the great Philip, a hero and patriot, was cut off; and" says the historian "produced a handsome penny, many having a curiosity to see it." "The ruling passion strong in war as in death."

"The Government increased the premium for Indian scalps and captives to one hundred pounds. This encouraged John Lovewell to raise a company of volunteers to go out upon an Indian hunting. January 5th, he brought to Boston a captive and a scalp. Going out a second time, he discovered ten Indians around a fire, all asleep; he ordered part of his company to fire, who killed three; the other seven, as they were rising up, were sent to rest again by the other part of the company. The ten scalps were brought to Boston.'

"Being whipped by the Indians in one of these Indian hunts," the historian says, "this misfortune discouraged Indian huntings."

ecution, I understood (and it was the fault of the gentleman himself that I so understood it) that it was an abolition petition. As it was not, the remarks have no application to him. If it had been, the expressions used by me were just and well deserved; and I repeat the opinion, as broadly as it is there expressed, that the presentation of a petition for abolition may furnish sufficient evidence of correspondence and conspiracy with slaves to incur the penalties of the laws against those who excite insurrection; not for the act done in the House, but for the evidence which the act in the House furnishes of a crime committed out of the House—a crime perfected before the member takes his seat. I find a man in my kitchen urging my slaves to sign a petition denouncing me as an oppressor and tyrant, and asserting that slavery is a violation of the rights of man and the laws of his Creator. What stronger incentive to insurrection? Would the fact of his being a member of Congress give him impunity? Suppose he acknowleges on the floor that he had done this with the purpose of exciting insurrection, or suppose he does some equivalent act, or uses words which equally establish it—may it not be used as evidence? Suppose a member voluntarily to acknowlege on the floor that he had killed a man—may this not be given in evidence? Suppose a member to denounce another in debate as a traitor, and to say that he will give five hundred dollars to any one who will assassinate him—the member thus denounced is assassinated by a bravo in the rotundo, who demands the reward—is this act to pass with impunity because the guilt of accessary consisted in words spoken in debate, though not the less clearly the guilt of an accessary? What is the object of the provision of the constitution? The great privilege of the freedom of debate? Surely not impunity for crimes. Surely nothing could be more revolting than to contend that the criminal laws of the land may be violated, if done by a member of Congress in his seat. And the denial of my position leads to that. The gentleman puts the case of a member being brought before a grand jury for denouncing the President. Would the gentleman say that would be a violation of any criminal law of the land? Unless he can, the case is not parallel, and the gentleman knows it. If, however, it can answer him any purpose, he is perfectly at liberty to pervert my argument.

I shall continue, as I have done, to denounce the many flagrant and atrocious usurpations of this Government, without fear of criminal prosecution; and I venture to say that if the honorable member from Massachusetts regards the cases as parallel, no other human being does. But, sir, what scorn would he not deserve and receive who should attempt to screen himself behind his privileges from the penalties of the criminal laws of the land—to interpose the privilege of a member of Congress between a felon and the gibbet—a privilege intended to secure perfect freedom of thought and of speech, claimed as an immunity for crimes? The moral guilt would be the same, and the same, I trust, would also be the infamy of the act and the penalties of the law.

Mr. CALHOON, of Kentucky, said: The resolution proposes to censure the member from Massachusetts for his conduct in this House in reference to a petition purporting to be from slaves. It is therefore, in the first place, necessary to inquire what his conduct has been. I will state, sir, my understanding of it. The part which that gentleman has taken, at the last and present session of Congress, in regard to the abolition of slavery in the District of Columbia, is well known to have been most extraordinary. It should be noted that, at the last session, the gentleman, in a speech which he made and published, declared his opinion to be, that Congress had not only the power to abolish slavery in this District, but that it had the power, under the constitution, to abolish slavery in the States. This was the first, and, as far as Mr. C. was informed, the only instance in which such a power had been claimed for Congress by any person, in any part of this Union. The consequence of publishing this opinion, and claim of power, from a person so distinguished, had been to increase to an alarming extent the efforts for abolition. And now, sir, we find it followed up by the gentleman, and attempted to be acted out, by receiving a petition from slaves, and, as a member, attempting legislative action upon it.

In regard to the right of petition, he would say that, in most countries, it was invaluable to the subject. It was the only mode in which the subject could reach the throne. But how is it in this country, where we have neither a throne nor a subject? Here, sir, the power is in the hands of the people. Ours is a representative Government, in which the people most usually exert their power at the ballot-box. They certainly have the right of petition in its most enlarged sense; they have more: they have the right of "instruction." This right, however, is confined to the free white population of the country, in exclusion to slaves. It had always been so considered under our colonial existence, under the articles of confederation, and under the constitution, from its adoption to the present time. The history of the colonies may be examined, and no case can be found where the right of petition, for any purpose, was claimed for, or attempted to be exercised by, slaves. The constitution of the United States does not alter the rule which had prevailed in regard to the right of petition; it declares that Congress shall pass no law to abridge it; it exists under the constitution as it existed before, and is not enlarged by that instrument. The constitution of the United States, so far from weakening the right of the owner to his slaves, does expressly acknowledge that right, by making slaves, to a certain extent, the basis of representation and of taxation.

The constitution leaves the question of slavery as a mere domestic question for the States. Congress has no power over it, none whatever; certainly none, so far as the States are concerned; and, in my judgment, none, so far as the District of Columbia is concerned. My colleague [Mr. Graves] and myself differ in regard to the power of Congress to abolish slavery in this District. He has very truly said that very distinguished individuals in all parts of the United States concur with him in his views upon this question. I am not, upon this or any other question, to be influenced by distinguished names. I am happy to know that I do not stand alone in my views upon this subject in Kentucky; so far from it, it is a fact that the Legislature of Kentucky, at their last session, did, by an almost unanimous vote, declare that Congress had no power over the subject in the District of Columbia. That Legislature did, moreover, instruct the Senators and request the Representatives from that State to oppose all attempts at abolition in this District. Others may do as they please; but concurring, as I do most heartily, in the doctrines of the Kentucky resolutions, I shall use all my efforts to carry them into effect. Without intending, on the present occasion, to discuss at length the reasons upon which I deny the power to Congress to abolish slavery in this District, I will beg leave to remark that the relation of representative and constituent does not exist between the people of this District and Congress; we are not their representatives; and the rule which applies in the States, that what the people do through their representatives they do by themselves, does not apply here. I acknowledge that the grant of legislative power to Congress over the District is in very comprehensive terms. But, still, it is to be considered that the power in this, as in every other case

from the beginning of time, has been conferred for the protection and not for the destruction of the rights of property. Amongst the most valuable of human rights is that of being secure in property; and it is a perversion of every principle, which in all countries should be held sacred, to use a power designed to protect the right of property for its destruction. When the constitution was formed, slavery existed in this District; it was known to the convention, and acknowledged rightfully to exist by the constitution; and I contend, boldly, that to use a power intended to protect, so as to destroy the thing designed to be protected, is a violation of principles sanctioned by all ages, and of more force than the constitution itself.

But it is contended by my colleague [Mr. GRAVES] that we cannot censure the member from Massachusetts without violating that provision of the constitution which secures the freedom of debate in this House. Sir, I do not think so. The freedom of debate is secured to the members of this House in the same manner that the freedom of speech is secured to the citizens of this country: it is a right which may be abused in both cases. The tribunals for punishing an abuse of this right are different—the House may punish a member, the courts may fine a citizen. Sir, (said Mr. C.,) I am as much in favor of preserving the liberty of speech to the citizen, and the freedom of debate to the members of this House, as any man, any where; but still, as a judge, I would fine a citizen for blasphemy or profane cursing and swearing; and as a representative I will censure a member for either acts or words which I believe are calculated to lead to insurrection in the slave States of this Union. I take the gentleman's act of receiving a petition from slaves, and officially asking a question of the Speaker, with a view to legislative action upon it, coupled with his speech, as evidence that he is in correspondence with the slaves of this country to an extent which calls for the rebuke and censure of this House. I shall, therefore, vote for the resolution; but I shall do so more in pity than in malice. My course towards that gentleman will relieve me from the imputation of improper motives.

Mr. CUSHING said that the House, during the whole of yesterday and to-day, had been the scene of a most excited and very discursive debate, branching out into a great variety of incidental topics, many of which were but remotely connected with the main question. There was, in truth, only one thing for the House to determine. Did the venerable member from Massachusetts, by the inquiry he propounded to the Chair, violate any law of the land, or any known parliamentary rule, so as to render him liable to the indignant censure of the House? This was the real point in issue, on the precise merits of the resolution moved or adopted by the gentleman from South Carolina, [Mr. THOMPSON.]

I have not risen (said Mr. C.) to analyze or discuss that resolution. There is no need of it. My honorable colleague near me [Mr. LINCOLN] has ably discharged this duty. He has demonstrated, temperately but manfully, the untenableness of all the grounds on which the resolution had been made to rest. The sentiments expressed by him do honor alike to his head and his heart. I declare my cordial concurrence in every word he has uttered on this occasion.

And, after this declaration, it is but a necessary consequence to say that to no resolution of censure, based on the matters now before us, to no rebuke, express or implied, to no action of the House that shall touch that individual [Mr. ADAMS] with so much as the uttermost edge of the shadow of indignity, will I give my assent. If, in the present contingency, any thing had transpired of itself tending to justify the resolution of censure, I could not fail to remember that he, who is the object of it, has presided over the destinies of my country; that he is at this moment a representative, in common with myself, of the State of Massachusetts; that, eminent as he is by reason of his long public services, and the exalted stations he has held, he is yet more eminent for his intellectual superiority; that his character no longer belongs to his State or his country, but to the history of civilization and of liberty; and I would have members ponder well the case, before they proceed, whether to gratify friends or appease foes, to record their votes in censure of such a man.

If the debate had been confined, therefore, to the strict merits of the question, there would be no occasion for me to occupy the House with any remarks on the subject. I should have seen that I was forestalled in argument by my colleague, [Mr. LINCOLN,] and by the other gentlemen who have spoken on the same side. But, in the stormy progress of this question, a multitude of strange things have been thrown up to the troubled surface of controversy, and made to assume the form of menace, defiance, and crimination, towards the people of the North. Observations have just fallen from the lips of one gentleman, especially, reflecting somewhat gratuitously on the character of New England, and in such terms that, having gained possession of the floor, I should feel that I was a recreant craven if I could permit any personal consideration to repress the feelings which these things have aroused in my breast—if I failed to encounter them with the prompt, honest indignation they deserve. This I shall proceed to do, resolutely, as the truth demands, but deliberately, coolly, temperately, as becomes the sanctity of my cause.

Sir, I might also say, with my colleague, [Mr. LINCOLN,] that I am of the frigid North. But let not gentlemen mistake us, nor imagine that, because we choose to reason, we cannot feel. I beg leave to assure them that we of the North could pour forth declamation as little to the purpose as others do, if it comported with our notions of good taste or of good sense. If we are less irritable than some of those with whom we are associated here, it is not that in a just quarrel we are less profoundly moved. Bred in the perpetual inculcation of habits of order and self-control, we are accustomed to think that, in questions like the present, involving the first principles of civil liberty and the dearest rights of mankind, passionate invective, rash menace, and random exclamation, are poor substitutes for reason and argument. I have like passions with other men. I have been keenly sensible to the wrongs heaped on the North in the course of this debate. I have marked the cries of violence with which this hall has continually rung. I mean to vindicate unflinchingly the rights of my constituents and the fame of my forefathers. But I am determined, also, as I have already said, to pass through this controversy, maintaining the self-possession necessary to enable me to argue a question of argument, coolly, deliberately, by argument and not by passion; neither transported by the agitation of those about me, nor deterred by their threats.

Sir, I do not wonder at the sensitiveness which members from the South display, in reference to the general question of domestic slavery. It is, indeed a great and grave question—a question momentous in its consequences; and he who shuts his eyes to the fact, who shuns to look it plainly in the face, who shrinks to foresee the whirlwind it may raize about him, is like the stupid ostrich, that plunges its head into the sand, and conceives it is then hidden from the chase of the pursuer whom it ceases to behold. And the very gravity of the subject should admonish us to consider it in all soberness and thoughtfulness, banishing these distempered heats, and putting on a solemnity of mind appropriate to such a question—a question vital to the existence even of this Union.

This House is called upon to punish my colleague, for the alleged offence of speaking words in his place, and in the execution of his duty, which give color to the idea that slaves possess the right of petition. Was it an offence? And if so, in what text is the offence defined and the punishment prescribed? There is no such text. The proposition is, to censure my colleague at the mere will of the House, its arbitrary will, for an act which offends a portion of its members, by raising the implication of an erroneous idea. Whither is this precedent to lead? Is it not utterly subversive of the freedom of debate? A member is not to utter an opinion, or by words of inquiry insinuate an opinion, obnoxious to the rest of the House! I must express my surprise—I will not say my indignation, because that would infer reproach—that gentlemen, who continually themselves exercise the privilege of debate in its widest latitude—who stretch it to the farthest verge—who do this in the utterance of opinions offensive to a majority of the House—my profound astonishment that such gentlemen should urge the arbitrary punishment of my colleague for a pretended abuse of the right of debate. Or do members from the South conceive they are to have the privilege of speech exclusively to themselves? If so, it is time they should awake from their self-delusion.

Relying, however, very little on the merits of the question, gentlemen seek to justify their purpose by other considerations. To begin, they denounce, in no measured terms, the distinguishing opinions of Massachusetts on the subject of this great question of public liberty, incidental to the resolution before us. They err most egregiously, if they believe that such opinions are exclusively peculiar to Massachusetts or to New England. Those opinions prevail quite as extensively in the great States of New York, Pennsylvania, and Ohio, for example, as they do in New England. They are, indeed, opinions of elemental right, lying at the very bottom of all the political institutions of the country. It may be that such opinions are more strongly held, and more universally understood, in New England, than elsewhere in the United States. I may not deny it. Deny it? I glory in the fact. It is the proof and the result of our old and persevering dedication to liberty.

Gentlemen talk to us of these our great fundamental rights—as the freedom of speech, of opinion, of petition—as if they were derived from the constitution of the United States. I scout such a doctrine. If there were a drop in my veins that did not rebel against the sentiment, it would be bastard blood. Sir, I claim to be descended from the king-killing Roundheads of the reign of Charles the First; through a race of men not unremembered in peace or war; never backward in the struggles of liberty; a family, upon the head of a member of which the first price of blood was set by Great Britain, in revenge of his early devotion to the cause of independence. I venerate their character and their principles. I am ready to do as they did—to abandon all the advantages of country, home, fortune, station—to fly to some western wilderness—and to live upon a handful of parched corn and a cup of cold water, with God's blessing on honest independence—sooner than I will surrender one jot or tittle of those great principles of liberty which I have sucked in with my mother's milk. I disdain to hold these rights by any parchment title. The people of the Commonwealth of Massachusetts, the people of every State of this Union, came into it in the full possession and fruition of all these rights. We did not constitute this Government as the means of acquiring new rights, but for the protection of old ones, which nature had conferred upon us; which the constitution rightly regards as pre-existing rights; and as to which all the constitution does is to provide that these rights neither you, nor any power on earth, shall alter, abrogate, or abridge. They are rights of Heaven's own giving. We hold them by the supreme tenure of revolution. We hold them by the dread arbitrament of battle. We hold them by the concession of a higher and broader charter than all the constitutions in the land—the free donation of the eternal God, when he made us to be men. These, the cardinal principles of human freedom, he has implanted in us, and placed them before and behind and around us, for our guard and guidance, like the cloud by day and the pillar of fire by night, which led the Israelites through the desert. It is a liberty, native, inborn, original, underived, imprescriptible; and acknowledged in the constitution itself, as pre-eminently before and above the constitution.

Now, in their denunciations of the North, it is these the very primordial rights of the universal people of the United States, that gentlemen from the South assail. They strike at the freedom of opinion, of the press, and of speech, out of doors—and the right of petition and debate in this House.

It seems to be imputed as a crime, to a portion of the inhabitants of the non-slaveholding States, that they entertain sentiments condemned by a majority of this nation. But can it be a crime? I appeal once again to that portion of the members from the South who are foremost in this debate—I mean the gentleman from South Carolina [Mr. Thompson] and his friends—who on certain subjects differ in opinion with a great majority of their countrymen; and I ask them whether they stand prepared to abide by and sustain the doctrine, that opinions, unacceptable to the majority, are a moral or political crime? Will they apply to themselves the rule of judgment which they urge so vehemently against the people of the North? Will they deliberately sanction such an odious doctrine? I know they cannot. They must perceive that it is impossible by any act of the will to control the conclusions of the mind. It is our duty, in all the contingencies of life, to weigh well the facts and the reasonings upon which our judgments are to be formed; to apply to every question a conscientious desire to arrive at the truth; to spare no means to inform ourselves rightly as to the matters which the mind is to judge. But the result is not a thing within the scope of the will. And it is monstrous, therefore, to bring opinions to the bar of legal censure. It is a violation of the interior sanctuary of a man's own soul. It is the very acme of tyranny. The arbitrary power to condemn and punish opinion is that which gave birth to the protestant reformation, and which has rendered the inquisition a by-word of odium and reproach. It is that self-same thing from which our fathers fled—the Puritans, the Catholics, the Quakers, the Huguenots—when they left their native Europe to found an asylum for conscience in this New World. It is that which has nerved the arm and edged the sword, in every contest of liberty, which lightens along the history of civilized man.

As to speech and the press—I admit that here there is more of difficulty than in the case of opinion. It is a practical problem, extremely difficult of solution, to determine always how much of liberty in this respect is possible to be maintained, without degenerating into licentiousness. And it is a practical question, greatly dependent on times and circumstances. I shall not seek, in these cursory remarks, to solve the problem. It suffices for my present purpose to suggest the idea, that the suppression of political inquiry, while it is a thing hostile to the general spirit of our institutions, is hard of accomplishment, and apt enough to end in aggravating the evil it is designed to remedy.

I had occasion, the last winter, to express my views on the general subject of the right of petition. They remain without change. And I can but repeat my conviction, that this, like the liberty of conscience and the press, is not a right given by the constitution, but an original right of the constituent people of the United States, and one which they never parted with, but in their compacts of political fellowship expressly saved from all abridgment and limitation forever. The right of the people to petition for a redress of grievances, and the duty of Congress to receive and consider such petitions, are in my estimation the correlative conditions of the right. A petition is the formal mode in which the people bring their wants or opinions to the direct notice of Congress. It is an essential ingredient of representative institutions. To forbid the citizen to prefer his wishes to Congress by petition would be to lop off one of the chief democratic features of our Government, and to convert it into an aristocracy of elective despotism. It would be a curtailment of the constitutional liberties of the people of the United States, to which they could not and should not submit.

Mr. Speaker, such are my sentiments in regard to these great fundamental rights of my fellow-citizens. I think they are, in the substance and the general outline, the sentiments of the bulk of the people of the North; and I had fondly imagined, until very recently, that they were sentiments coextensive in prevalence with the jurisdiction of the republic. Entertaining this belief, I have deeply regretted to see the dangerous topic of slavery mixed up with other questions, wholly foreign to it in principle.

Sir, I put it to gentlemen, in all directness and sincerity, do they suppose that angry attacks on the freedom of opinion, of speech, of the press, of petition, of debate, are likely to check the spread in the United States of that disapprobation of slavery, which is but another form, conversely considered, of the love of liberty? Do they deem it possible to smother the opinions and stifle the petitions of the free men of the United States? Ay, and of the free women, too? For I confess it seems to me a strange idea to uphold, in this enlightened age, that woman, refined, educated, intellectual woman, is to have no opinion, or no right to express that opinion. Do gentlemen soberly think their cause can be strengthened in the country, by bringing to the bar of the House for contempt, by subjecting to censure, by expelling, a Representative of one of the free States, because he may have given color to the idea that slaves can petition Congress?

Gentlemen who pursue this course, and who suffer their feelings to hurry them into transports of violence here, greatly misjudge in the measures they adopt, if they would allay the fever of abolition. This requires anodynes, not stimulants. Let me say to gentlemen, and it is a declaration which I am sure every member from the North will bear me out in making, that the mass of society at the North remains disengaged from anti-slavery agitation. I speak of a notorious fact. Thank Heaven, this question has not yet been drawn into the polluting embrace of party politics. It is viewed through other media than the optics of party. Beside which, I know, and fearless of contradiction I affirm, that there exists throughout the North a warm and sincere attachment to the South, a deep and unwavering loyalty to the Union. Here, in these loyal dispositions of the North, are the simple and ready means of maintaining a steady reservedness of conduct, in reference to the slave rights of the South. Do you expect to confirm and animate those dispositions by piling contumely after contumely upon the people who entertain them? By digging into the history of past times to disinter forgotten topics of obloquy to upbraid them withal? By mapping out the people of this nation into geographical parties?

Sir, it is impossible that any good should come of such a course. It acts prejudicially upon that division of the public mind which is anxious to repress agitation, and it acts prejudicially upon that division of it which is eager to promote agitation. These agitators are, for the most part, persons who conscientiously entertain the opinions they seek to propagate. They are men of ardent purposes—with minds kindled by the contemplation of an object of, as they suppose, paramount moral and religious duty—and zealous in the pursuit of it. They err, not under the influence of bad motives, but from the exaggeration of good ones. In a word, they are, if you please, enthusiasts. Do you wish to arrest the progress of their opinions? Then, do not strike these rough blows at the freedom of opinion, discussion, petition, and debate, so as to associate new and more popular issues with the old one of slavery, and call into being fresh elements of inflammation.

Mr. C. said that in his own State, as well as here, he held fast by his personal independence in the matter of this anti-slavery agitation. He could not allow himself to be identified with it. He would not be sucked into its vortex. He reclaimed for himself the freedom of conscience which he defended for others. He chose, on this exciting question, to keep the direction of his conduct in his own hands, as the unshackled arbiter of his own destiny. He felt this to be his bounden duty; for he foresaw that the time was likely enough to come, and in his day, if the ordinary term of human life should be spared to him, when there would be no want of occupation for any man who could command himself amid the surrounding strife. He should persevere in the straight lines of the constitution, with such lights as reading, reflection, and counsel, might bestow, and whithersoever these were to lead. Meanwhile, it devolved upon him to represent in this House the people of the United States, a portion of whom, as his immediate constituents, had a particular claim on his services. To give utterance to their wishes, to defend their interests, was alike his duty and his pleasure. Much as he regretted being thus placed in an attitude of opposition to gentlemen here, for whom he entertained all due respect, he must continue to maintain the rights of the people whom he represented, under a deep sense of his responsibility to God, this House, and his country.

We, of the State of Massachusetts, said Mr. C., hold, universally, that domestic slavery is, in the abstract, an evil—moral, political, and social; we hold that negro slavery, as it now exists in some of the States of this Union, is an evil; and if it depended on us, and slavery could be abolished lawfully, and with safety both to the blacks and the whites, the two races would not coexist in their present relations another day. It is true, I confess it, these opinions we at the North do hold. And we do not think it a question which in this age needs argument. If it were alleged to us that slavery is a blessing—which the gentleman from South Carolina [Mr. THOMPSON] has in this debate affirmed it to be—we should be prone to shrug our shoulders in silent wonder, and pass on. And are these opinions any local heresy of ours? Are they some wild chimera of incendiary schismatics?

Sir, they are the opinions of the great oracles of republicanism in the South as well as the North. They are the opinions of Thomas Jefferson, from the beginning to the end of his career; of that man, whose authority, as the very apostle of democracy, has been triumphantly appealed to this day by the gentleman from North Carolina, [Mr. BYNUM,] on another point of the present controversy. They are not only the opinions of Jefferson, but of Washington, Madison, and others, the brightest names in the annals of America. It is emphatically

the doctrine of Virginia, not the Virginia of the revolutionary year 'seventy-six merely, but the Virginia of this blessed year of our Lord. I speak advisedly. To prove this averment, letter by letter, I might, if it were in order, cite the solemn declaration of the most eminent—no, I will not ascribe invidious distinction to one among so many distinguished individuals—but a most eminent member of the present delegation of the Commonwealth of Virginia, [Mr. Rives.] But it is irregular to refer to any thing, however pertinent, which transpires at the other end of the Capitol; and therefore I content myself with reiterating the assertion, that such, as I understand and believe, is the doctrine of the Jeffersonian school among the statesmen of the South.

Well, in these abstract principles the North and the South are for the most part agreed. Wherein do men differ? Opinions, all over the country, run parallel to a point of divergence. That point of divergence is upon the practical question, whether any thing should be done or attempted for the remedy of an admitted or supposed evil. I speak now of slavery within the limits of either of the States, not slavery in the District of Columbia, which of itself is a narrower and comparatively unimportant question. There is a considerable number of persons who, starting from the premises that slavery is in the abstract an evil, moral, political, and social, and treating the question as one of mere abstract right and wrong, consider it a dictate of duty to discuss the evil, in order by possibility to discover some remedy for it, and at all events to act upon it by the moral force of reason. These are the abolitionists. They have a right to their opinions; and a right to express their opinions in all constitutional modes. On the other hand, the great mass of the people of the United States—that is to say, the citizens of the South universally, and a majority of the citizens of the North, of all classes and parties—declare themselves unable to perceive any practical remedy for the assumed evil; they hold that, if slavery be the wound of the constitution, and whether medicable or not, it is, at any rate, a question, in respect of which neither Congress, nor any of the non-slaveholding States, has legislative jurisdiction; and the agitation of it they discountenance, as tending to disturb in various ways the tranquillity of the Union.

Mr. C. said he was free to declare, for himself, that, while he partook of the general sentiment of the country as to the abstract question, yet the practical hereafter was to his view dark and utterly inscrutable. He would not be the fool to rush in where angels fear to tread. He had no formed opinions, no convictions, no settled judgment, as to the future of this momentous question. He did not possess a spirit of prophecy, or an eye of divination, to give him the indispensable elements of such a judgment; and he held his mind in suspense upon the subject, just as he did in regard to mysterious facts in the constitution of the material universe. When the question should come before him in a practical shape, he would then deal with it as he best might according to his means of knowledge. Wise legislation, like sound philosophy, was the result of induction. It was unphilosophical, unsafe, unwise, unstatesmanlike, to lay down abstract metaphysical propositions, independent of any specific fact, and to draw them into rigorous rules for contingent future action, regardless of incidental circumstances, and of the relations of time and place.

This (continued Mr. C.) is the error committed by some of the abolitionists, in the excess of their zeal to promote the abolition of domestic servitude. It is equally the error of those who deem slavery either an abstract good, or at least a necessity of the social system. Gentlemen at each end of these remotest extremes of opinions are to be seen, cutting loose from practical facts, to bewilder themselves in the mazy subtleties of mere abstraction. And thus I find myself in the singular predicament of addressing to the ultra friends of liberty at home, and the ultra friends of slavery here, the same arguments of moderation.

Sir, I willingly leave this part of the subject, to hasten to the only remaining topic in this connexion which I design to touch.

The resolution before the House proposes to censure my colleague for the act of stating that he held a paper purporting to be a petition from slaves, and asking of the Speaker whether such a paper falls within a certain order of the House.

Now, as I have already said, I hold the right of petition to be an original and unalienated right of the people of the United States, secured to them by the constitution, but not derived from it. I hold that the right appertains, not to the subject-matter of the petition, but to the person of the petitioner. I hold, also, that the obligation to receive a petition corresponds to the right of petitioning; since the right, without the duty, is a mere name, and not a substance. And there may be a power to receive a petition, without any obligation to receive it, or any right to insist upon its reception as a correspondent duty. For instance, Congress has the power to receive a petition of a foreigner; and yet Congress lies under no obligation to receive it; because the right of petition is guarantied only to the people of the United States. Is it not, as matter of constitutional law, just so in the case of a slave? The constitution guaranties to the constituent people of the United States their natural rights of opinion, discussion, assembly, and petition, against all abridgment. Are slaves embraced within these guaranties of the constitution? I think not. As to the natural right of the slave in these particulars, that, like his natural right of personal freedom, not being assured to him by the constitutional compact, is not a question within the constitutional competency of Congress.

But the inquiry whether Congress may receive the petition of a slave depends on other considerations. It is a question, not of the right of the petitioner, but of the discretion or power of the petitioned. And this appears to me to be just such a matter of fact question of common sense as might occur in the relations of private life. There is a multitude of supposable cases in which I could receive and grant the request—that is, the petition—of a slave. I cannot infringe the legal rights of the master without becoming amenable to the law of the land; nay, to a higher forum, since I should be doing an act immoral and dishonorable as well as illegal. He is in the eye of the law the property of his master. But is he not also a human being? Does not the constitution of the United States expressly call him a person, while making him an integral part of the basis of representation? Can he prefer no petition, no request, no prayer, in any circumstances? If I see him drowning in the canal, or about to be struck down by a stranger, and he cries to me for succor, may I not listen to him? Suppose a memorial to come to me from a slave, setting forth, by well-authenticated statements, that he is in a foreign land, oppressed and wronged, and his master, a citizen of this country, does not know it, or cannot be found; may I not bring the matter before the Government, whether it be Congress or the Executive, whichever has the power to afford redress? What I mean to say is, that, in matters having nothing to do with abolition, and not affecting in any other respect the legal rights of the master, it might be proper and reasonable to lend an ear to the petition of a slave. These, I know, are extreme cases; and they are suggested only as illustrations of my idea; for I would no more present a petition from slaves, in derogation of any of the constitutional

rights of the South, than I would offer a deliberate insult to the Chair or to the House.

Having been at all times a strenuous advocate of the freedom of opinion, of the press, and of petition, I consider it my duty to state thus explicitly my views of the existing constitutional limitation of these immunities. It were unbecoming to be a stickler for the rights of one part of the country, and blind to the rights of another part. I resist the attempt to punish my colleague by a sort of *ex post facto* law, which in its tendency extinguishes the freedom of debate, and subjects every member to the arbitrary will of a majority. I defend the particular opinions of the North. I assert the freedom of opinion, speech, the press, petition, inherent in the people of the United States, and secured to them by the constitution. But while I maintain the sanctity, the inviolability of these rights, as it befits a representative of Massachusetts to do, I will not practise here, nor countenance elsewhere, any encroachment on the constitutional rights of the South.*

Mr. Speaker, with this explanation of the views of my constituents, and of myself, upon the various questions which appertain, remotely or directly, to the present issue, it would have given me pleasure if it were possible for me to stop. But the gentleman from South Carolina, [Mr. THOMPSON,] not content, like those who have preceded him on the same side, to discuss the anti-slavery opinions of the North, has, in his reply to my colleague, [Mr. LINCOLN,] gone out of the way to pour forth a torrent of aspersions on the historical character of New England. These unprovoked reflections on the people to whom, by birthright, by duty, and by affection, I belong, I cannot pass over in silence. I shall not, as I well might, imitate the course of that gentleman, by looking into the history of the South in pursuit of common-places of insult against her and her sons. Instead of doing this, I shall adhere to the line of self-defence upon which I have entered. My object is to defend liberty and its friends, not to assail slavery. I am glad to perceive that the gentleman is at his post, awaiting attentively what I am to say; and I assure him in advance, that, while I shall preserve on this occasion the courtesy of deportment which my personal relations to him call for, I shall not scruple to repel his accusations of the people of Massachusetts, and of New England generally, with the same zeal he would exhibit, if I had uttered similar imputations on the historical fame and political career of South Carolina.

My honorable colleague, [Mr. LINCOLN,] in the course of his observations, protested against the contumely of language applied, by gentlemen from the South, to those, among the people of Massachusetts, who have come here as petitioners on the subject of slavery and the slave trade. He stated, as I think truly, that, whatever might be the errors of opinion or of conduct committed by them, they are guided or misguided by philanthropic motives, by their attachment to liberty, and their sympathy with those who do not enjoy this blessing. In contradiction of which, the gentleman from South Carolina proceeds to entertain the House with sundry historical traits, real or supposed, in impeachment of the free spirit and philanthropy of the North. He summons New England, especially, to the bar of our common country. He questions her patriotism in modern times, her humanity in old ones, her love of liberty in all. He ransacks the earliest annals of the country, to hold up to our indignation the alleged inhumanity of her conduct towards its aboriginal inhabitants. Weary, the gentleman says, of defending, he recurs to attack, and strikes back upon New England blow for blow, in retaliation of her alleged assaults on a cherished institution of the South.

Sir, the gentleman is bold. I commend his gallantry at least, whatever I may deem of his discretion. He has pushed forward his battle into the territory of the adverse party, reckless if there be means of retreat. Unmindful of the honorable deeds which shed a light about her name like the lustre of a glory, he attacks the lofty old fame of Massachusetts. He challenges the men of New England to come forth and vindicate her patriotism and her truth. Is there a son of Massachusetts who would not be proud of that moment of his life when he should be called on to rise up, in the sight of this House and of the world, to defend the honor of New England?

Is it New England, is it Massachusetts, that stands charged, before the American Congress, with defect of patriotism? Sir, I demand of the House to remember and to honor that patriotic devotion of Massachusetts, side by side with her coequal sister Virginia, which achieved the great triumphs of the war of independence. Who conceived and called together the Congress of 'seventy-four, out of which this Union sprang? Who shed the first blood in the fields of the Revolution? Who came forward, and, with self-denying patriotism, by the voice of the father of him who is now in accusation before us, called on a Virginian to command her armies? Which one of the thirteen original States rushed to the combat, when the war cry of liberty echoed through the land, with an armed force equal to that of all the other twelve States united? Which of them poured out her blood like water, and lavished her hard-earned wealth as though it were dust and dross, throughout the whole war of Revolution? Ever, Massachusetts.

Sir, the gentleman from South Carolina finds it convenient to leap over this era in the history of New England. Nor does he choose to stop at a somewhat earlier period, to inquire who fought at Cape Breton, at Louisbourg, or on the Heights of Abraham. He goes back at once to her old colonial days, and alights upon that time, when the whole population of New England lived under arms amid their Indian foes; when her hardy sons went forth to the furrow with one hand on the plough and the other grasping a loaded weapon; and when they repaired to God's house for prayer and worship, armed in full panoply, not of faith only, but of war. Thither I gladly follow the gentleman. I thank him for compelling me to remind the House of the pilgrim settlers of Plymouth and Massachusetts, of the perils they dared, of the sufferings they endured, that they might plant, in this western world, those great principles of civil and religious freedom, of which seed this mighty republic is the ripened fruit. And I take issue with him as to those very facts which he throws in the face of the representatives of Massachusetts for blots on her proud escutcheon.

Fastening upon the events of that epoch, the gentleman undertakes to show that "the blackest and bloodiest pages in the history of this country, or of man, are to be found in the treatment of the aborigines by New

* The constitution provides that "Congress shall make no laws respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." All these are rights which belong, constitutionally speaking, only to the constituent people of the United States. Nay, in the case of the free inhabitants of the country, they are liable to be modified by the domestic relations. Have minors the unabridged freedom of speech and of the press, and full right to assemble when and where they please? Clearly not. They are, in the eye of the constitution and of reason, subject in these and other respects to the personal control of parent or guardian, as provided by the local laws of the several States.

England." Ay, indeed? All that is most atrocious in the history of man, outblackened by the bloody annals of those quiet little colonies of New England? Upon what facts is this monstrous accusation based?

It may be true, it is true, that Indians were shot, or sold into captivity, rewards paid to those who slew them, and the tribe of the Pequots exterminated in war by the people of New England. Did such things happen there only? Will the gentleman tell me what has become of the famed Yemasses. Are they living to relate the story of their wrongs? Was it in Massachusetts, as the gentleman intimates, or not rather in South Carolina, that hostilities were fomented among the Indians, in order to purchase or kidnap captives, and sell them for slaves in the West Indies? What has been, what is to be, the fate of the Creeks, and of the Cherokees, almost at his door? What is transpiring at this very hour among his near neighbors in Florida? Sir, I have, on a past occasion, deplored the fate of the Indians. I carefully abstained at that time from all offensive comparisons. But the gentleman tempts me to a contrast of the events of the early history of New England and those of this day, in respect of the Indians; and he shall have it.

When the English came to settle New England, it was their policy, as well as their conscientious endeavor, to deal justly with the Indians. At the opening of Philip's war, more than half a century after the landing at Plymouth, the people of Massachusetts did not possess one foot of land but by fair and honest purchase. Wars at length came, in the inevitable necessity of things, and they were struggles of life and death. It could not be otherwise. Who were the English of that day? A handful of settlers, just landed on a wild shore, with four thousand miles of ocean between them and the homes and friends they had parted from—men, sober-minded, peace-loving—half armed, half-clad, half-fed—encumbered with their wives and children, dearer to them than their heart's blood. Who were the Indians? Not the wretched remnants of here and there a broken band fled to the swamps; but warlike tribes, holding this whole continent, from the Gulf of St. Lawrence to the Gulf of Mexico; powerful confederacies, abounding in the means of war; great chieftains, backed by thousands of victorious warriors. Such was the relative condition of the two races, when our forefathers of Virginia and of Massachusetts landed in America. Doubtless, in those times, the wars between the Indians and the English ran into extremes, and deeds of blood were perpetrated, which would to God had never been. Think you New England is without mournful experience of those horrors of Indian hostility which the gentleman from Georgia [Mr. Alford] depicted the other day in such impassioned language? In a war with a single tribe, near a tenth part of the arms-bearing population of Massachusetts was killed, and one house in ten laid in ashes. Were not the Indians of that day, more emphatically even than now, mere savages, skulking in the woods to burn our dwellings and murder our women, and without a trait of principle or humanity in their customs of warfare? And still the gentleman reproaches the people of New England that we fought them, as they ever have been and ever must be fought, so long as they are savages, and as they actually were fought in the other colonies!

And what do we see now, in this enlightened age? The deportation of Indians from the South, not in dozens, but in thousands. And our own people, amid whom war is now raging—is theirs a case of succorless desperation, like that of the settlers of New England in the old time? Oh, no. They also are engaged in the extirpation of a tribe; but they have the benefit of the whole concentrated power of this great and civilized nation with which to accomplish it. When this war broke upon the South, it found, not two or three little settlements of whites isolated on a continent covered with red men, but a few bands of red men surrounded by a continent of whites. Let the gentleman look to not far from the confines of his own State, and gaze on the spectacle of this republic, with its fifteen millions of souls, with pecuniary means such as no other country in the world possesses, with all the wealth, the physical force, the skill and science in the art of war, the military resources, the moral vigor, and the armed hosts of these United States, brought to bear on a single point, to overwhelm a poor thousand—I hear some gentlemen say only five hundred—of starving Seminoles!

And can the gentleman find in these events of our own day no arguments of extenuation for the imputed errors of the fathers of New England? And is this the contrast he compels me to draw? Sir, as if the facts, in all the blackness he groundlessly ascribes to them, were not enough, the gentleman has given us an original idea on the history of those old times. Philip of Mount Hope exhibited, like a caged tiger, a spectacle for gaping multitudes? Never! Philip's forces were shattered in battle; he himself was hunted to his lair by Captain Benjamin Church, and brought to bay there, and shot to the heart by a private soldier under that brave man's command. Events as familiar in the mouth of every child in New England as household words.

[Mr. Thompson rose and said: It was not Philip, then, but some other chief.]

Name him! (said Mr. C.) Sir, the gentleman is silent; and I will only add, that Philip's war was a death struggle between the ferocity of the confederated Indians on the one side, and the resolution of the English on the other; Philip was not the man to be taken for a show; he could die, but he could not submit; and thus perished the renowned sachem of Mount Hope.

"Where," the gentleman from South Carolina proceeds to demand, in a tone of triumph, "Where, when the liberties and honor of this country have been assailed by enemies, foreign or domestic, have they flown for refuge?"—alluding, if I understood his language aright, to the conduct of the North and of the South, respectively, in the last war.

[Mr. Thompson rose and said: Yes, and to the alien and sedition laws.]

The gentleman tells me (continued Mr. C.) that he does refer to the conduct of New England in that war, and also to the alien and sedition laws. As to the latter, they were the acts of the Congress of the United States, not of the States of New England. And are they not precisely the things which South Carolina herself, in common with other States of the South, has recently called on the States of the North to do? That is, to extend the law of seditious libel, and to punish aliens who intermeddle with our domestic institutions.

But the last war, the last war—this is the stale topic on which the assailants of Massachusetts are perpetually ringing the changes of undeserved reproach. And from what quarter does the reproach now come? Sir, it lies not with the gentleman from South Carolina to rebuke the State of Massachusetts for the errors of that day. She did err, I confess it. I think she erred in the great constitutional question between her and the Executive of the United States, as to the mode in which her militia should be disposed of by the Federal Government. My honorable colleague [Mr. Lincoln] suggests to me that it was not so very clear a case, after all. Be it so; I defer to his better knowledge of times in which I was not old enough to be an actor. But I admit, for the argument's sake at least, the State of Massachusetts erred. And what caused the error? She was betrayed into it by her attachment to State rights. Does the gentleman from South Carolina know of no other State which has ever placed herself in the like wrongful attitude? Sir,

Massachusetts did in 1812 something analogous to that which the gentleman glories to have had his own State do in 1832! Massachusetts held to a doctrine then, for the defence of her own territory and her own principles against the rest of the Union, just as South Carolina has held to her doctrine of State rights against the rest of the Union. We have been condemned, each of us, by the general voice. There is no time here to take an appeal from this decision. But I say to the gentleman from South Carolina, and I say to the House, that Massachusetts was impelled into that fault, if fault it were, by the self-same principle which has governed her conduct in every vicissitude of her history, the inextinguishable and ever present love of liberty. She was vindicating the constitutional rights of her own Legislature and her own Executive against the encroachments, as she felt them to be, of the Federal Government.

But let that pass. If the State of Massachusetts erred in these points of law or public policy, her citizens were not the men to be found wanting in the hour of trial. The gentleman from South Carolina taunts us with counting the costs of that war, in which the liberties and honor of the country, and the interests of the North, as he asserts, were forced to go elsewhere for their defence. Will he sit down with me, and count the cost now? Will he reckon up how much of treasure the State of South Carolina expended in that war, and how much the State of Massachusetts? How much of the blood of either State was poured out on sea or land? I challenge the gentleman to the test of patriotism which the army roll, the navy lists, and the treasury books, afford? Sir, they who revile us for our opposition to the last war have looked only to the surface of things. They little know the extremities of suffering which the people of Massachusetts bore at that period, out of attachment to the Union—their families beggared, their fathers and sons bleeding in camps or pining in foreign prisons. They forget that not a field was marshalled on this side of the mountains, in which the men of Massachusetts did not play their part, as became their sires, and their blood fetched from mettle of war proof. They battled and bled wherever battle was fought or blood drawn. Nor only by land. I ask the gentleman, who fought your naval battles in the last war? Who led you on to victory after victory on the ocean and the lakes? Whose was the triumphant prowess before which the Red Cross of England paled with unwonted shames? Were they not men of New England? Were these not foremost in those maritime encounters which humbled the pride and the power of Great Britain? I appeal to my colleague before me, from our common county of brave old Essex—I appeal to my respected colleagues from the shores of the Old Colony. Was there a village or a hamlet on Massachusetts bay which did not gather its hardy seamen to man the gun-decks of your ships of war? Did they not rally to the battle, as men flock to a feast?

[Mr. CHAPMAN here rose to make a point of order as to the relevancy of the course of remark pursued by Mr. CUSHING. "Go on! go on!" was exclaimed in different parts of the House.

Mr. DAWSON rose and said: Let him go on. He is illustrating the results of our glorious constitution, and thus showing the folly and imprudence of discussing questions and matters that have a tendency to dissolve or destroy this noble Union. I hope he will be heard.

The SPEAKER said, addressing Mr. CUSHING, that, without wishing to limit the reasonable freedom of debate, he (the Speaker) would suggest to the gentleman the propriety of not enlarging too much the range of the discussion.]

Mr. CUSHING, resuming the floor, proceeded to say that he submitted implicitly, as he was wont to do, to the intimation of the Chair. He would, therefore, pass over several other topics* pertinent to the immediate issue, which he should willingly have touched, and would hasten to conclude. He was perfectly conscious of the fact indicated by the gentleman from Alabama, [Mr. CHAPMAN,] that the discussion had wandered very far from the precise point of the resolution before the House.

But who (said Mr. C.) introduced these foreign matters into the debate? Was it my honorable colleague or myself? Sir, I am acting strictly on the defensive in the whole affair. I am replying to precise allegations made on the other side of the House. It is not my fault if they are wide of the mark. I repeat, that what I say I say in pure defence. Such, at any rate, has been my desire, my earnest intention. I speak unreflectingly, without preparation, on the impulse of the moment. I utter the spontaneous outpourings of a full heart. I cannot stop to measure my syllables. But if, in the whole course of my remarks, I have departed in the least degree from the legitimate course of reply, it has been contrary to my purpose. If I have said one word in the nature of attack on any member of this assembly, or any part of the country, I now unsay it, once for all, distinctly, emphatically, in the face of the whole House. I tender my sincere thanks to the free-hearted gentleman from Georgia, [Mr. DAWSON,] who, while he differs with me upon the merits of the case, yet comes forward to invoke for me a fair field. I appreciate his generosity. I desire, also, to express my deep sensibility for the indulgent favor of the members of the House generally, who have permitted to me the opportunity of defending at such length the institutions and the character of my State.

And, in conclusion, I beseech the House to pardon me, if I may have kindled on this subject into something of unseemly ardor. I cannot sit tamely by, in humble acquiescent silence, when reflections, which I know to be unjust, are cast on the faith and honor of Massachusetts. Had I suffered them to pass without admonition, I should have deemed that the disembodied spirits of her departed children, from their ashes mingled with the dust of every stricken field of the Revolution, from their bones mouldering to the consecrated earth of Bunker's Hill, of Saratoga, of Monmouth, would start up in visible shape before me, to cry shame on me their recreant countryman. Sir, I have roamed through the world, to find hearts nowhere warmer than hers, soldiers nowhere braver, patriots nowhere purer, wives and mothers nowhere truer, maidens nowhere lovelier, green valleys and bright rivers nowhere greener or brighter; and I will not be silent when I hear her patriotism or her truth questioned with so much as a whisper of detraction. Living, I will defend her; dying, I would pause in my last expiring breath, to utter a prayer of fond remembrance for my native New England.

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* Such as the allegation, made by Mr. THOMPSON, that "mainly on New England rests the responsibility of the great importation of slaves into the country." To this it is obvious to reply, in the first place, by denying the fact. Furthermore, if men of New England, in those times when the slave trade was lawful, were to be found participating in it, they did so in defiance of the good opinions of their countrymen, just as land pirates now defraud the Indians of the South. And, at any rate, Massachusetts did not furnish a market for the human merchandise. At an early period, the colony of Massachusetts prohibited slavery except in the case of prisoners of war; bondage was never transmissible in that State by birth; and it was abolished by the first line of her constitution.

When Mr. CUSHING had concluded,

Mr. FRENCH obtained the floor, and intimated his desire to address the House; but not feeling himself capable, at this late hour, of submitting his remarks, he would, he said, be glad if the House would indulge him with an adjournment; and he made that motion.

Mr. CAMBRELENG called for the yeas and nays; which were refused.

And the question being taken, the motion to adjourn was decided in the affirmative: Ayes 101, noes 34.

So, at 6 o'clock, the House adjourned.

WEDNESDAY, FEBRUARY 8.

Mr. WHITTLESEY, of Ohio, rose and remarked that, as this was the day set apart for the special order, (on the election of President and Vice President of the United States,) he would submit to the judgment of the House whether it would not be expedient to pass over the question of privilege (on the resolution of censure upon Mr. ADAMS) then under consideration, for the present, and either pass to the orders of the day, and take up the business on the Speaker's table, or give the committees an opportunity of making reports during the morning hour. He hoped this might be done without any special motion to that effect. For himself, he would prefer that the House would consent to the presentation of reports.

The CHAIR remarked that he had two messages from the President of the United States, and several executive communications, which would be first in order.

Mr. GHOLSON objected, on the ground, he said, that he was desirous of having the business before the House first disposed of.

The CHAIR did not understand the suggestions of the gentleman from Ohio as contemplating an extension of the postponement of the privileged question beyond the morning hour.

Mr. GHOLSON still objecting, on the ground above stated,

Mr. WHITTLESEY moved a suspension of the rule, for the purpose of submitting a motion to postpone the question of privilege under consideration till the special order of the day was disposed of.

Mr. GHOLSON asked for the yeas and nays, but they were not ordered.

The motion to suspend was agreed to, as was also that to postpone the question of privilege, severally, without a division.

The SPEAKER then laid before the House several executive communications.

Several bills were reported, twice read, and referred.

ELECTION OF PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES.

This being the day specially set apart by a joint resolution for the two Houses to convene in joint meeting, for the purpose of opening and counting the electoral votes given by the several States for President and Vice President of the United States—

Mr. HAYNES said, as the hour had nearly elapsed, he begged to propound an inquiry to the Chair, in relation to the order in which the Senate should be received by the House on occasions like the present.

The CHAIR stated, in reply, that the usual course had heretofore been for the House, some short time before the arrival of the hour, to send a message to the Senate, informing that body that the House was in readiness to receive them and count the votes. The Chair stated, further, that, so far as he had been informed, the mode of receiving the Senate by the House was for the members to stand uncovered.

Mr. PATTON moved that, while the votes were being counted, ladies be admitted to the privilege of the floor of the hall.

Mr. JARVIS objected.

Mr. CALHOUN, of Massachusetts, moved a suspension of the rule; agreed to: Ayes 141, noes not counted; and Mr. PATTON's motion was agreed to without a division.

Mr. ANTHONY inquired if it was necessary to move that a committee wait upon the Senate; and, if so, whether the chairman of the select committee on the subject should appoint a sub-committee, or the Speaker of the House.

The CHAIR stated, in reply, that upon every occasion of this kind, with a single exception, the invariable course had been to send a message to the Senate by the Clerk. In one instance only the message had been transmitted by a committee of two members of the House, who were also appointed to conduct the Senate into the hall; but that was a departure from the former practice.

Mr. ANTHONY moved that a message be then sent to the Senate by the Clerk, notifying that body that the House was in readiness to receive them, and count the votes for President and Vice President of the United States.

The CHAIR stated, before putting the question, that the seats on the right of the Speaker's chair had been provided for the accommodation of the Senate, and others provided for the members to which they belonged.

Mr. ANTHONY's motion was then put and agreed to.

The Clerk accordingly left the House; the Senate shortly after entered the hall, with the President of the Senate, the Hon. WILLIAM R. KING, of Alabama, at their head, preceded by the Secretary and the Sergeant-at-arms of the Senate, and were received at the door of the hall, and conducted to the seat assigned them by the Sergeant-at-arms of the House of Representatives, all the members being uncovered, and rising in their places.

When the Senators had taken the seats assigned them, and the President of the Senate had seated himself at the right of the Speaker, the tellers took their seats at the Clerk's table.

The tellers were—for the Senate, the Hon. FELIX GRUNDY; for the House of Representatives, the Hon. FRANCIS THOMAS and the Hon. LEVI LINCOLN.

The PRESIDENT OF THE SENATE then rose and said:

The two Houses being now convened for the purpose of counting the electoral votes of the several States for President and Vice President of the United States, the President of the Senate will, in pursuance of the provisions of the constitution, proceed to open the votes and deliver them to the tellers, in order that they may be counted.

I now present to the tellers the electoral vote of the State of Maine.

The tellers then counted the votes, and announced them, severally, in their order, the same form having been observed in every case; the tellers also reading the qualifications of the electors, and the certificates of their elections.

He then announced the result, as reported by the tellers, as follows:

For President of the United States.

For MARTIN VAN BUREN, of New York—	
If the votes of Michigan be counted -	170
If the votes of Michigan be not counted -	167
For WILLIAM HENRY HARRISON, of Ohio -	73
For HUGH LAWSON WHITE, of Tennessee -	36
For DANIEL WEBSTER, of Massachusetts -	14
For WILLIE P. MANGUM, of North Carolina	11

It therefore appears (continued the President) that, were the votes of Michigan to be counted, the result would be, for MARTIN VAN BUREN, for President of the United States, 170 votes; if the votes of Michigan be not

counted, MARTIN VAN BUREN then has 167 votes. In either event, MARTIN VAN BUREN, of New York, is elected President of the United States; and I therefore declare that MARTIN VAN BUREN, having received a majority of the whole number of electoral votes, is duly elected President of the United States for four years, commencing the 4th day of March, 1837.

The PRESIDENT OF THE SENATE then announced the votes for Vice President of the United States, as reported by the tellers, as follows:

For RICHARD M. JOHNSON, of Kentucky—
If the votes of Michigan be counted - - 147
If the votes of Michigan be not counted - 144
For FRANCIS GRANGER, of New York - - 77
For JOHN TYLER, of Virginia - - - 47
For WILLIAM SMITH, of Alabama - - 23

It therefore appears (continued the President) that, were the votes of Michigan counted, the highest number of votes for Vice President of the United States would be 147; and if those votes be not counted, the highest number of votes for that office will be 144. But, in either event, no person has received a majority of the electoral votes for Vice President of the United States; and I do therefore declare that, no person having received such majority, no person has been elected to that office; that RICHARD M. JOHNSON, of Kentucky, and FRANCIS GRANGER, of New York, are the two highest on the list; and it now devolves on the Senate of the United States, as provided in the constitution, from those two persons to elect a Vice President of the United States.

Number of electors appointed in each State.	States.	For President.					Vice President.			
		Martin Van Buren.	Daniel Webster.	Wm. H. Harrison.	Willie P. Mangum.	Hugh L. White.	Richard M. Johnson.	Francis Granger.	John Tyler.	William Smith.
10	Maine	10					10			
7	New Hampshire	7					7			
14	Massachusetts		14					14		
4	Rhode Island	4					4			
8	Connecticut	8					8			
7	Vermont			7				7		
42	New York	42					42			
8	New Jersey			8				8		
30	Pennsylvania	30					30			
3	Delaware			3				3		
10	Maryland			10					10	
23	Virginia	23								23
15	North Carolina	15					15			
11	South Carolina				11				11	
11	Georgia					11			11	
15	Kentucky			15				15		
15	Tennessee					15			15	
21	Ohio			21				21		
5	Louisiana	5					5			
4	Mississippi	4					4			
9	Indiana			9				9		
5	Illinois	5					5			
7	Alabama	7					7			
4	Missouri	4					4			
3	Arkansas	3					3			
3	Michigan	3					3			
294	Whole number of electors, were the votes of Michigan counted.	170	14	73	11	26	147	77	47	23
148	Necessary, were the votes of Michigan counted.									
291	Whole number of electors, were the votes of Michigan not counted.	167	14	73	11	26	144	77	47	23

The PRESIDENT OF THE SENATE then announced that the object for which the two Houses were assembled, under the constitution, had been accomplished, and that the Senators would retire to their chamber in order.

The Senators then rose and retired in the order they came, the members of the House rising in their places and remaining uncovered.

Mr. THOMAS, from the committee on the part of the House of Representatives, to join such committee as might be appointed on the part of the Senate, to ascertain and report a mode of examining the votes for President and Vice President of the United States, and of notifying the persons elected of their election, reported:

That the joint committee, in further execution of the duties with which they were charged by the two Houses of Congress, have agreed to the following resolution, in which their committee recommend to the House of Representatives to concur:

Resolved, That a committee of one member of the Senate be appointed by that body, to join a committee of two members of the House of Representatives, to be appointed by that House, to wait on MARTIN VAN BUREN, of New York, and notify him that he has been duly elected President of the United States for four years, commencing with the 4th day of March, 1837.

The above resolution having been concurred in,

On motion of Mr. GLASCOCK,

The House adjourned.

THURSDAY, FEBRUARY 9.

CENSURE OF MR. ADAMS.

The CHAIR announced the unfinished business, being the question of privilege involved in the consideration of the following resolutions in relation to Mr. ADAMS.

The original resolution moved by Mr. W. THOMPSON was modified by him, at the suggestion of Mr. DROMGOOLE, as follows:

"1. *Resolved*, That the Hon. JOHN QUINCY ADAMS, a member of this House, by stating, in his place, that he had in his possession a paper purporting to be a petition from slaves, and inquiring if it came within the meaning of a resolution heretofore adopted, (as preliminary to its presentation,) has given color to the idea that slaves have the right of petition, and of his readiness to be their organ; and that for the same he deserves the censure of this House.

"2. *Resolved*, That the aforesaid JOHN Q. ADAMS receive a censure from the Speaker, in the presence of the House of Representatives."

Mr. BYNUM had offered the following, as a substitute:

Strike out all after the word "*Resolved*," and insert, "That an attempt to present any petition or memorial from any slave or slaves, or free negro, from any part of the Union, is a contempt of the House, and calculated to embroil it in a strife and confusion incompatible with the dignity of the body; and that any member guilty of the same justly subjects himself to the censure of the House.

"*Resolved*, That a committee be appointed to inquire into the fact whether any such attempt has been made by any member of this House, and report the same to the House as soon as practicable."

The question immediately pending was the following amendment to the amendment, moved by Mr. PATTON:

"*Resolved*, That the right of petition does not belong to slaves of this Union; that no petition from them can be presented to this House without derogating from the rights of the slaveholding States and endangering the integrity of the Union.

"*Resolved*, That every member who shall hereafter present any such petition to this House ought to be

considered as regardless of the feelings of this House, the rights of the South, and an enemy to the Union.

"*Resolved*, That the Hon. JOHN Q. ADAMS having solemnly disclaimed a design of doing any thing disrespectful to the House in the inquiry he made of the Speaker as to the petition purporting to be from slaves, and having avowed his intention not to offer to present the petition if the House was of opinion that it ought not to be presented—therefore, all further proceedings as to his conduct now cease."

Mr. FRENCH, being entitled to the floor, addressed the House as follows:

Mr. Speaker: Nothing but a sense of duty could induce me to trouble the House upon this delicate and exciting question. As an evidence, here and elsewhere, of my disposition not to consume the time of the House, I need only refer to my uniform silence during the present session. I trust, then, sir, that the few considerations which I feel it my duty to submit to the House and the country will be attributed to their proper motives.

The question of the abolition of slavery by Congress is one, sir, which I had considered so fully settled by the compromises of the constitution of the United States, as not to be deemed a debateable question. I had entertained the hope that such would be the judgment of this House. And when, sir, the first abolition petition received at the commencement of the last session was promptly, and without debate, laid upon the table, upon the yeas and nays, by a large majority of this House, I considered the question as wisely and prudently put to rest. The public journals and the country at large hailed that decision in the same light. But, sir, in this most reasonable expectation we have all been disappointed.

The many scenes of excitement which we have experienced in this House, growing out of the agitation of the subject, have gone to the country. The numerous petitions and memorials praying for the abolition of slavery, on days set apart by the rules of the House for the presentation of petitions, have been made to cut such a figure as to exclude, in a great measure, petitions upon all other subjects, and thus other and necessary business has been neglected.

For one, Mr. Speaker, I had determined not to take any part in the discussions upon this subject; but believing that discussion cannot be prevented, and that we from the slave States ought not any longer to forbear asserting our rights, I have resolved to break my silence, and, in behalf of those who sent me here, to contend for them.

In doing this, Mr. Speaker, I shall not be unmindful of the rights and feelings of honorable members on this floor, nor of that temperance which should characterize the discussion.

Sir, the constitution of the United States is the work of the wisest heads and the best hearts. The liberties of this people cost much blood and treasure; and those who best knew their cost, and therefore could best appreciate their worth, endeavored to preserve and perpetuate them. For this purpose Government was instituted.

At the time of the adoption of the constitution, slavery existed in the States. And are we of this age better than those who waded through the Revolution? Might we not bear with slavery as they did? Did they not recognise the right of property in slaves, and guaranty it by that instrument? Can Congress break through those guarantees, and abolish slavery?

[The SPEAKER suggested that the debate on this subject had heretofore taken a wide range, and he felt it his duty to confine it as much as possible to the resolutions under consideration. He did not think the constitutional question could be otherwise alluded to than incidentally. He would, however, remark that his interposition was not to be considered as imputing to the gentleman from Kentucky a departure from the opinion now suggested, but as a notice to the House of the limits within which the discussion ought to be confined.]

I concur, sir, in the opinion as expressed by the Chair, and do not design discussing the question, but only intend to refer to the constitution incidentally, and as necessary to the understanding of the views which I feel it my duty to submit. Sir, I beg leave to read the preamble of the constitution of the United States:

"We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America."

This preamble declares that we the people, in order to secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution. Yes, sir, the States, by their delegates in the federal convention, made the constitution, and the people of the States adopted it; and, therefore, it is the constitution of the people. But, sir, it is important to inquire who are embraced by the expressions in that instrument, "we the people," and "the people." The people of the several States choose the members of this House. The right of "the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated."

"The powers not delegated to the United States, nor prohibited by it to the States, are reserved to the States, respectively, or to the people." Who, then, are embraced by "we the people," and "the people?" Those, Mr. Speaker, who ordained and established the constitution, and their posterity—citizens only. I will also read from the constitution the following clause:

"Representatives and direct taxes shall be apportioned among the several States which may be included within the Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons."

Sir, I read this clause to show the basis, contained in the constitution, upon which the right of "the people" to federal representation depends, and by which it is secured, and to prove that if the abolitionists succeed in the accomplishment of their objects, they destroy this very basis, and overturn the Government. Suppose, for example, that three fifths of the slaves of Louisiana were equal in numbers to the whole white population of that State. In such case, one half of the members of Congress in the House of Representatives would be based upon the slave population of that State. If, then, slavery in that State were abolished by Congress, the State would lose its right, as now guarantied to it by the constitution. That right is, that the people of the State owning slaves as private property at the adoption of the constitution shall be entitled, so far as the action of this Government is concerned, to a continuance of that state of things, to wit: to the right of property in slaves, and to the right of representation based upon three fifths of them. If, then, Congress were to abolish slavery in that State, this fundamental right of the slave States would be destroyed or cut off; for they would have no right to keep the slaves within their limits, but, being free, they would go where they pleased.

This provision of the constitution does not let in the slaves as participants in federal representation, nor as entitled to such representation, but is a provision for the benefit of those who ordained and established the

constitution, and their posterity—for the benefit of citizens only.

Had slaves any voice in ordaining or establishing the constitution? Did any of them vote for delegates to any of the conventions? Were any of them elected, or legally qualified either to vote or be elected? Are any of them now so qualified or entitled? No, sir; for although they are human beings, or, as denominated in the constitution, persons, they were and are regarded in that instrument as property. They therefore have no political rights secured to them by the constitution of the United States.

Sir, what would the people to the North and East think, if we from the slave States were to petition Congress to deprive them of one half of their right, as now secured to them by the constitution, to representation in the Congress of the United States—by excluding from the computation of their federal numbers one half of their population? Would they not think and say we were enemies to the Union? Would they not say we were jeoparding all their rights—civil, political and religious? Would they not say we would, if successful in our objects, overturn the Government? Would they not call upon us to stop? Would they not point out to us their rights, as guarantied by the constitution? Would they not urge upon us the compromises of the constitution? Would they not insist that we should live up to our bargain with them? And would they not have reason on their side? Yes, sir, all this they could and would do.

May we whose rights are thus assailed, as we conceive, by the abolitionists, not make these appeals to them? May we not call upon honorable members from the North and East, when they return home, to explain to their people the fearful and ruinous consequences with which, if they persevere, they threaten the country? To tell them "we the people" of the United States are one great political family, possessing equal rights and privileges; of our desire to live in peace; and to this end, whilst we concede to them the right to enjoy, unmolested by us, all their rights, we claim from them the reciprocal right to the undisturbed enjoyment of ours?

The view of the constitution, Mr. Speaker, which I have endeavored to present, is conclusive against the right of Congress to interfere in any manner whatever with slavery in the States; for that which the constitution guaranties to the States, of right belongs to the States, and is beyond the reach of the powers of Congress to take away; slavery, therefore, and the question of abolition, are questions which belong to the States alone within whose limits slavery exists.

Another of the purposes for which I have exhibited this view of the constitution is the better to enable us to decide the question, to whom does the right to petition the Government for a redress of grievances belong? I maintain that "we the people," "the people," citizens only, possess the right of petition under this Government. Those, sir, who ordained and established the constitution, and their posterity—those who are entitled to be represented in the Congress of the United States; those, in short, whose moral property the Government is.

The right of petition belongs to the people in their sovereign capacity. It grows out of, and appertains to, the doctrine of self-government. It is a right that accompanies the right of representation. The right of petition and the right of representation may, therefore, be denominated kindred rights. The right of petition, as was well said by the honorable gentleman from Massachusetts who last addressed the House on these resolutions, [Mr. CUSHING,] is a right reserved by the people, and is not granted by the constitution to them. This reserved right is only guarantied by the constitution. It is a right reserved by the people, the better to enable them to realize, at the hands of their representatives, the benefits of representation—the benefits of legislation. It is, therefore, a sacred right, and should be so regarded. As the right, therefore, to petition the Government for a redress of grievances belongs to those who are entitled to be represented in the Congress of the United States, it is important to inquire who are so entitled. Sir, all the citizens living under the protection of the constitution of the United States are not only entitled to be represented here, but are represented; and all are citizens except our colored population, the Indian tribes, and aliens. Yes, sir, the citizens of the States, of the Territories, and of the District of Columbia, are represented here. Every member of this House is a representative of the District, and so constituted by the constitution of the United States. The members of this House, notwithstanding the Territories have delegates here, also represent the Territories.

But, sir, it may be said that the Indian tribes and foreigners have petitioned this Government in numerous instances; and that, therefore, the practice of the Government establishes the right of others, who are not citizens, to petition the Government. It is true, sir, that the Indian tribes and foreigners have petitioned this Government; but this was tolerated by the Government as matter of favor, and not of right. This argument, drawn from the practice of the Government, therefore fails. Hence the conclusion to which my mind is conducted is, that, according to the theory of our Government, slaves, who are not citizens, but inhabitants merely, have no right to petition the Government for a redress of their grievances; and hence the further conclusion is, that the honorable gentleman from Massachusetts, in bringing before the House the question whether slaves have the right of petition, did that which he had no right to do.

The honorable gentleman from Massachusetts [Mr. CUSHING] who last addressed the House upon these resolutions contended that the right of petition was a natural right, derived from our Creator; and, being a natural right, so derived, belonged to all human beings. If that gentleman meant that all men have the natural right to supplicate the Deity, he is right. If he meant that all men, while in a state of nature, had the right to petition their fellow-beings for what they wanted, he is right. If he meant that all men, in their personal relations and intercourse, have the same right now, he is right. But if he meant that all men have the right to petition the Government, I think he is wrong.

Sir, there was a time when civil government did not exist; and how can a man be said to have a natural right to petition a political being who had no voice in its creation—who is neither party nor privy to the body politic.

That gentleman was pleased also to favor us with what he termed the abstract opinions of the abolitionists—opinions which, as he said, they honestly and conscientiously entertained. And what are those opinions? That slavery is, in the abstract, a social, moral, and political evil. I will not, Mr. Speaker, debate the question whether slavery be or be not, in the abstract, a social, moral, or political evil, but I refer to what the honorable gentleman said to prove what are the grievances of the abolitionists, and what their objects. Slavery, according to this exposé of their views, is their grievance—universal emancipation, then, must be their object.

If they prevail in that object, through the action of Congress, what becomes of the rights of the slave States, as guarantied to them by the constitution? What becomes of the Government? Sir, it is plain that the end of these things, if successful, terminates in the overthrow of the Government. This view of the subject, therefore, has also an unfortunate bearing upon the conduct of the honorable gentleman whom it is proposed to censure.

Sir, the history of abolition petitions in this House during the last and present sessions of Congress, and of the efforts of a large majority of this House to avoid the agitation and consequent excitement, here and elsewhere, of this dangerous question, are known to this House and to the country. I will not attempt to repeat them, but will call the attention of the House to the resolution of the 18th of January, by which this House ordered all petitions, memorials, propositions, and papers, relating to slavery or the abolition of slavery, presented to the House, to be received and laid upon the table, without being printed or referred. It reads as follows, to wit:

"*Resolved*, That all petitions, memorials, resolutions, propositions, or papers, relating in any way, or to any extent whatever, to the subject of slavery, or the abolition of slavery, shall, without being either printed or referred, be laid upon the table, and that no further action whatever shall be had thereon."

What, sir, was the object of this House in passing this resolution? It was to give peace to this House and the country on this exciting question. That object was known to us all. It was known to the honorable gentleman in question. His conduct, therefore, in bringing before the House the question of the right of slaves to petition, by inquiring of the Chair if a petition from slaves came within that resolution, defeats the object of the House, and is disrespectful to the House.

The terms of the resolution are broad and comprehensive; and, considered without reference to those to whom the right of petition belongs, the circumstances under which it was adopted, and the object the House had in view by its passage, would be construed to let in petitions and papers on the subjects embraced in it from all persons. But when considered in reference to these considerations, the resolution neither enlarges nor abridges the right of petition. It leaves the right of petition as it stood before its passage. Does that resolution, then, enlarge the right of petition? The House did not dream of enlarging the right of petition. Will any one contend the slaves inhabiting the island of Cuba have a right, under the resolution, to petition this House? Or that it gives to the blacks planted at Liberia the right of petition? In short, does it confer the right of petition to all people? Surely not. The broadness of the resolution, then, forms no justification or excuse for the honorable gentleman from Massachusetts.

The conclusion, then, Mr. Speaker, to which my own sense of duty conducts me, is, that that honorable gentleman, by raising the question of the right of slaves to petition this House, did wrong—in fact, by so doing threw a firebrand into the House, in contempt of all its efforts to allay all excitement upon this subject, and especially of the settled judgment of the House, as expressed by the passage of the resolution of the 18th January. That he has, by his conduct in question, trifled with the House, its feelings and its character, and therefore ought to be censured. In voting for the resolution to censure that honorable gentleman, I shall not be influenced by any unkind or unfriendly feeling towards him personally. But, sir, whilst I feel it my duty, in my representative character, to disapprove of his conduct, I shall give my vote under a lively sense of his high character for talents and learning, and of the distinguished ability with which he has discharged the important duties of the high and honorable stations which he has filled at home and abroad.

If the majority of this House are satisfied with the explanations of that honorable gentleman, and think proper to excuse him, they can do so. Those explanations have not satisfied me, and I shall do my duty.

Mr. MILLIGAN said that he did not rise to enter into the discussion. Far from it. His object was rather to make an effort, perhaps an unsuccessful one, to draw it to a close. With the same design, he had made several attempts to obtain the floor, when this subject was last under debate, but was not so fortunate as to attract the attention of the Speaker.

Whatever, sir, (said Mr. M.,) may have been the origin of this matter, and however we may regret the course which it has taken, I think it must now be apparent to every one that it is not likely to lead to any practical good. The resolutions pending before the House grow out of a subject that never fails to awaken the liveliest sensibility, on the part of some gentlemen, whenever it is named—a sensibility not altogether warranted, I think, by the circumstances of the case, but which, whether warranted or not, is certainly very inimical to any thing like calm and temperate investigation. As an evidence of it, witness the condition of this hall, since this apple of discord was first introduced. How opposite to that which should ever characterize the proceedings of a deliberative assembly!

In relation to this exciting question—I mean, sir, said Mr. M., the question of slavery—give me leave to say that I occupy, comparatively speaking, a neutral position here. I come from a quarter of this Union which is just so far north of "Mason and Dixon's line" as not to believe in the doctrine that slavery is a blessing; and yet not sufficiently far north of it to be a convert to that other heresy, which considers it the bounden duty of every good citizen to embark in a crusade for the purpose of puting it down. The people of the State which I have the honor to represent, whatever views they may entertain as to the abstract question of slavery, nevertheless regard it as an established institution, recognised by the laws and constitution of the country. They consider that, by that glorious charter which made us one people—a free, a happy, and, I trust in God, a united people—this whole question was left to the separate, sovereign, and independent States, who originally came into the confederacy. How far they then went, or how far they would have gone, to get rid of this feature in our system of civil polity, is not now to be considered. But, viewing it as a part and parcel of that system; springing, as it did, out of the necessities of the times; and owing its origin to the mutual concessions of our fathers, they now regard it, sir, so far as it exists within the States, as the exclusive subject of municipal State legislation. And, be it a blessing or be it a curse, they are content to leave it with the States themselves, to be regulated according as their wisdom and justice and sound policy may direct.

As the friend, then, of those on both sides of this controversy, standing, as it were, upon the dividing line between liberty and slavery, I would entreat gentlemen to withdraw this exciting topic of discussion. A continuance of it is worse than useless. Alienation, distrust, unkindness, are its only fruits. I would appeal to the North, that while they stand up here for the right of petition secured by the constitution, and which, I trust, they will never abandon, they would yet so exercise it as not to infringe upon the rights of others; and, as far as may be consistent with the conscientious discharge of their duty, not to wound the feelings, or, if you please, the prejudices, of their fellow-countrymen in other portions of the Union. And I would appeal to the South—to what is often denominated on this floor the generous South—to throw no impediment in the way of the exercise of this unquestionable privilege, unless indeed they see a clear, a settled, a determined, fixed resolution to interfere with their own peculiar local habits and institutions. That no such intention exists, on the part of the people of the North, I sincerely believe. Some few fanatics, perhaps, of misguided philanthropists, may desire it, but the great body of the population of the free States are opposed to any improper interference.

With regard to the original resolution, and the various amendments and substitutes which have since been offered, and which are now the immediate subject of consideration before the House, I would only remark, that they assume facts which have been distinctly denied by the honorable gentleman against whom they are alleged, and that they all propose, in relation to that distinguished and venerable man, a course of action which I am very certain but few members in this hall will be willing to adopt. For myself, sir, if I even believed that he had either said or done aught which could justly subject him to the animadversion of the House, I should ponder long, and ponder well, before I could consent to visit him with the rigor that is proposed. I should have to discard from my memory the recollection of his long and eminent public services; and forget, what I never can forget, that at one time he occupied what was once the proudest station upon earth, and discharged its duties with a moderation and a wisdom which reflected the highest honor upon himself, and glory upon his country.

But, sir, I rose, as I said, not to prolong but to endeavor to arrest this painful discussion. Only a few short weeks of the present session of Congress remain. A vast amount both of public and private business is yet unacted upon. Nearly all your appropriation bills for carrying on the operations of the Government for the the current year; a proposition to readjust, or rather to break down, the tariff; a new-born project to give away the public domain; and, though last not least, a measure of contingent war with Mexico, are all in reserve. With a view, therefore, of improving the brief interval which remains anterior to our adjournment, and enabling the House to dispose of this great accumulation of business, I now move you, sir, that this whole subject be laid upon the table.

Mr. GHOLSON called for the yeas and nays on this motion.

Mr. ADAMS rose and said, that if he should say any thing now which was not strictly in accordance with the rules of the House, he hoped he would be excused, considering the position he occupied. He did not desire these resolutions to be laid on the table without being heard.

Mr. GHOLSON called Mr. ADAMS to order.

Mr. MILLIGAN said, if the gentleman from Massachusetts felt at all aggrieved by the motion to lay the resolutions on the table, he would withdraw it.

Mr. ADAMS did feel aggrieved by the motion to lay on the table.

Mr. MILLIGAN then withdrew the motion to lay the resolutions on table.

Mr. ADAMS did not wish to interrupt the deliberations of the House; but if the resolution of censure was to be passed, he wished to be heard in his own defence. If the resolution did not pass, he would then ask of the House to determine on the only question which would be then before it.

Mr. EVANS insisted that the charge of offence, on the part of the gentleman from Massachusetts, was too vague to justify a vote of censure upon him. There was nothing specific. The resolution did not set forth any thing like contempt towards the House, or even an infringement of its rules, but that he had "given color to the idea" that slaves had the right to petition. Mr. E. held that the House had the right to punish a member for a determined violation of its rules; because, otherwise, the whole business of the country might be obstructed by a disorderly member; but no man could be punished for the expression of his honest opinions. The limitation to this, such as personalities, reflections upon the past conduct of the House, &c., were expressly laid down in the *lex parliamentaria*. With reference to the right of slaves to petition, he said there were cases embracing it. It had been said, also, the slave had no constitutional rights but through his master. This was not so; and he put the cases of murder, or unprovoked assault, and that of alleged kidnapping, where his legal rights were recognised, and frequently put in force.

Mr. PICKENS explained that if the gentleman from Maine was alluding to his argument, he (Mr. P.) had not said the slave had no legal rights, but that he had no constitutional or political rights. That was a question he should like to hear the gentleman argue.

Mr. EVANS was referring to constitutional or legal rights, which he insisted had been secured to the slave. He then adverted to the general character of the petitions praying for the abolition of slavery in the District of Columbia, in none of which was there found any harsh language in relation to the peculiar institutions of the South or Southern men, nor any expressed or implied wish to interfere with those institutions. There might be a few solitary exceptions, but it should be borne in mind that there was much warmth on both sides. The right of the abolitionists to petition, however, should have been respected, and their memorials continued to be received, as they formerly had been. While this was done, their numbers were few and their efforts feeble; but they had increased in numbers, and become more powerful, from the manner in which they had been treated by Congress. They contended that slavery was a great moral, social, and political evil, and was, besides, indefensible by argument; and the refusal of the House to listen to them, and argue with them, justified them, in their own opinion, in these allegations; but there was nothing insulting in this. Even that language was borrowed from Virginia; and he was about to cite some passages from the debates in that State on the adoption of the constitution, containing this declaration, when

Mr. PATTON arose, and hoped the Chair would restrict the limits of the debate within the proper range of order. If the gentleman was suffered to go on in this way, it must be obvious that a debate was springing up which would be interminable.

The CHAIR reminded the House that he had several times interposed to confine the debate within the proper limits, and had repeatedly reminded gentlemen that they were taking too wide a range, but in the performance of that duty he had not been sustained by the House. As he had been called upon, however, he should enforce the rule, and take the sense of the House whether the gentleman from Maine should be allowed to proceed.

Mr. CAMBRELENG asked for the yeas and nays; giving, as a reason for so doing, that upon this vote would depend whether the business of the session should be entirely set aside or not.

The yeas and nays having been ordered, and the Chair being about to propound the question,

Mr. ELMORE wished to say one word. He was perfectly willing, if it should be the wish of the House, to hear the question fully discussed, but otherwise—

Several members here rose and addressed the Chair.

Mr. CLAIBORNE, of Mississippi, caught the eye of the Chair, and inquired if this motion for leave was debateable.

The CHAIR believed it was not.

Mr. WISE would submit whether this was the proper mode of deciding whether a discussion was relevant or irrelevant. Was there any precedent for it? On the contrary, had not the practice heretofore been that the Chair decided whether the course of remarks of gentlemen was irrelevant; and if the gentleman objected to the decision of the Chair, that he then took an appeal? Mr. W. wished to know if the office of the Chair was not to interpose in that manner? And why had it been departed

from in the present case. Was it not the duty of the Chair to decide him out of order? And he would further inquire whether the question could be propounded to and decided by the House, before an appeal was taken. Finally he would inquire, why this distinction?

The CHAIR will state the question. There is no difficulty.

Mr. WISE. I am not through yet, sir.

The CHAIR. There is no appeal; but the Chair will require the gentleman from Virginia to reduce his point to writing.

Mr. PATTON said, as the point of order might consume more time perhaps than the remarks of the gentleman, he would withdraw it.

Mr. ELMORE did not speak in anger, but with a view to make an appeal to the gentleman from Maine. He would suggest to that gentleman that they had already irritating topics enough before the House; and if he should be disposed to go on, an angry debate must necessarily grow out of it, on both sides of the House, that would, perhaps, be interminable; and, let him ask, what good could result from it?

Mr. EVANS would accept the application of the member from South Carolina in a corresponding spirit. He could assure that gentleman that he had endeavored not to say any thing of an irritating or angry nature. He wished, however, the member had thought of that a little earlier. He wished gentlemen on that side of the House had thought of this when denouncing the whole Northern country, and the whole of New England, in very clear language, and calling upon members from that region to abstain from doing their duty in presenting their petitions; and when they charged, and almost directly, Northern gentlemen with aiding, abetting, and assisting in getting up petitions, when they knew that all these charges did not justly attach to them.

Mr. ELMORE said, if the gentleman from Maine had heard his former remarks a few days ago, he would find that his present remark did not, at least, apply to him. He had then deprecated discussion, but he did not fear it, nor was he unwilling to go, or would shrink from going, into it, if it were brought up.

Mr. THOMPSON, of South Carolina, wished to disabuse himself of a false impression of the tenor of his remarks, as he was the member who opened the debate. Now, in the preliminary remarks he had made, he should regard himself as unpardonable if he had not confined himself, as strictly as he could, to the question before the House, and alluded to no topics either of an irritating or angry character. The gentleman from Massachusetts had asked if the people of the North were to be denied the privilege of sympathizing in human suffering, of sympathizing for the oppressed, and those held in bondage as property. It was in reply to these remarks that Mr. T. had made his own. He had, however, used no epithets, but had adverted, as he conceived he had a perfect right to do, to the history of New England, and certain authentic facts connected with it. This he had done in repelling the attack made upon the South.

Mr. BYNUM concurred with the gentleman from Virginia, [Mr. Patton,] which seemed to be agreed on all hands, that the gentleman from Maine had certainly departed, in this instance, from the subject properly under discussion, and he should renew the point of order.

Mr. EVANS explained. What he had said was, that very many of the gentlemen who charged those of the North, and the petitioners for the abolition of slavery in the District of Columbia, with using language not justified in reference to Southern institutions, language not courteous to themselves, and showing a misconception of the institutions of slavery, had themselves used the same language. He wanted to rescue these petitioners, himself, and others, from the charge of first using such language, but that it had been used in all time.

Mr. BYNUM. If the object of the gentleman be to argue the question of slavery, he hoped no Southern man would countenance it, by arguing it also. It was a subject that House could not settle, and had no right to intermeddle with in any manner whatsoever.

Mr. EVANS. I am not going to discuss the question of slavery. I was going—

Mr. BYNUM was also proceeding, when

Mr. GHOLSON rose to a subject of order. Both gentlemen could not be suffered to address the House at the same time.

The CHAIR said the gentleman from Maine was in possession of the floor; and if any gentleman called him to order, he must reduce it to writing.

Mr. EVANS was not going to discuss the question of the institution of slavery. They of the North had been charged with the use of words, in reference to the institutions of the South, for which they had been held responsible. Now, he wanted to show that it was language they had borrowed from themselves. He wanted also to show they were not guilty of the charge of undermining the prosperity of the South. He said that many gentlemen on that floor complained that they hold at the North that slavery was an evil. Well, they did, and so did many of the South themselves, and that was what he was about to prove. But the North did not hold the present holders of that species of property, as many supposed, responsible for it. They regarded it, on the contrary, as an institution fixed, and found in existence, and tolerated among them, long before the present time. He was about to show that that language, in reference to the institution of slavery, was language held by slaveholders themselves, and that those of the North had modelled their ideas from Southern authority.

Mr. E. was again proceeding to read from the debates in the Virginia convention, when

Mr. HARRISON, of Missouri, objected, and the CHAIR sustained the point that no gentleman could, under the rules, read any paper to the House without its leave.

Mr. DAWSON hoped the gentleman from Missouri would withdraw his objection.

Mr. EVANS. I cannot yield the floor.

Mr. HARRISON. I call the gentleman to order, though, if the House were disposed to permit a discussion on the subject of slavery, he was himself fully prepared to meet it.

Mr. EVANS. I will waive that part of my argument.

The CHAIR. Does the gentleman from Missouri waive his point of order?

Mr. GHOLSON. The gentleman from Maine does not waive his argument on the subject of slavery, but only the reading from the book.

Mr. ANTHONY moved that the question be taken, and asked for the yeas and nays; but, after a few words from the Chair, withdrew his motion.

Mr. BOULDIN said he was anxious for the gentleman to proceed.

The CHAIR said it was for the House to determine.

Mr. BOULDIN rose again, and was proceeding, when

Mr. EVERETT called the gentleman to order; and asked if there was any question before the House.

The CHAIR stated the question raised by Mr. Harrison, and decided in favor of the point of order raised by that gentleman. He suggested to the House that they take the question on the motion to grant leave for the gentleman to proceed.

Mr. ELMORE took an appeal from the decision of the Chair, for the purpose, he said, of getting an opportunity of setting himself right on the subject. He was for allowing the gentleman from Maine to go on, according to his own judgment and his own discretion; and he was also

for holding that gentleman responsible. Mr. E. did not want to stifle debate, but to leave it perfectly open. We of the South (continued Mr. E.) did not fear discussion on this subject, here or elsewhere, in any manner in which it could be brought forward; but I would submit to that gentleman, and to those who act with him, that if there was any thing that could lead to the most lamentable consequences, it is the very course they are now pursuing. The gentleman from Maine had asked, why was not this call made upon him at an ealier period of this debate?

Mr. E. hoped the gentleman would remember that he had, at the commencement of it, called upon all his friends, upon all the members from the South, to vote, and not to speak, upon the subject; for it was one calculated, in its consequences, to bring the different portions of the country into direct conflict. It was that he might save the country, if possible, from a posture of affairs that could not but be most disastrous. At the same time, however, he was willing that they should be understood; but upon those of the North be the responsibility.

It was said that they of the South had provoked this attack upon themselves; that they had been the first in denouncing the gentlemen of the North, and had been pursuing a course of debate that called for a reply. He denied this. Had the gentlemen forgotten what was then on the table? Had they—

Mr. VANDERPOEL called the gentleman to order. He understood the question the gentleman arose to discuss was the appeal from the decision of the Chair; and he had not, as yet, even adverted to it.

Mr. ELMORE said, if the gentleman had spared his breath one moment, he should have concluded. He had risen simply to deprecate the allegation brought by the member from Maine. He then withdrew his appeal, and moved that the gentleman have leave to go on.

Mr. ANTHONY renewed the appeal. He stated that he did so because it was evident that, from the commencement of the debate till that time, a great deal had been already said of a most irritating character on both sides, and that irritation would only increase as it progressed, if it was suffered to proceed. He was the only member from his own State who had taken any part in the subject, and he had moved the previous question; but there were so many cries of "no!" "no!" that he was induced to withdraw his motion. He did it to arrest the excitement he saw growing out of the subject, and he made the present appeal for the same purpose.

The CHAIR again suggested that the best mode would be to take the question on the motion for the gentleman from Maine to proceed.

Mr. ANTHONY did not wish to give the gentlemen on either side leave to continue this discussion of slavery any further, and he therefore hoped every moderate man in the House would join him in arresting its further progress. Mr. A. then withdrew his appeal, and expressed a hope that the question would, according to the judicious suggestion of the Chair, be at once taken on granting leave for the gentleman from Maine to proceed.

Mr. GLASCOCK rose to address the House; but

The CHAIR reminded the gentleman that this was not a debatable question.

Mr. GLASCOCK wished simply to remark that appeals had been made, in the most respectful manner, from various quarters of the House, that the gentleman from Maine should dispense with pursuing this subject any further; and Mr. G. was inclined to believe, from the course recently taken by that gentleman, that he was disposed to acquiesce. On the call to order, the gentleman had taken his seat, and did not take an appeal from the decision of the Chair. If, then, the motion on granting leave were withdrawn, all difficulty would be removed, and the doing so would save a great deal of unpleasant feeling, and supersede the necessity of taking either question.

The CHAIR then propounded the question, "That the gentleman from Maine have leave to proceed."

Mr. GLASCOCK moved to amend the motion by adding the words, "if he feels disposed to do so."

The CHAIR propounded the question at length, as follows: The gentleman from Maine is called to order, because he is speaking of the opinions of others on the subject of slavery, when that question is not before the House. The Chair decides that it is not in order to discuss the question of slavery, or to cite the opinions of others upon that subject, on the question before the House. The gentleman from Maine resumed his seat, and acquiesced in the decision of the Chair, taking no appeal. The rule required, therefore, that, before the gentleman could proceed, the sense of the House must be taken; if the decision had been in favor of the member called to order, he would proceed as a matter of course.

Mr. HARRISON, of Missouri, begged to inquire whether, if the gentleman should be permitted to proceed by a vote of the House, he must not still confine himself within the rules of the House.

Mr. BOULDIN. He would, he expected, go on pretty much as he had done.

The CHAIR said the gentleman would still be limited to the rules of debate.

Mr. EVANS did not want to discuss this matter. Gentlemen supposed he wanted to discuss the institution of slavery, but it was not so. He did not wish to introduce any new topics there, but to confine himself to what had been opened by those who had preceded him. This, he believed, was what he had done. He had been strictly on the defensive—on the defensive against a charge made against the venerable and distinguished member from Massachusetts, [Mr. ADAMS,] for presenting petitions to that House containing language offensive to the South. He wished to prove this was not so, but that the language came originally from the South, in substance and in terms.

Mr. E. should not proceed at all on the vote of the House, be it which way it might.

Mr. ELMORE preferred allowing the gentleman to proceed as he pleased, as he had introduced these topics.

The CHAIR said, if leave should be granted, the gentleman must still proceed in order.

Mr. ALFORD remarked that, if the gentleman went on a little, he would soon explain his purpose.

Mr. BRIGGS. The gentleman did not himself ask leave, but refused, beforehand, to proceed on the vote of the House. What would be the use of granting leave?

Mr. ELMORE replied, the gentleman asks what would be the object of granting leave? It was that the House might not be charged with having choked the member down, but that he might be permitted to go on upon his own responsibility.

Mr. PATTON then read the following modification of his amendment:

Resolved, That any member who shall hereafter present to the House any petition from the slaves in this Union ought to be considered as regardless of the feelings of the House, the rights of the Southern States, and unfriendly to the Union.

Resolved, That the honorable JOHN Q. ADAMS having solemnly disclaimed all design of doing any thing disrespectful to the House, in the inquiry he made of the Speaker, as to the petition purporting to be from slaves, and having avowed his intention not to offer to present the petition to the House, was of opinion that it ought

not to be presented—therefore, all further proceedings in regard to his conduct do now cease.

Mr. ELMORE withdrew his motion.

Mr. PATTON moved the above, which

Mr. THOMPSON accepted, and Mr. BYNUM withdrew his amendment.

Mr. ELMORE then renewed his motion in relation to granting leave to Mr. Evans; and, after a few words from Messrs. BRIGGS, PHILLIPS, and MERCER, it was agreed to.

Mr. EVANS then rose and said that the course of remarks he was pursuing having been decided to be out of order, if he should again proceed he would still be pronounced to be out of order, which from the first had been far from his intention. He intended, certainly, and thought he was standing on the defensive, and there he meant to stand. Had he been permitted to proceed, he should have concluded in a few minutes. He had, however, several other things to say; but as they would be pronounced out of order, and he be again required to take his seat, he had expressed a disposition not to proceed if the House voted him leave, because that vote for leave would carry upon its face the implication that he was seeking to introduce topics not pertinent to the question. He therefore would not conclude the observations he designed making on this resolution, except by saying that he should vote against it.

Mr. VANDERPOEL moved the previous question.

Mr. ADAMS appealed to Mr. V. to withdraw this motion, to allow him to submit some remarks to the House.

Mr. VANDERPOEL could not withdraw the motion, unless the gentleman from Massachusetts would pledge himself to renew the motion when he had concluded his remarks.

Mr. ADAMS said it was not in his power to comply with this request, because he desired to have the opportunity of a full hearing in his own defence; and he had hoped he would be granted the privilege.

Mr. KENNON moved to lay the whole subject on the table.

Mr. RENCHER called for the yeas and nays on this motion; which were ordered, and were: Yeas 50, nays 144, as follows:

Yeas—Messrs. Chilton Allan, Anthony, Ash, Barton, Bell, Black, Bockee, Carr, Casey, Chaney, Chapin, Chetwood, Cramer, Crary, Doubleday, Dunlap, Farlin, Forester, Fry, Fuller, Rice Garland, Hannegan, Henderson, Hubley, Huntington, Joseph Johnson, Richard M. Johnson, Cave Johnson, Kennon, Klingensmith, Lansing, Laporte, Gideon Lee, Joshua Lee, Logan, Job Mann, Moses Mason, McCarty, McKay, McKim, Morgan, Muhlenberg, Parks, Patterson, Phelps, Joseph Reynolds, Seymour, Sickles, Taylor, Turrill—50.

Nays—Messrs. Adams, Alford, Heman Allen, Bailey, Bond, Boon, Bouldin, Bovee, Boyd, Briggs, Brown, Buchanan, Bynum, John Calhoon, William B. Calhoun, Cambreleng, Campbell, Carter, George Chambers, John Chambers, Chapman, Childs, N. H. Claiborne, John F. H. Claiborne, Clark, Cleveland, Connor, Corwin, Craig, Crane, Cushing, Darlington, Dawson, Deberry, Denny, Dromgoole, Efner, Elmore, Evans, Everett, French, Gholson, Glascock, Graham, Granger, Grantland, Graves, Grayson, Grennell, Griffin, Haley, Hiland Hall, Hard, Hardin, Harlan, Harper, Samuel S. Harrison, Hawkins, Hazeltine, Hoar, Holsey, Holt, Hopkins, Howard, Howell, Huntsman, Ingham, William Jackson, Janes, Jarvis, Jenifer, Henry Johnson, John W. Jones, Lane, Lawler, Lawrence, Lay, Thomas Lee, Leonard, Lewis, Lincoln, Love, Loyall, Lucas, Lyon, Abijah Mann, Martin, Samson Mason, Maury, May, McComas, McKennan, McKeon, McLene, Mercer, Miller, Milligan, Montgomery, Owens, Page, Parker, Patton, Dutee J. Pearce, James A. Pearce, Pearson, Phillips, Pickens, Pinckney, Potts, Reed, Rencher, John Reynolds, Richardson, Robertson, Rogers, Russell, Schenck, William B. Shepard, Augustine H. Shepperd, Shinn, Slade, Sloane, Spangler, Standefer, Steele, Storer, Sutherland, John Thomson, Waddy Thompson, Underwood, Vanderpoel, Wagener, Ward, Wardwell, Webster, Weeks, White, Elisha Whittlesey, Thomas T. Whittlesey, Lewis Williams, Wise, Yell, Young—144.

So the motion to lay on the table was decided in the negative.

Mr. GRANGER said he rose, as a representative of the State of New York, to appeal to his colleague to withdraw his motion, to allow the gentleman from Massachusetts to make some remarks in his own defence. Is a member of this House not to be permitted—

The CHAIR said it was not in order to entertain debate after the previous question was moved.

Mr. BRIGGS inquired if it was not in order to make an inquiry of the gentleman from New York?

Mr. VANDERPOEL said he had considered of what he had done, and he could not withdraw the motion he had made.

Mr. REED wished to know how the present resolutions got before the House.

The CHAIR explained that it was a modification of the former resolutions.

Mr. REED made a point that the resolution before the House was not in order, because other resolutions and amendments were pending.

The CHAIR decided that the resolution was in order, and explained that the amendments had been withdrawn.

Mr. WILLIAMS, of North Carolina, wished to know if the gentleman from Massachusetts [Mr. Reed] had appealed from the decision of the Chair.

Mr. REED appealed from the decision of the Chair, but, after a few explanations between him and the Chair, he withdrew the appeal.

Mr. BRIGGS then raised a point of order, that, because the first resolution of the gentleman from South Carolina being in relation to the subject of slavery, it ought to lie on the table, under the order of the House of the 18th of January last.

The CHAIR decided that the resolution of the 18th of January did not operate on this resolution, and that it was in order.

From this decision Mr. BRIGGS took an appeal to the House, and was proceeding to debate the appeal, when

The CHAIR informed him that this appeal could not be debated, inasmuch as the previous question had been moved.

Mr. BRIGGS then called for the yeas and nays; which were ordered; but withdrew the appeal before the vote was taken.

Mr. ADAMS then made a point of order, that inasmuch as the first resolution was not upon the subject then pending before the House, namely, the question of privilege, it could not be entertained.

The SPEAKER decided that the resolution was in order, and stated the grounds of his decision.

Mr. ADAMS appealed from this decision, and was proceeding to make some remarks, when

Mr. GHOLSON called him to order.

Mr. ADAMS then asked the consent of the House to submit some remarks.

The CHAIR said this could only be done by the general consent of the House.

Mr. GHOLSON objected.

Mr. BRIGGS moved a suspension of the rules, for the purpose of allowing the gentleman from Massachusetts [Mr. Adams] to address the House.

The CHAIR decided this motion to be out of order, inasmuch as the previous question had been moved.

Mr. WISE rose to inquire whether it was in order to modify a privileged question, so as to make it any thing else than a privileged question.

The CHAIR said the modification of the resolution at present before the House was in order.

Mr. WISE remarked that he had nothing more to say on this subject.

Mr. HOWELL wished to know whether these resolutions did not effect a change of the rules of the House.

The CHAIR did not consider that they did.

The question was then taken on the second to the previous question, when it appeared that the previous question was not seconded: Yeas 79, nays 100.

Mr. WISE then said he wished merely to remark that he hoped the House, after hearing, as they ought to hear, the gentleman from Massachusetts, [Mr. ADAMS,] would be disposed to take the question without further debate; because he had an important matter to lay before the House from one of the select committees.

Mr. ADAMS began by observing that he would take up as little of the time of the House as was possible for him to do on this important subject. The first question before the House was the inquiry addressed by himself to the Speaker and to the House. On this inquiry, no question had yet been taken. He (Mr. A.) was, however, extremely anxious that the question should be taken, and that every member of this House should record his vote on this important proposition, namely: "Whether the House shall refuse to receive a petition from slaves, under any circumstances whatever." When he (Mr. A.) first made this proposition as a matter of inquiry only, and when the Speaker submitted the inquiry to the House, a member immediately rose, [Mr. HAYNES,] and said that he did not know how to meet a proposition of this kind. He [Mr. HAYNES] thought it was not deserving attention; that to receive it in any shape would be bestowing upon it more attention than it deserved. If, then, the question did not deserve attention, how came it to happen that the House had been engaged so long a time in debating upon such a question? Why, if the question was not deserving attention, have gentlemen professed to feel so deeply upon it, and been so anxious to bring me to the bar of the House to receive censure? Why was not an inquiry of so little importance disposed of at once? If the Speaker had objected to receiving the petition, I (said Mr. A.) should not have presented the paper, out of respect to the House, though I know that it is a question more important than the honorable gentleman [Mr. HAYNES] imagines. Sir, I know it to be a question demanding deep attention from this House, from this nation, and from the civilized world. I said (continued Mr. A.) that I was willing to abide by the conclusion the House might think proper to come to on this subject, whatever that conclusion might be; but at the same time I confess I was exceedingly anxious that this question, in the abstract, should be taken and decided upon by the House. I was anxious that every member of this House should record his vote, for all time to come, on a question of such importance—a question which opened the whole subject of the condition of slaves in this country—a question which brought into inquiry the whole subject of the power and privileges of this House, and of the freedom of speech in debate. These are questions of vital importance; these are privileges dear to some, though there may be those by whom they are not valued. I had hoped, sir, to have received an answer to the proposition "if a petition from slaves would be received by the House," because, as I have stated, the answer to this proposition would open the whole subject relating to slavery, and the whole question relating to the privilege of speech of the members of this House. The answer to this inquiry involved all this, and more than this.

Amidst the prevailing excitement, and among the various speeches which the numerous resolutions against him had elicited, he (Mr. A.) had heard but one individual who had undertaken argumentatively to discuss the question which he (Mr. A.) had propounded to the Speaker; and that individual was the gentleman from Kentucky, [Mr. FRENCH.] That honorable gentleman, who is an able judicial character, has treated the subject as an argument before a court of law; but, sir, the subject demands a different kind of argument. What was his argument, sir? It was this: that if you abolish slavery, you take away a part of the representation which the constitution has guarantied to the Southern States. But, I ask, has that gentleman established any connexion between his premises and his conclusions? What, sir? If slavery were abolished, they will be deprived of the right of representation, and therefore the House cannot receive petitions from slaves!

[Mr. FRENCH, the member referred to, explained. He (Mr. F.) did not affirm that slaves were entitled to representatives, if that was what the honorable gentleman (Mr. ADAMS) understood him to say.]

Mr. ADAMS resumed. Has he taken the right issue, sir? Has he drawn his premises and his conclusions to a closer connexion? What, sir? If you should deprive the South of its representation, what then? Is that any reason to assign why slaves should be deprived of the opportunity of crying for mercy to this House? There is no connexion between the two things. Sir, he has travelled out of the record; he has raised a totally different question than the actual question which is alone before this House; he has substituted the question "if slavery should be abolished," in place of the question put to the Speaker, viz: "if the House would receive petitions from slaves under any circumstances." My colleague [Mr. CUSHING] has, more forcibly than I can do, already discussed the proposition of the freedom of petition. He has shown that it is a right not derived from the constitution, not given by parchment, but prior to the constitution; given, by the God of Nature, to every man when he created him; it is the right to implore favor, to seek for mercy! a right which the framers of our constitution would have spurned the very idea of abridging or limiting, or restricting to any particular color or class of men! He recognised this right as belonging to all men in the constitution which they framed; and, in that constitution, sir, instead of imagining any limits to this right, they solemnly declared, in that instrument, that it should not be abridged! Yes, sir, that it should not be limited—they recognised no limitation of any kind to this sacred right. It is, sir, a right belonging to every human creature, which does not depend upon the condition of the petitioner, and which cannot be denied to man in any condition. This, sir, is the principle involved in the inquiry put by me to the Chair—a principle more than recognised by the constitution, which has declared that this right shall suffer no abridgment, no limitation whatever! If you now abolish this principle, this first and humblest right given from God to every human being, a limitation will next be put to the right of petitioning, in the fullest extent to which party madness might hereafter be inclined to carry it. If the House shall decide that the paper I possess comes under the order of the House of the 18th of January, I will present the petition, and in doing so shall be doing my duty—a duty of the highest importance to my country, to humanity, and to human nature. What, sir? Will you put the right of petitioning, of craving for help and mercy and protection, on the footing of political privileges? It is an idea which has not

even been entertained by the utmost extreme of human despotism; no despot, of any age or clime, has ever denied this humble privilege to the poorest or the meanest of human creatures. If this House decides that it will not receive petitions from slaves, under any circumstances, it will cause the name of this country to be enrolled among the first of barbarous nations. A petition is supplication; and supplication for what? For relief from those who have the power to give relief, and who are placed in a situation to attend to the cry of distress. That would be a sad day, sir, in my opinion, when a vote should pass this House that would not receive a petition from slaves? What would it lead to? When the principle is once begun of limiting the right of petition, where would it stop? Gentlemen have objected to the petition immediately preceding that which I presented, because it came from colored people! from color! That, sir, is giving color to an idea with a witness!* The honorable gentleman makes it a crime because I presented a petition which he affirms to be from colored women, which women were of infamous character, as the honorable gentleman says—prostitutes, I think the gentleman said.

[Mr. Patton explained. He (Mr. P.) did not say they were prostitutes; the objection he made was that the petition came from free mulattoes in the South; he did not object on the ground of opposition to the right of petition, but because he (Mr. P.) considered that the House ought to refuse to open its doors to applications from the Southern slaves. As to the infamous character of the women in question, he mentioned that, not as if he deemed it a reason for refusing the right to petition, but because he wished to wipe away the stain from the ladies of Fredricksburg, as these women had been called "ladies of Fredericksburg" by the honorable gentleman, [Mr. Adams.] He (Mr. P.) was sure that no ladies from Fredericksburg had sent such a petition to this House.]

Mr. Adams continued. He (Mr. A.) was not certain that he called them ladies, or whether the petition itself had not stated that they were ladies. Whenever he presented petitions from ladies, he was not in the habit of using that term for their designation; the word "woman" was an expression much dearer to his heart than that of "lady." But to return to the idea he was about to enforce. He (Mr. A.) thought the honorable gentleman had said that they were infamous; but the proposition which he would ever maintain was that the sacred right of petition, of begging for mercy, as it did not depend upon condition, so also it did not depend upon character; it was a right which could not be denied to the poorest, the humblest, and the most wretched; and, moreover, it was a right which could not be refused to the most vile, the most abandoned, or most infamous. He (Mr. A.) did not, however, know that they were in the present case infamous, but he thought that was the word used in debate by the honorable gentleman, [Mr. Patton,] and that it was so reported in the National Intelligencer.

[Mr. Patton again explained. He (Mr. P.) had not said that he knew those women.]

Mr. Adams continued. He was glad to hear the honorable gentleman disclaim any knowledge of them; for he had been going to ask, if they were infamous women, then who was it that had made them infamous? Not, he believed, their own color, but their masters; and he had heard it said, in proof of this fact, and he was inclined to believe it was the case, that there existed great resemblances in the South between the progeny of the colored people and the white men who claimed the possession of them. Thus, perhaps, the charge of being infamous might be retorted upon those who made it, as originating from themselves.

[Great agitation in the House.

Mr. Glascock here interposed, and produced from the Clerk's table the original petition referred to, and said that it bore on its back an endorsement in Mr. Adams's hand, "from nine ladies of Fredericksburg." Cries of order! order!]

Mr. Adams continued. He (Mr. A.) would observe that he did not know they were colored people; whether they were called ladies or women was very indifferent; the term "woman" was enough for him. But (observed Mr. A.) if you once admit the principle that the right of petition is limited, and will not apply to slaves, the next thing will be to limit it still further, by extending the limitation to free colored people; and, after this, the next limitation will be to the question of the character of the petitioners; then the next limitation will be to inquire on what side of political parties are the petitioners; and then, sir, from one side all petitions will be perfectly good and receivable, but on the other side all the petitions will be from people of bad character, according to the representations of any member who may say he does not know who they are; they will be all infamous, sir, who are on the wrong side. This will be the case. To this state will things come if the right of petition shall be limited by peculiar distinctions, and shall be made to rest on such grounds as these which have been relied upon in this debate.

Another gentleman [Mr. Robertson] has taken another ground. He says the right of petition is not to be admitted, except when it is in the power of the party petitioned to grant the object prayed for. There is some plausibility here; the expediency of petitioning those who have not the power to grant the petition might, perhaps, be made a question; but the right itself is not affected. The absence of power on the one side does not involve the deprivation of a right on the other side; incompetency in one man does not involve the deprivation of his rights to another man; take away the party petitioned, the party offering the petition remains with all its rights unimpaired. Where, then, is the objection? Besides, the power to grant a petition might be made one of the most mooted questions in the world. If the right of presenting a petition or of not presenting is made to depend upon the question of power, then it may be shown, by the opinions of slaveholders themselves, that Congress has the power; and, consequently, according to the gentleman's own argument, the right of petition is also possessed on the other side. The opinion that Congress had the right to abolish slavery in the District of Columbia was entertained by the great majority of Southern gentlemen themselves only a few years ago; now, however, not many can be found who would venture to acknowledge such an opinion. Some, indeed, there are, who have that magnanimity, though I know not what it may cost them for expressing their opinions. I appeal to the records of this House, which will show that, on the question of its power to abolish slavery in the District, a great majority of this House will be found to have been in its favor; the House has been, heretofore, almost unanimous on the subject. The honorable gentleman [Mr. Robertson] thinks that Congress has no such power; and that therefore, on this account, the petitions ought not to be received. The ground he [Mr. Robertson] takes is this: that the petitioner has no right to petition, because Congress has no power to grant! Let us concede the premises, then it is clear that the whole right of petition is rendered a nullity; it is reduced to nothing; it is annihilated; for, let but a majority only please to assert the absence of power on any question not agreeable to them to entertain, and

* One of the resolutions presented to the House charges Mr. Adams with giving color to the idea, &c.

(according to the argument) the right of petition ceases to exist, because of the alleged absence of power!

As to the character of petitioners, I wish it was in my power to elucidate the proposition which I maintain; and which is, that the right of petition does not depend upon any moral qualifications. But I shall not now, sir, urge any arguments to illustrate this proposition. Gentlemen, indeed, have desired to found the right of petition on moral character; but I shall show that it cannot be limited.

I would take the resolutions of the honorable gentleman from Virginia, [Mr. PATTON,] which the Speaker has decided to be the subject before the House, instead of the abstract proposition put by myself to the Chair; though that proposition, sir, was the real question before the House; and it was this: "Whether the paper I held in my hand came under the rule of the 18th of January." Now, sir, in the course of the arguments which I have heard on this subject, (or, I should say, debates, rather than arguments,) the attention of the House has been diverted into different channels, and the subject-matter of debate has been changed from my question first propounded to the Chair, to other and different questions, almost without number, and all of them, sir, relating to me, all their object being, to the very last, down to this final resolution, offered by the gentleman from Virginia, [Mr. PATTON;] I say, sir, the object of them all has been to pass censure upon me. Yes, sir, to pass censure, either direct or implied, upon myself, for having asked a simple question of the Speaker!

I do not propose, sir, to go through all the speeches which fell upon me so thickly, which came down, pouncing upon me like so many eagles upon a dove, calling me infamous, with other harsh expressions; nay, from one quarter of the House I heard cries "Expel him! Expel him!" However, sir, I will lay all this aside. First came a resolution by the gentleman from Georgia, [Mr. HAYNES;] that was succeeded by the resolution of the gentleman from South Carolina, [Mr. THOMPSON;] then came a modification by the gentleman from Alabama, [Mr. LEWIS,]—all of them, sir, reminding me of what Dame Quickly says: "Oh! day and night, but these are bitter words." Yes, sir, they all contained very bitter words against me; but, unfortunately, in the midst of all the joy and hopes of certain triumph, when the gentlemen were quite sure of at least two thirds of the votes of this House against me, I was obliged to ask that, if brought as a culprit to the bar, to receive censure as a criminal, the gentlemen would first amend their resolution a little, because it was contrary to facts. Well, sir, they took advantage of my suggestion, and whisk came another resolution, as bitter as the first, charging me as guilty of a gross contempt of the House; then came a second resolution, bringing me in guilty of trifling with the House, because, as it was presumed, I suffered the House to believe the facts to be true; and so, sir, I was to be brought to the bar of the House for letting the House believe what they had not the slightest right to believe! I was to be found guilty, sir, for permitting the House to believe as true a thing which there had not been one word uttered by me authorizing them even to infer, much less to believe. Another resolution was then discussed, but it had not been long before the House, when it was found that it would not do; and then came a fresh resolution; at last, after all, came the proposition by the honorable gentleman from Virginia, [Mr. DROMGOOLE,] of which I shall not speak much, though it might, perhaps, have been made a theme for merriment to the House; for it was charged upon me by this resolution that I had given color to an idea; to this resolution an amendment was proposed, which was immediately seconded by the gentleman from Alabama, [Mr. LEWIS;] and this also was a motion censuring me for giving color to an idea; then, immediately after, as nothing yet would answer the purpose, whisk came another resolution, changing the whole ground, and censuring me, not for what I had done, but for what I had not done; because, forsooth, I had given color to an idea. But the gentleman from Maine [Mr. EVANS] has anticipated me in most of the observations I proposed to make on this charge, and I shall say no more on that subject.

I did not get up soon enough to set all these gentlemen right, to show them the best way to censure me, and prevent them from running wild in the manner they had done, bringing forward resolutions in such rapid succession, but all of them, unfortunately for the movers, contrary to facts. I beg the honorable gentlemen [Messrs. LEWIS and THOMPSON] to remember that when I say there was not one word of truth in this last resolution of theirs, I do not intend to impeach their veracity; there are no two men in whom I would place more confidence, so far as to confide to them all that I possess; but I say that, in offering this resolution to the House, inflicting censure upon one who has never, in all his parliamentary career, given offence to them, they went a little beyond the bounds of that course of conduct which is due from one gentleman of this House to another; and I would only give them one word of friendly admonition, that, when in future they may wish to censure me, they would first be careful to pay more attention to facts.

[Mr. LEWIS explained. He (Mr. L.) had risen in his place and inquired what was the character of the petition; this was full two hours before he had any idea that it was not a petition for abolition.]

Mr. ADAMS continued. He (Mr. A.) was extremely glad to admit the explanation, and he hoped the gentlemen would not feel it unkind when he only gave them his advice—advice from an old man addressed to those who were yet young; and that advice was, that when in future they charged others with crimes, first to be quite sure of their facts. But he would now call for another explanation from the gentleman from South Carolina, [Mr. THOMPSON;] and, if that gentleman and the House would permit him, he (Mr. A.) would read from the National Intelligencer the report of what he had said in the House, and would beg to ask that gentleman [Mr. THOMPSON] if the sentiments as here reported are really the expression of his own deliberate and reflected opinion.

"Does the gentleman, even in the latitude which he gives to the right of petition, think that it includes slaves? If he does not, he has wilfully violated the rules of the House and the feelings of its members. Does that gentleman know that there are laws in all the slave States, and here, for the punishment of those who excite insurrection? I can tell him that there are such things as grand juries; and if, sir, the juries of this District have, as I doubt not they have, proper intelligence and spirit, he may yet be made amenable to another tribunal, and we may yet see an incendiary brought to condign punishment."

[Mr. THOMPSON explained. He (Mr. T.) would state to the House that he had thought there was not one human being living who entertained the opinion that slaves had any right to petition, under any circumstances. When he (Mr. T.) first heard the gentleman from Massachusetts, [Mr. ADAMS,] it appeared to him (Mr. T.) that the gentleman had acted wilfully, until he afterwards heard him state differently. As to the other portion of the report, he (Mr. T.) had thought at the time it was a petition for the abolition of slavery which had been presented, on which account he had characterized it as he had done in the report. He (Mr. T.) spoke as

a lawyer, and would observe that such is the law in South Carolina.]

Mr. Adams resumed. There, sir, stands the sentiment; there is the written record, in which the gentleman has threatened me with an indictment before the grand jury of the District of Columbia, as a felon and an incendiary, for words spoken in this House! And now the gentleman [Mr. Thompson, of South Carolina] has again avowed the sentiment, and declares that, if the petition had been such as he imagined, he would still not only call me to the bar of this House, to be reprimanded by the Speaker, but, in addition to this, he would invoke the vengeance of a grand jury upon my head! Yes, sir, he [Mr. Thompson] would make a member of this House amenable to a grand jury! Such being the case, sir, I would beg to invite that gentleman, when he goes home, to study a little the first principles of civil liberty. As that gentleman appears here the representative of slaveholders, I should like to know, sir, how many others there are, if any, who are prepared to endorse his sentiments. If this House, sir, is come to this point; if a member of Congress, in presenting a petition, let it be for whatever object it may, is amenable, not to this House, sir, but to the grand jury of the District of Columbia; if this is the opinion of the slaveholding gentlemen, let it go before the nation; let the people know who they are who have uttered such a sentiment, and made such an avowal!

[Mr. Wise rose and said he would not endorse that sentiment; if he (Mr. W.) thought that the members of the legislative branch were responsible to any tribunal, that of the grand and petit juries of the District of Columbia would be the last in the world he would wish to see this House (which represented the sovereign people of America) responsible to. This little tribunal of the District, to which it was proposed to subject the American people, in the persons of their representatives, was notoriously under the dictation and authority of the Executive, who already dictated both to the Senate and to this House.]

Mr. Adams, in continuation, replied. If the law of South Carolina is a good argument to the gentleman from South Carolina, [Mr. Thompson,] and if a member of that Legislature is made amenable for words spoken in debate, not only to the Legislature, but also to the grand and petit juries—if that, sir, is the law of South Carolina, I thank God I am not a citizen of South Carolina! [Great agitation.]

In the kingdom of Great Britain, where the Speaker of the House of Commons is subject to be approved of by the King before his election is confirmed, even there, sir, the first thing the Speaker addresses to the King, after his election, is a demand of freedom of speech in the House; and the King never sends him, sir, to the grand or petit jury, to know how far the House is under liability for words spoken in debate. Such a sentiment, sir, uttered in this House, such a threat held out to the representatives of this nation, when it shall come before the world in the report of this debate, cannot fail to excite contempt and amazement; and it will be a matter of no less surprise that, when utterance was given to such a sentiment, it was not immediately rebuked by the Speaker. If, sir, a resolution of censure was ever called for, I know not what could more imperatively demand it than such a declaration made in this House. I know not what it could be possible to utter more proper to subject any member to be called to answer for as a gross contempt upon this House! What, sir! We, the representatives of the nation, are all of us subject to the grand jury of the District of Columbia for words here spoken? We from the Northern and Eastern States are liable, sir, to be indicted as felons and incendiaries for presenting petitions not exactly agreeable to some members from the South? Is that the tenure on which we hold our seats? If it is, I wish the House may pass the resolution that whoever hereafter proposes to hand up a petition from slaves is an enemy to the Union. If this, sir, is the condition of this House, the gentleman from Virginia [Mr. Wise] has anticipated me in what I was going to say: if a grand jury, to which the gentleman [Mr. Thompson] proposes to make me amenable for things done in this House, constituted as in the nature of things a grand jury will be in this District—if they are to be the avengers of words spoken in this House, it will not be long before the gentleman himself will have to answer before a grand jury as an incendiary for things said not pleasing to the Executive! Let that gentleman, let every member, ask his own heart, with what confidence, with what peaceful ease, with what freedom, with what firmness, would he be able to give utterance to his real sentiments and opinions, if he felt, as he was speaking, that for every word, for every proposition, relating to human freedom, he was liable to be brought up for punishment as a felon before a grand jury of the District of Columbia? A jury, sir, of twelve men, appointed by a marshal, holding his office at the pleasure of the President! And this jury is to be the supreme judge of the sovereign American people, in the persons of their representatives!

I have dwelt, sir, so long upon this topic that, in order to spare the time of the House; I shall endeavor to abridge what remains for me to say. I do not know but that I should be willing to take the question on the whole proposition censuring me, without even saying one word in my own defence, leaving it entirely to the good sense and to the justice of the House. But it is not possible for me to pass over in silence the sentiment to which the honorable gentleman [Mr. Thompson] gave utterance, and which was not, as it ought to have been, immediately put down by the Speaker. Sir, I do not even yet know what is the answer of the House to the question propounded by myself; no question has been taken upon it; it does not yet appear what portion of the South assents to the doctrine of the gentleman from South Carolina, [Mr. Thompson.] It is not my desire, sir, to urge this point further than an imperative sense of what is my duty requires me to do, and, on this account, I repeat, I cannot pass it over in silence. If, when the gentleman, [Mr. Thompson,] instead of coming at once to a solution of that question, brought forward his resolution of censure against me—sir, if he thought to frighten me from my purpose—if that, sir, was his object, he mistook his man! I am not to be intimidated by the gentleman from South Carolina, [Mr. Thompson,] nor by all the grand juries in the universe. The right by which every member of this House holds his seat here is of the deepest and utmost importance to the whole nation; and I trust this debate will be read by every portion of the country, and that, among other astonishing things in this debate, the astonishing threat of the gentleman will not be unnoticed. We have heard, sir, of the great superiority of Anglo-Saxon blood. What, sir! is there a drop of that blood flowing in the veins of any man who will subscribe to such a political doctrine as this? How little does such a person understand of the true principles of freedom in relation to the powers of a legislative assembly! I would ask every member of this House, what would have been the issue if, in the British House of Commons, to which I have already alluded, one member of Parliament should tell another member that, for what he had said or done in Parliament, he should be made amenable to the grand jury of the city of Westminster? Sir, it would be too ridiculous for indignation; it would excite one universal shout of laughter; it would from thenceforth render him who had uttered the menace,

"Sacred to ridicule his whole life long,
And the sad burden of some merry song."

It is not possible for me to make my defence in any system or order. All that I say is unavoidably desultory, and I cannot find how to arrange a reply to charges made in such variety and disorder. When I take up one idea, before I can give color to the idea, it has already changed its form, and presents itself for consideration under other colors. The attack upon myself has assumed so many forms that I can compare it to nothing so well as to an actor on the stage, who changes his dresses and makes his appearance so frequently in different guise, that no one can tell that it is the same actor. Just so are all the resolutions, variable and changing, which charge me with giving color to an idea. If I were to plead guilty, what is the offence? Am I to be found guilty for giving color to an idea? Or, if I would defend myself, what excuse can be alleged? What defence can be made against this new crime of giving color to ideas? I am not able, therefore, to act as if I knew what was the cause which existed for passing censure upon me. But, I beg to say, I should deem it to be the heaviest calamity which has ever befallen me in the course of a life chequered with many vicissitudes, if a vote of censure from this House should pass upon my name, or upon any action of mine in this House. Yes, sir, I profess and avow that, in the whole course of my life, this would be what I should regard the heaviest of all calamities which had befallen me! And now, when I thus speak, am I treating with contempt this House? Have I ever done so? Has not the honor of this House been among the first and dearest sentiments of my heart? I have reverenced this House as the representatives of the whole people of this Union. I have further felt that sentiment which is called the *esprit de corps*. I appeal to this House if I have not been the first to come forward and defend its honor and dignity on more than one occasion. When members of this House, in the habit of voting differently from myself, were charged with liability to bribery, when it was said of them (and that by one to whom they are most devoted) that they would have been bribed, I, sir, was the first to vindicate the honor and integrity of the House, and to repel the foul accusation! Again, when other charges were made against the honor of this House, (from what quarter I will not say,) was I found backward in supporting its character? Are these instances of contempt? And now am I to be brought to the bar for a contempt of this House, for doing that which was done in the most respectful manner which it was possible to devise? For asking a question of the Speaker; consulting him first upon the admissibility of a petition by the rules of the House? If I am deserving censure for making this inquiry of the Speaker, your Speaker, who made the inquiry of the House, is much more deserving of censure. But if a majority of this House shall be found to pass censure on me, be it so; and if I have an enemy, let him know that he has triumphed; for a worse calamity could not befall me on earth.

My first objection to the resolution of the honorable gentleman from Virginia [Mr. PATTON] is, that it does not meet and answer my question. It does not say, if the House will receive a petition from slaves, or if it will not; that question, the original question, and the one still, as I think, before the House, is not met; we are left in the dark whether it is proper or not; no one knows. But suppose it is proper, where then is the offence in asking if it be proper? And suppose the House decide that it is improper, where then is the offence in ascertaining, in asking merely, what is the disposition of the House? Let this question be brought to a vote; I wish to record my vote on this subject; I consider it among my most imperious duties to do so; the liberty of every member of Congress depends upon the question; and let me say, if the House has any respect for itself, it will never pass such a vote as this, namely, that the House will refuse to receive a petition from slaves.

The next objection which I have to state against the resolution of censure is this: instead of answering the question put by me to the Chair, it turns upon the man; it runs away from the question, and fixes upon an ideal man, on "whosoever hereafter shall propose to present a petition from slaves," he, the ideal man, the future existence, "is an enemy to the Union." What is all that, sir, but the same in substance as the intimidation which was made by the gentleman from South Carolina, [Mr. THOMPSON,] that whoever presented such a petition should be brought before the grand jury as incendiaries? It is a declaration, it is a menace, a threat, that any member who shall hereafter present a petition from persons held in slavery, be the object of the petition ever so reasonable, shall be amenable to punishment; it is a threat, a menace, a terrifying limitation to the freedom of speech and action in this House. If the vote pass, I, sir, shall submit, and will not present the petition; but, at the same time, I shall think that it is a most disgraceful resolution, surrendering up at once the rights of every man in this House. What member of Congress, sir, who thinks as I do, and who might present petitions from slaves, founded on just and reasonable grounds, would feel himself a free agent in this House? Not only he is interdicted from presenting such a petition, but, at the same time, his freedom of action is placed under limitation in this House. By such a step the whole question of liberty and independence is surrendered, is abandoned! If, by this resolution, you decide that a man is infamous for making a proposition in this House, which in itself is not unreasonable, but which gives offence only because it comes from a human being who is in a state of slavery--if you do this, when once you have taken this step, you may next expect resolutions declaring a member in the minority infamous for displeasing the majority.

In reference to the second resolution, I not only do not assent to it, but I ask as a right of the House not to pass it. It is only a substitute for all the other resolutions of a stronger character, which appeared and disappeared, one after the other; all of them, however, calling me to the bar to answer, as if guilty of contempt towards the House. This resolution, however, goes upon the ground that I submit, that I plead guilty; and therefore, out of pure kindness, as I have acknowledged the offence, there is no necessity of further action in reference to me; it presumes that I have made concessions which I have not made, and that but for such supposed concessions, I ought to have been punished for doing my duty in this House! If such a resolution as this were to pass, it would be said that, upon the most important question that ever came before the House since its first origin, I had received a pardon from the House—that the House had forgiven me. Forgiven me, sir? What for? For any violation of the rules of the House? Was it a violation of the rules to ask the Speaker if a paper not presented came under the rules, and so might be presented? Was that a violation of the rules of the House? But suppose for a moment that it was a violation of any rule to ask a question of the Speaker, what was the duty of the Speaker? Ought he not to have answered the question, and to have said "No;" and that the paper I held in my possession it would be out of order to present? If the Speaker did not rebuke me, but said, as he did say, that it was a novel question, and that he would take the advice of the House, then, if I am to be indicted before the grand jury as a felon and an incendiary, the Speaker must be indicted along with me

for putting to the advice of the House the question which he put to it: I only put the question to the Speaker, but the Speaker put the question to the House.

I am content that the whole question go before the nation as it is reported in the National Intelligencer of this morning. And here I will say that I am not conscious of having given the least particle of offence to the House, nor of having done any thing which I would not do over again. My conduct was dictated by a sense of duty, and in the same persuasion of what was my duty I remain still unshaken. But, sir, among other things alleged as reasons for censuring me, it has been said I have trifled with the House. I have already disclaimed, and again I not only disclaim any such intention, but I deny that any man in this House has ever had cause to believe that I ever trifled with the House. Such was not my intention; I never was more serious in any moment of my life; therefore I am unwilling that a resolution should pass containing the declaration that the House ceased all further action on the subject because I made disclaimers. I renounce all advantages on the ground of my having made a disclaimer. While I totally disclaim any intention of trifling with the House, while I totally disclaim any purpose of offending or provoking any of the members of this House, while I totally disclaim any contemptuous course or any violation of the rules and orders of the House, sir, at the same time I disclaim not any particle of what I have done; not a single word of what I have said do I unsay; nay, I am ready to do and to say the same again to-morrow. One word in conclusion: I would only beg the House and the country to exonerate me from the charge of consuming the time of the House here. If the House had suffered the petitions to be laid on the table with the multitude of petitions there already buried in oblivion, no one would have heard of it any more. As to the time occupied by me in presenting petitions, the whole time employed by me in the fulfilment of this great duty has never at any one time exceeded half an hour. If members have risen to obstruct me in doing my duty, raising questions and debating them interminably, I appeal to this House, I appeal to the nation, that it is not I who am answerable for this loss of time.

Mr. HANNEGAN then obtained the floor, and moved the previous question, but withdrew the motion at the request of

Mr. W. THOMPSON, who made some remarks in reply to Mr. ADAMS, and then renewed the motion for the previous question; which was seconded by the House: Yeas 93, nays 42.

Mr. WILLIAMS, of North Carolina, moved to lay the whole subject on the table.

Mr. GHOLSON called for the yeas and nays; which were ordered.

Mr. UNDERWOOD moved an adjournment.

Mr. BOULDIN called for the yeas and nays; which were not ordered; and the motion to adjourn was decided in the negative.

The question was then taken on the motion to lay on the table, and decided in the negative: Yeas 59, nays 137, as follows:

YEAS--Messrs. Anthony, Ash, Ashley, Barton, Beale, Beaumont, Bell, Black, Bockee, Bond, Cambreleng, Casey, Chaney, Chapin, Corwin, Cushman, Doubleday, Dunlap, Forester, Fry, Fuller, Galbraith, Rice Garland, Gillet, Harper, Henderson, Howell, Hubley, Huntington, Cave Johnson, Kennon, Kilgore, Klingensmith, Lane, Laporte, Leonard, Logan, Job Mann, Samson Mason, McCarty, McKay, McKeon, Morgan, Muhlenberg, Parks, Patterson, Phelps, Joseph Reynolds, Seymour, Sickles, Turner, Turrill, Vanderpoel, Wagener, Webster, Weeks, White, Lewis Williams, Wise--59.

NAYS--Messrs. Adams, Alford, Chilton Allan, Heman Allen, Bailey, Borden, Bouldin, Boyd, Briggs, Brown, Buchanan, Burns, Bynum, John Calhoon, William B. Calhoun, Campbell, Carter, George Chambers, John Chambers, Chapman, Childs, Nathaniel H. Claiborne, John F. H. Claiborne, Clark, Cleveland, Coles, Connor, Craig, Crane, Cushing, Darlington, Dawson, Deberry, Denny, Dromgoole, Elmore, Evans, Everett, Fowler, French, James Garland, Gholson, Glascock, Graham, Granger, Grantland, Graves, Grayson, Grennell, Griffin, Haley, Joseph Hall, Hiland Hall, Hannegan, Hard, Hardin, Samuel S. Harrison, Hawkins, Haynes, Hazeltine, Herod, Hoar, Holsey, Holt, Hopkins, Howard, Hunt, Huntsman, Ingersoll, Ingham, William Jackson, Janes, Jarvis, Jenifer, John W. Jones, Benjamin Jones, Lawler, Lawrence, Lay, Thomas Lee, Lewis, Lincoln, Love, Loyall, Lucas, Lyon, Abijah Mann, Martin, Moses Mason, Maury, McComas, McKennan, McLene, Mercer, Miller, Milligan, Montgomery, Morris, Owens, Page, Parker, Patton, Dutee J. Pearce, Pearson, Peyton, Phillips, Pickens, Pinckney, Potts, Reed, Rencher, John Reynolds, Richardson, Robertson, Rogers, Russell, Schenck, William B. Shepard, Augustine H. Shepperd, Shields, Shinn, Slade, Sloane, Spangler, Sprague, Standefer, Storer, Sutherland, John Thomson, Waddy Thompson, Underwood, Ward, Wardwell, Elisha Whittlesey, T. T. Whittlesey, Sherrod Williams, Yell--137.

So the motion to lay on the table was decided in the negative.

Mr. WILLIAMS, of Kentucky, called for the yeas and nays on ordering the main question; which were not ordered; and the main question was then ordered to be put.

Mr. CAMBRELENG called for a division of the question, so as to take the vote separately on each resolution.

Mr. ANTHONY called for the yeas and nays on the adoption of the first resolution; which were ordered.

Mr. PARKER called for a division of the first resolution, making the first branch of the resolution end with the word "House."

The SPEAKER decided this to be out of order, as the latter clause of the resolution would not be a substantive proposition which could stand by itself.

The question was then taken on the first resolution, in the following words: "1. *Resolved*, That any member who shall hereafter present any petition from the slaves of this Union ought to be considered as regardless of the feelings of the House, the rights of the Southern States, and unfriendly to the Union"--and decided in the negative: Yeas 92, nays 105, as follows:

YEAS--Messrs. Alford, Beale, Bell, Bouldin, Boyd, Bynum, John Calhoon, Cambreleng, Campbell, Carter, John Chambers, Chapman, Nathaniel H. Claiborne, John F. H. Claiborne, Cleveland, Coles, Connor, Craig, Cramer, Cushman, Dawson, Deberry, Dromgoole, Dunlap, Elmore, Forester, French, James Garland, Rice Garland, Gholson, Glascock, Graham, Grantland, Graves, Grayson, Griffin, Joseph Hall, Hamer, Hannegan, Hardin, Albert G. Harrison, Hawkins, Haynes, Holsey, Holt, Hopkins, Howard, Huntsman, Jenifer, Joseph Johnson, Cave Johnson, John W. Jones, Lawler, Lewis, Loyall, Lucas, Lyon, Abijah Mann, Martin, Moses Mason, Maury, McKay, McLene, Mercer, Miller, Montgomery, Morgan, Owens, Patton, Peyton, Pickens, Pinckney, Rencher, Joseph Reynolds, Richardson, Robertson, Rogers, William B. Shepard, Augustine H. Shepperd, Shields, Standefer, Taliaferro, Thomas, Waddy Thompson, Turner, Vanderpoel, Ward, White, Lewis Williams, Sherrod Williams, Wise, Yell--92.

NAYS—Messrs. Adams, Chilton Allan, Heman Allen, Anthony, Ashley, Bailey, Barton, Beaumont, Black, Bockee, Bond, Borden, Briggs, Brown, Buchanan, Burns, William B. Calhoun, Casey, George Chambers, Chaney, Chapin, Chetwood, Childs, Clark, Corwin,

Crane, Cushing, Darlington, Denny, Evans, Everett, Fowler, Fry, Fuller, Galbraith, Gillet, Granger, Grennell, Haley, Hiland Hall, Hard, Harper, Samuel S. Harrison, Hazeltine, Henderson, Herod, Hoar, Howell, Hubley, Hunt, Huntington, Ingersoll, William Jackson, Janes, Jarvis, Benjamin Jones, Kennon, Kilgore, Klingensmith, Lane, Laporte, Lawrence, Lay, Thomas Lee, Leonard, Lincoln, Logan, Love, Job Mann, Samson Mason, McCarty, McKennan, Milligan, Morris, Muhlenberg, Page, Parker, Patterson, D. J. Pearce, Pearson, Phelps, Phillips, Potts, Reed, John Reynolds, Russell, Schenck, Seymour, Shinn, Sickles, Slade, Sloane, Spangler, Sprague, Storer, Sutherland, John Thomson, Underwood, Wagener, Wardwell, Webster, Weeks, Elisha Whittlesey, Thomas T. Whittlesey—105.

So the first resolution was rejected.

Mr. PICKENS rose and said, as the first resolution had been rejected, he hoped the mover would withdraw the second.

The CHAIR replied that the resolution could not now be withdrawn.

Mr. HANNEGAN moved to lay the second resolution on the table; which was pronounced to be out of order.

The question was then taken on the second resolution, which is as follows: "2. *Resolved*, That the Hon. JOHN Q. ADAMS having solemnly disclaimed all design of doing any thing disrespectful to the House in the inquiry he made of the Speaker as to the petition purporting to be from slaves, and having avowed his intention not to offer to present the petition if the House was of opinion that it ought not to be presented—therefore, all farther proceedings in regard to his conduct do now cease"—and passed in the negative: Yeas 21, nays 137, as follows:

YEAS—Messrs. Bell, Black, John Calhoon, Carter, N. H. Claiborne, John F. H. Claiborne, Craig, Deberry, Dunlap, Gholson, Huntsman, Jenifer, Lawler, A. Mann, Maury, Peyton, Robertson, Shields, Standefer, Wagener, S. Williams—21.

NAYS—Messrs. Alford, C. Allan, H. Allen, Anthony, Bailey, Barton, Beaumont, Bockee, Bond Borden, Bouldin, Boyd, Briggs, Brown, Buchanan, Burns, W. B. Calhoun, Cambreleng, Campbell, Carr, Casey, George Chambers, John Chambers, Chaney, Chapman, Chapin, Chetwood, Childs, Clark, Cleveland, Corwin, Crane, Cushing, Cushman, Darlington, Denny, Doubleday, Evans, Everett, Fowler, French, Fry, Fuller, Galbraith, Granger, Graves, Grayson, Grennell, Haley, Joseph Hall, Hiland Hall, Hamer, Hard, Hardin, Harper, Samuel S. Harrison, Hawkins, Haynes, Hazeltine, Henderson, Herod, Hoar, Holt, Hopkins, Howard, Howell, Hubley, Hunt, Huntington, Ingersoll, Ingham, W. Jackson, Janes, Jarvis, Joseph Johnson, C. Johnson, B. Jones, Kennon, Kilgore, Klingensmith, Lane, Laporte, Lawrence, Lay, Thomas Lee, Lincoln, Logan, Love, Lucas, J. Mann, M. Mason, S. Mason, McCarty, McKay, McKennan, Miller, Milligan, Montgomery, Morgan, Morris, Muhlenberg, Page, Parker, Patterson, D. J. Pearce, Pearson, Phelps, Phillips, Pinckney, Potts, Reed, John Reynolds, Richardson, Russell, Schenck, Seymour, A. H Shepperd, Shinn, Slade, Sloane, Spangler, Sprague, Storer, Sutherland, Thomas, J. Thomson, Turner, Underwood, Vanderpoel, Wardwell, Webster, Weeks, White, E. Whittlesey, Thomas T. Whittlesey, Lewis Williams, Wise—137.

John Quincy Adams, excused.

So the second resolution was rejected.

A motion was then made by Mr. LANE that the House do adjourn; which was decided in the negative: Yeas 72, nays 84. So the House refused to adjourn.

CASE OF R. M. WHITNEY.

Mr. WISE then rose and said: Mr. Speaker, I thank the House for not adjourning. I will detain it but for a few moments, and I should not press the matter I have to bring to its notice at this time but for the fact that to-morrow, and, indeed, during the whole time of the sessions of the House, my duty will call my attention to the select committee of which I am a member, and from the character of the report itself. It is a report affecting a question of privilege.

I am directed, continued Mr. W., by the committee appointed on the 17th of January last, to report the following resolution, which, I will promise, was adopted by the unanimous vote of the committee. Mr. W. then read as follows:

"Reuben M. Whitney, who has been summoned as a witness before this committee, having, by letter, informed the committee of his peremptory refusal to attend, it becomes the duty of the committee to make the House acquainted with the fact; therefore,

"*Resolved*, That the chairman be directed to report the letter of Reuben M. Whitney to the House, that such order may be taken thereon as the dignity and character of the House require."

Mr. W. reiterated the fact that this resolution had been unanimously adopted, and he sent to the Clerk's table the letter of the witness, together with another letter showing the manner in which the former had been communicated to the select committee.

[This letter was from the Hon. ABIJAH MANN, of New York; but, on application, it could not be obtained.]

Mr. W. continued. I will remark, sir, that by this communication from the member of the committee into whose hands the letter of the witness fell before it fell into mine, this letter of this contumacious witness reached the committee; but I could not, from self-respect, present it. Sir, I considered it disrespectful to the committee as much as to myself personally. I ask that it be read.

Mr. PEARCE, of Rhode Island, said, under the supposition that this subject would come up as the first business in order to-morrow morning, and as it was one that would be likely to produce debate, he moved that the House adjourn.

Mr. MANN, of New York, asked the gentleman from Rhode Island to withdraw the motion for a moment, to enable him to move that the question be postponed till to-morrow, and that the letter of the witness, and the accompanying documents, be printed.

Mr. PEARCE accordingly withdrew the motion.

Mr. WISE. I hope this House will not order that letter to be printed until they see whether it be fit to be printed or not.

Mr. PEARCE then renewed his motion, and

The House adjourned.

FRIDAY, FEBRUARY 10.

CASE OF R. M. WHITNEY.

The unfinished business was the report made last evening, from Mr. WISE, chairman of the select committee appointed to inquire into the administration of the executive departments, stating that Reuben M. Whitney had refused to appear before the said committee; which report was accompanied by a letter from R. M. Whitney, and a memorial from him, sent for presentation to the Speaker on Monday last, but which was not presented, owing to the proceedings in the case of Mr. ADAMS.

The report concludes with the following resolution:

"*Resolved*, That the chairman be directed to report the letter to the House, that such order may be taken as the dignity and character of the House require."

Mr. WISE asked that the communication of R. M. Whitney be now read, that the House might see what was its character, and take such steps as, in its judgment, might be necessary to defend its own dignity.

The letter and memorial having been read,

The SPEAKER said it was proper he should state that on Monday last, after the meeting of the House, a memorial of a similar character was laid on his table. It was not in order on that day for him to present it, nor had it been in order since.

Mr. LINCOLN inquired whether the memorial laid on the Speaker's table was the same as that referred to in Mr. Whitney's letter to the committee.

The SPEAKER said he had glanced his eye cursorily over it, and he was not prepared to say whether it was precisely the same, but, from its tenor, it appeared to be so.

Mr. LINCOLN said that, if it should be the pleasure of the House that the memorial should be now presented, he would give way.

Mr. WILLIAMS, of North Carolina, objected to the presentation of the memorial at this time, on the ground that it had reference to a collateral matter, not now before the House.

Some desultory conversation ensued, and the memorial finally was not presented.

Mr. LINCOLN then stated that, in the few remarks which he had to submit, he should make no reference to any proceedings which might have occurred in reference to the same individual before another select committee of this House.

He would offer the following series of resolutions for the consideration of the House:

Resolved, That Reuben M. Whitney, in refusing to appear as a witness before a select committee of this House, acting by the authority of the House, under a resolution of the 17th January last, after being duly summoned thereto, has been guilty of a contempt of the committee and of the House.

Resolved, That the letter addressed by the said Reuben M. Whitney to the committee, and by the committee referred to the notice of this House, declaring his determination peremptorily to decline to appear before any committee constituted in such manner and of such persons as the pleasure and judgment of the House shall designate, until the House, as a condition precedent, shall have redressed his supposed wrongs, both in the manner and style of communication, is contumacious, arrogant, and offensive; alike disrespectful to the House, and utterly subversive of its rightful authority.

Resolved, That the Speaker of the House issue his warrant, directing the Sergeant-at-arms to take into custody the person of the said Reuben M. Whitney, that he may be brought to the bar of the House, to answer for the contempt aforesaid.

Mr. L. said he had offered these resolutions on his own responsibility. Although the resolution which was appended to the report of the committee had been adopted unanimously, with the exception of the chairman, [Mr. Wise,] who, from motives of delicacy, had not voted upon it, yet they had not thought it proper for them to indicate any course of action for the House to pursue. But, as the report itself presupposed the necessity of some action, he had thought right, as an individual member of the committee and of the House, to prepare these resolutions.

It was his intention to allude to Mr. Whitney only as a contumacious witness. In relation to other charges which had been brought against Mr. W. elsewhere, whether he was corrupt or whether he was oppressed, he (Mr. L.) had not a word to say. It seemed to him that, in the present stage of the business, the House had nothing to do with the memorial, at least until it was properly before the House.

The only question now was, whether he had been guilty of contempt in refusing to appear before the committee; and the question towards Mr. W. was precisely the same as it would be towards any other individual. The first inquiry which presented itself was, had the committee the authority to issue this summons? Mr. L. proceeded to argue that the power of the committee, as the representative of the House, under the resolution which authorized the said committee to call for persons and papers, was undeniable; that Mr. Whitney had been guilty of a legal, technical, constructive contempt, for which he was responsible; and that, if he was not made responsible, it would be useless to attempt to investigate any subject by the intervention of witnesses.

Mr. BRIGGS suggested to the gentleman from Massachusetts [Mr. Lincoln] that the first two resolutions would belong more properly to a later stage of the business; and referred to the cases of Anderson and Houston, on the journal, when the proceeding simply was to call the individuals to the bar of the House, to give them an opportunity to be heard on the question of contempt.

Mr. LINCOLN said he did not offer these resolutions without due reflection. The gentleman would find that there was a reason given in the resolutions for bringing the individual to the bar of the House. This was only a different mode of effecting the same object; more formal, more full, and, as Mr. L. believed, more satisfactory. The first two resolutions were mere introductions to the third.

Mr. BRIGGS said the House was called on by these resolutions to say that this individual had been guilty of a contempt. That was a question in which the individual was deeply interested, and in which he ought to answer. The proper course would be to bring him here, and not to pronounce on his innocence or guilt before he had had an opportunity of being heard.

Mr. LINCOLN could not understand what justification there could be for bringing Mr. Whitney to the bar, unless some offence had been stated. He instanced the case of Mr. Adams, under consideration during the present week, where the offence was distinctly alleged. The first two resolutions assumed the fact of the offence as the basis of the third; but it did not follow that the individual must be condemned. The House must allege some cause as the foundation for its intervention.

Mr. BRIGGS alluded to the case of Anderson, where the letter in which the offence was alleged, and which was its evidence, had been made the basis of a resolution directing the Speaker to issue his warrant for the arrest of the party. In the present case, the authority on which the resolution directing the Speaker to issue his warrant would be founded was the report of the select committee, setting forth the fact of the refusal of Mr. Whitney to attend. The next step was to bring him to the bar of the House, and not to pronounce a verdict against him, as the first resolution did, before he had been heard. The same course had been pursued in the case of Houston. The letter of the individual who stated himself to have been knocked down on the avenue was made the basis for the issue of the Speaker's warrant to bring the offending party to the bar.

He would therefore move to amend, by striking out the first two resolutions; and to amend the third resolution by striking out the words "said" and "aforesaid," and inserting before the word "contempt" the words "an alleged."

After a few remarks from Messrs. LINCOLN, PARKS, and MERCER,

Mr. BRIGGS modified his motion to amend as follows:

Strike out the first two resolutions, and insert the following preamble, &c.:

Whereas a committee of this House have reported that Reuben M. Whitney, of the city of Washington, has peremptorily refused to appear before the said committee to give evidence in obedience to a summons issued by said committee: therefore, *Resolved*, &c., [being the

same as the third resolution heretofore offered by Mr. LINCOLN.]

Mr. GHOLSON called for the reading of the report of the committee; which was read.

Mr. D. J. PEARCE contended that the House, in determining on this attachment, must enter into an explanation of the causes of the refusal; whether those causes were true or false; and whether, if true, they were sufficient to justify his refusal. Something, he thought, was necessary to be shown, beyond the naked fact of refusal.

Mr. HARDIN contended that, inasmuch as the refusal of Mr. Whitney to attend before the committee had been unconditional and absolute, the House ought to direct the Speaker to issue his warrant that the individual might be brought to the bar, and give his reasons here why he did not testify.

Mr. LANE suggested that the resolution should be so modified as to give the sense of the House that Mr. Whitney ought to appear before the committee; and if such should be declared to be the sense of the House, Mr. L. undertook to say that Mr. Whitney would appear and answer questions as he ought to answer them.

Mr. PARKS moved to amend the resolution by striking out the words "alleged contempt," and inserting "to answer for his conduct in so refusing to appear before the said committee."

Mr. LINCOLN here modified his amendment, to read as follows:

Resolved, That whereas the select committee of this House, acting by the authority of the House under a resolution of the 17th of January last, has reported that R. M. Whitney peremptorily refused to give evidence in obedience to a summons duly issued by said committee, and has addressed to the committee the letter reported by said committee to the House: Therefore,

Resolved, That the Speaker of this House issue his warrant, directed to the Sergeant-at-arms, to take into custody the body of Reuben M. Whitney, that he may be brought to the bar of the House, to answer for an alleged contempt of this House.

The subject was further debated by Messrs. PARKS, WISE, D. J. PEARCE, ROBERTSON, MERCER, LINCOLN, and A. MANN.

Mr. BOON moved the previous question; but there was no second.

The question was then taken on the amendment proposed by Mr. PARKS; which amendment was rejected.

And the question recurring on the adoption of the modified resolution,

Mr. THOMSON, of Ohio, moved to strike out all that portion of the resolution which directs "the Speaker of the House to issue his warrant directing the Sergeant-at-arms to take into custody the person of Reuben M. Whitney, that he may be brought to the bar of the House," and to insert "summons directly the Sergeant-at-arms to summon the said Reuben M. Whitney to appear before this House, to answer," &c.; which amendment was rejected.

The debate was continued by Messrs. GRAVES, LINCOLN, and CHAMBERS of Pennsylvania.

Mr. CLAIBORNE, of Mississippi, moved to amend the resolution by adding at the end thereof "and that he be allowed counsel, when brought to the bar, should he desire it."

The amendment was accepted by Mr. LINCOLN, as a modification.

Mr. CLAIBORNE then addressed the House as follows:

Mr. Speaker, (said Mr. C.,) let no man call me the friend of Reuben M. Whitney. If he stood in that group, I could scarcely identify him. I am no lawyer, nor do I appear here as his advocate. I confess myself prejudiced against him. The many charges, mysterious and undefined, which have been brought against him here by gentlemen high in rank—the constant denunciations with which he has been visited—the glittering tomahawk which has been held over his head, like the sword of Damocles—have made upon my mind unfavorable impressions. There are other reasons, sir, which I will not name. But he is an American citizen, accused of a serious offence, and I demand counsel for him. Sir, I voted last session, time after time, in a minority, with the gentleman from Virginia, [Mr. WISE,] for his committee of investigation. I voted uniformly for it this session; but I will not consent that a resolution shall pass to drag to this bar a free citizen of the republic, to be tried by those who are prejudiced against him, without securing to him the privilege of counsel. I denounce it as a high-handed and arbitrary proceeding, unworthy of the age in which we live, and disgraceful to the tribunal that sanctions it.

[Mr. LINCOLN here rose and accepted the amendment offered by Mr. CLAIBORNE.]

Mr. C. continued. I am glad that the gentleman has agreed to this act of justice. It removes from this proceeding its most obnoxious feature. But I doubt, if I do not deny, the propriety of dragging Whitney to this bar. I have my doubts whether he has been guilty of a contempt. Sir, your doctrine of contempts is a dangerous doctrine, that originated in times unfavorable to human liberty; in those old days of privilege and prerogative, when the rights of the citizen, if understood, were not defined, and when parliamentary bodies were used by Kings as instruments of oppression and persecution. The power of Congress to punish for contempts, if such a power exists at all, is not expressly conferred, but is incidental, and arises *ex necessitatis rei*. Where is the clause in the constitution making the grant and defining a contempt? Sir, it is a constructive and incidental power. The powers and privileges of Congress are not, like those of the British Parliament, unlimited, undefined, and omnipotent; on the contrary, they are abridged and specific. Our courts of justice have the power to punish for contempts; but it is not a constructive power, arising out of the mere act that established them, but was conferred by a statute, restraining in its character, in 1789. The common law does not invest the federal courts with this power, nor can we derive it from the common law. As a system, the common law does not constitute any part of the law of the United States, according to the highest courts of the country; an opinion, too, upon which Congress has uniformly legislated. No department of Government can therefore derive any such authority from it. In 1831, after the memorable trial of Judge Peck, of Missouri, Congress deemed it necessary to define, by law, the nature of contempts of court.

Mr. Speaker, this whole doctrine of contempts, as held in England, is dangerous and tyrannical, not only because it is undefined, but because from it there is no appeal. One court cannot supervise the decision of another. There can be no appeal, for instance, from the King's Bench to the Common Pleas, nor from the Chancery to the Exchequer. However wrong the judgment, or evident the error, or severe the punishment, there can be no appeal. The power is unlimited, beyond control, and may be applied, without cause, whenever the ruling party thinks proper to adjudge it. Sir, if the common law is not in force here, if we have no *lex parliamenti*, if all our privileges are strictly limited and defined, whence do you derive the power now assumed? Have your deliberations been obstructed? Beware, sir, how you venture upon these constructive doctrines to deprive a freeman of his liberty. How long will it be before a majority here may muzzle the freedom of the

press, and punish a difference of opinion as a contempt? We shall have revived upon us the sedition law. Beware, Mr. Speaker, of English precedents unfavorable to individual rights.

"To introduce examples from the British House of Commons," observed the late Chief Justice Parsons, of Massachusetts, in a case of legislative privilege before him, "cannot much illustrate the subject. The privileges of that House are not derived from any written constitution, but have been acquired by the successful struggles of centuries, directed either against monarchy or an hereditary aristocracy. The exertions of the Commons have generally been popular, because the people were supposed to reap the fruits of them. In this State we have a written constitution, formed by the people, in which they have defined not only the powers but the privileges of the House, either by express words or by necessary implication. A struggle for privileges in this State would be a contest against the people, to wrest from them what they have not chosen to grant."—(4 Msss. R. 1.)

Ours is a written constitution. The powers and the privileges of Congress, which may be in some measure regarded as distinct, are there laid down. We cannot transcend them. Any effort to enlarge them would be to usurp from the people authority heretofore not granted to us by them. Tell me, sir, where is their grant to you to issue a warrant against Whitney? You arraign him before a tribunal prejudiced against him; some of those who compose it are his avowed enemies; you try and convict him; there is no appeal from your verdict; you may imprison, fine, mutilate, or even transport him, and there is no redress. You claim this stupendous power as an incidental right, for it is nowhere granted. Sir, do you think the people will tolerate an assumption so monstrous? I deny that you have any constitutional authority to sustain this doctrine of constructive offences. You might be pardoned for assuming incidental powers to preserve this body from indecorum or violence; but, in a case like this, where no actual violence has been committed, where no positive indignity has been offered, and where a citizen merely declines to appear before a committee, whose chairman, he alleges, has menaced his life, the exercise of such a doubtful prerogative would be very inexpedient.

Sir, there is one striking difference between the British Parliament and the American Congress. The former considers itself a court of general, and, in respect to contempts, of exclusive jurisdiction, claiming to derive from the custom of Parliament, which is part and parcel of the law of England. All the books so recognise it. Its judicial powers were fully shown in the celebrated debate, in 1771, upon a resolution to punish the Lord Mayor of London for an alleged contempt. In 1830, however, in the House of Peers, the Lord Chancellor, in the teeth of all previous authority, denied the existence of punitive power in Parliament. He admitted that it could imprison for self-protection, but not punish in any other mode. Now, sir, if such a doubt was entertained by one of the highest functionaries and one of the ablest lawyers in England, in the face, too, of those innumerable precedents cited by Lord Raymond, Coke, Salkeld, Chitty, East, and others; if he declares its exercise unfavorable to public liberty, is it unreasonable for us to doubt its constitutionality in this country, and the expediency of resorting to it? Sir, when we exercise this power of arresting and holding in custody a citizen, do we not violate that part of the constitution which declares "that no person shall be deprived of liberty or property without due process of law?" In the well-known case, in 14 East, of Burdett *vs.* Abbott, when it was contended that the arrest of Burdett, for a contempt, was in violation of that celebrated act of Parliament from which this clause of our constitution was derived, Lord Ellenborough declared that it did not violate that act, because it was authorized and warranted by the law of Parliament, which was equally the law of the land. Sir, that answer may have been very correct in England, but it cannot be sustained in this country, where there is no such law, and where there is no express grant of such a power in the constitution. There is no more dangerous power than that which justifies the punishment of constructive contempts. Unlimited, undefined, unknown to the people, its exercise comes upon the citizen like the penalties of the laws of the Roman tyrant, which were printed in italics, and elevated beyond the reach of vision.

Whence is this prerogative derived? If from the constitution, point out the clause. If conferred by the constitution, is it not the duty of Congress, before resorting to it, to settle and define its boundaries, and to prescribe the penalties by law? But it is said to be a necessary incident of a legislative body, necessary to preserve its existence, and enable it to transact the public business. There may be some foundation for this delicate but dangerous claim to inherent, undelegated grants, as regards actual contempts committed in the presence of this body, and obstructing its operations. Such a claim may be allowed on the principle of necessity; but where is the necessity of the power in regard to constructive or implied contempts, and what is the limitation upon it? The moment we step beyond the doctrine of punishment for actual offences of this kind, we venture upon a *terra incognita*, whose boundaries have never been delineated; whose powers and extent have never been defined by any code, ancient or modern. Let us pause, and closely examine the tenures by which we claim, before we enter upon grounds so uncertain, so dangerous, so obnoxious to the spirit of our Government and people. It may be very convenient for this House to punish a citizen for an implied misdemeanor; but the convenience of the doctrine does not grant the power. Show me, sir, a case of absolute necessity to warrant the exercise of this power. What is the doctrine of constructive contempts? How far does it go? Where does it stop? If you send interrogatories to a citizen of Virginia, can you drag him from his home and incarcerate him here, should he refuse to answer? Or would you consign him to the jail of his own county? Who would arrest him? Who commit him? If you fined him, who would collect it; and, when collected, how would you dispose of it? Sir, in my opinion, an action would lie against your Sergeant-at-arms for the false imprisonment of Whitney; and a judge would be bound to release him on a *habeas corpus*. Would you arrest this judge for a contempt? Suppose a citizen should shut himself up in his castle, and resist your process even unto the death of your officer; would you try, and condemn, and execute him? How, when, where? Suppose your Sergeant should apply to a magistrate of this city for a *posse comitatus*, and be refused, would you punish the magistrate for a contempt? Can you punish editors who speak contemptuously of your proceedings? If so, God help the letter writers! Can you convert this House into a judicial tribunal, which shall be judge, witness, accuser, and prosecutor, in its own case, and inflict any punishment it chooses? If so, where is the freedom of the citizen; where our boasted trial by jury; where that "due process of law," that "liberty" guarantied by the constitution? Carry out these undefined, discretionary doctrines, and it will demonstrate either your unbounded power or your utter impotency. Tell me not, sir, of the precedents of the British Parliament. That is a body confessedly omnipotent. This is one of limited powers. Their claim to punish for offences of this nature is drawn from a system of recognised law.

We are mere agents for the exercise of limited and specific grants; and I thank God that it is so. I rejoice that freedom of speech and the right of self-defence cannot be curtailed; that all your enactments in relation to these are void; that gentlemen cannot, if they would, have a legislative *auto da fe*, and burn every man for contempt who will not follow them or applaud their acts.

I come now, Mr. Speaker, to my second position. I deny that this House can justly punish any one for a contempt or breach of privilege, so long as the gross and outrageous procedure of the member from Massachusetts [Mr. ADAMS] remains unpunished. Sir, it is mockery to carry out this solemn farce. Talk not to me of vindicating your insulted dignity by the prosecution of Whitney. You have no dignity to vindicate. [Here the Chair interposed, and said that the rules did not permit reflections upon the House.] Mr. Speaker, (said Mr. C.,) I wish to violate no rule, and will confine myself to matters of fact. An outrage long matured, maliciously devised, and boldly perpetrated, has been offered to this House, in the face of the whole country. Your rules have been violated, and your judgment defied, by one who rejoices in the alarm and excitement he occasions, like the midnight incendiary who fires the dwelling of his enemy, and listens with pleasure to the screams of his burning victims. [The Speaker again stated that personal remarks could not be allowed.] Sir, (continued Mr. C.,) I speak as a creole of the South, a slaveholder and a planter, whose all of earthly hope is identified with Mississippi, when I denounce the conduct of that member as disgraceful and unpardonable. [Cries of "order!" in the neighborhood of Mr. ADAMS, and of "go on! go on!" from the Southern members.] Sir, if the rules allowed me, I would say that, instead of trifling with Reuben M. Whitney, this House had better redeem its lost reputation and atone to the outraged South, by visiting upon this political Erostratus the punishment due to his crime.

Sir, if a man, venerable for his age and station, heretofore high in the confidence of his country, and endowed with extraordinary abilities, not diminished by the wear and tear of time, is suffered in this hall, under the broad light of heaven, thus to insult you, I say you have no right to take cognizance of a doubtful offence committed by an obscure citizen. If you meanly shrink from chastising where chastisement is due, if you suffer the proud and influential to escape, and vent the fury of your passions upon a powerless citizen, you will stand before the country like some tyrant king, feared indeed, but distrusted and despised. Why is it that so many here, who have been conspicuous in crying order! order! at every violation of the rules, who are so prudish, petulant, and squeamish, when their own dignity is disputed, are willing to engage in this prosecution, when they have just refused to censure the perpetrator of an outrage that has no parallel in parliamentary history? Sir, when gentlemen answer me this, *in foro conscientia*, I will calmly listen to their arguments for this prosecution. I will try to be persuaded of the propriety of converting this body into a grand council, to sit upon political creeds, and determine what is heterodox in our articles of faith, or into a committee of inquest, the instrument of defeated minorities or triumphant majorities, empowered to prosecute and punish obnoxious individuals.

Mr. Speaker, I have hitherto sat in silence, when the subject of slavery has been brought up here, and stifled within my burning bosom the sentiments which I could not utter. From my earliest childhood I have been taught that none but a slaveholder had a right to discuss the subject; and when I heard gentlemen constantly declaiming about it, nothing but your rigid rules prevented me from saying that the utterance of such sentiments in the State from which I come, by a statute drawn by my own hand, would doom them to the highest punishment known to the law. Let not gentlemen seek to disguise their designs by confining their remarks to the abolition of slavery in this District. It stands here, as in the States, upon a tenure which you cannot dispute. It is a vested, indefeisible, inalienable right, existing prior to the cession by Maryland and Virginia—a right which those States did not and could not surrender. They themselves have no such power to violate vested rights. I deny your jurisdiction over the question, in any form; you have no authority to entertain it, even for a moment. It is a flagrant and dangerous assumption of power; a stretch of prerogative that can never be submitted to. Whenever such a power is assumed, you affect the stability of property, you violate a sacred charter, you throw open to every invader the closed portals of the constitution. You manumit by fraud and violence the slaves that you affect to pity; you doom them to beggary, outlawry, prostitution, and crime, and turn against them the arms of their own masters. Sir, gentlemen are eloquent on this subject. All their eloquence falls like an iceberg on my heart. I feel the impropriety of their course. I see it in the alarm and distrust they have produced, in the anxious vigils of my neighbors, in the broken slumbers and startling dreams of the beautiful beings that we idolize and watch. What comfort, what guarantee, do your promises carry to the insulated plantations of the South? What know you of our condition, living, as you do, in crowded cities, where your lamp-eyed streets are sentinelled, and ten thousand bayonets bristle for your protection? Sir, your false benevolence, your officious interference, your incendiary publications, have already done us irremediable injury. You have demoralized our slaves, and fired them with discontent, and made them feel a chain which they never felt until now. In their natural condition, before your emissaries came among us, they were more honest, virtuous, and independent, had more pride of character and love of country, than nine tenths of the incendiaries that sign these petitions. Mr. Speaker, I am no prophet of evil, and speak no Cassandra voice; but I tell you, in the names of the 50,000 freemen I represent, that we must be quieted on this question; not soothed, not drugged with opiates into temporary apathy, but we must receive a solemn assurance that our rights are neither to be questioned nor debated. When I speak of the South, I include this District. We plant our feet on this position. If you can legislate on the subject here, you have jurisdiction in Virginia. If you preach your crusade in this metropolis, the contagion will soon spread in the adjoining States. If you locate your colony of free negroes and enthusiasts here, you establish a battery from which may be thrown burning shells, filled with mischief and massacre, into every dwelling in the South. Here will be the rendezvous; here bigotry will muster its forces; from this political Vatican it will send forth its anathemas; and, in a few years, a Southern man will be hissed as he walks that avenue. Mr. Speaker, I will not impeach the great body of the people of the North. It may not be her fault that the red squadrons of fanaticism are careering through her territories; that there is now in her bosom an agrarian and Vandal spirit, which would shake the Doric edifice of her morals, and trample down the Corinthian porticoes of literature and art. But it will be her crime if she does not resist and stifle its denationalizing stream, until it swells into a tide of blood. It will be her crime if she sits tamely by, while her sons heave in among us poisoned missiles and burning tiles. Sir, in times gone by this would not have been allowed. One common blood cemented the broad altar of liberty around which we worship. When

the iron hurricane of war swept over this country, our fainting banner was borne aloft amid the dun battle and the dusky storm by united valor. And now, when the confederacy is sought to be destroyed; when the incendiary is lighting his torch, and the vultures of society are looking on with felon eyes—oh, now! may the sainted spirits of the dead, may the holy memories of the past, inspire the brave and patriotic, in every quarter of the North, to rally upon the ramparts of the constitution. Sir, with my hand on this heart, I can freely say that, in defence of the Union, I would shed my blood. But there are rights and institutions dearer still—part of our inheritance, essential to our existence, indispensable to our peace; and I should be a traitor and a craven to shrink from their defence. Sir, continued Mr. C., my talented friend from South Carolina, [Mr. Pickens,] in a speech of extraordinary eloquence and passion, declared that, on this subject, the South had no fears. I differ with that honorable member. I do fear, sir; not for my sunny State; not for my gallant constituents; not for our fleecy fields; not for our spreading commerce; not for the innocent that cluster around our firesides—but for this glorious Union. We fear for this, sir; the horrid consequences, the long years of war, the conflicts between anarchy and despotism, growing darker and bloodier in the dusky vistas of futurity. I pray God, sir, to preserve our country. Mr. Speaker, if this House joins the abolitionists; if you thus permit their avowed organ upon this floor to menace us with a future interference with our domestic rights, I warn you of the catastrophe that is at hand. We will abandon your councils; we will seize our arms and tear down the banner of union that floats over our heads. On you be the crime—on your hands the blood. But by our common ancestry, by the recollections of the past and the hopes of the future, by the altars of our holy religion, by our hundred battle fields and the bones that rest upon them, I implore you to retrace your steps. Sir, we are on the verge of a frightful crisis. Look abroad for the evidences of alarm that crowd upon the eye. See this paper, now circulating here, boding of disunion. View your excited galleries. In that one, see a thousand freemen in solemn crowds, as if to witness the funeral obsequies of the republic. In this, a splendid array of beauty, imploring you, with the eloquence of grief, to save them from the consequences of yesterday. Sir, will you suffer it to go forth to the world that, by a vote of this House, you have asserted the right of Southern slaves to petition for their freedom? Will you pause to punish an obscure citizen, while you allow the member from Massachusetts [Mr. Adams] to banquet upon the excitement he has occasioned?

Who, sir, is this Reuben M. Whitney, that the House should pause now to inquire into his offences? He has been denounced, week after week, on this floor, as a perjured traitor, knave, and villain. Grant that he is. Have these denunciations made no impression? Have they not been aided by all the seductions of eloquence, the influence of character, and the contagion of passion? Have they left no prejudices in the minds of members, against the accused? Have these burning anathemas, caught up and circulated by a thousand pens, been forgotten? No, sir; no! If it be possible for a body like this, where the ordinary rules of evidence and pleading cannot be strictly observed, to form a correct judgment in any criminal prosecution, I insist upon it that, in this case, we should not go into a trial. How many here can put their hands on their hearts and say they have no preconceived opinions unfavorable to the accused—opinions imbibed from rumor, from the press, from the repeated charges made against him here? How many, I say, are qualified to act as judge or juror? Let gentlemen place themselves at that bar, in the position of the accused, and say if they would not challenge the right of every other man to enter upon trial. He may waive the right to plead to your jurisdiction, but gentlemen themselves should apply the right of challenge, not permitted the accused at this bar, but granted to every felon arraigned before our courts of justice. Sir, I make no appeal to the sympathies of this House. I will not speak of the injury that may have already been done to one who is possibly innocent; of the loss of public confidence, and the pressure of public scorn; of fortune blighted, and future life made wretched; nor yet of those, the heart-stricken and the innocent, who must drain with him the dregs of this bitter cup. But I must ask you to look calmly at the case. On the one hand, a tribunal, composed of the representatives of a great people, claiming to live under a Government of equal laws; and on the other, an obscure citizen, denounced, as they think justly, by gentlemen of great distinction, ferreted by the press, snarled at by the terriers of society, "Tray, Blanch, and Sweetheart," at every corner of the street. In this view of the case, I ask justice for the accused—justice for yourselves. If crime he has been guilty of, there is no law defining that crime. If he is to be put on his trial, there are no settled rules prescribing the mode of trial. If judgment be pronounced against him, there is no other court to which he may appeal this side the grave! Sir, in the great volume of English history you will find many prosecutions of this character. But they were in times long gone by; and now, when the feelings that prompted them, and the judges, and their victims, are buried in the same oblivion, we view them as the relics of feudalism, and instructive but revolting examples of human injustice and infirmity. In more modern times, these prosecutions have been rare, and, before being brought to a conclusion, have been generally swept away by the currents of public disapprobation. "In vain," says an able writer, "have courts of justice and juries of our fellow-citizens been exclusively intrusted with the high and delicate discretion of interpreting the laws and the facts on which depend the rights, the property, and the reputation, of every citizen." In vain has the constitution provided ample securities for all these. In vain have the laws explained and reinforced these provisions. In vain is every safeguard of constitution and law, of court and jury, if a naked resolution of Congress can overleap and prostrate them all; coerce the production of private papers; oblige a man to disclose the history of his whole life, and compel him to answer, even though he may criminate himself; and all this without the forms of justice, without judge or jury, and before a tribunal whose jurisdiction is without limit or appeal. If a judge decides erroneously, or corruptly, or from the impulse of passion, he may be impeached, tried, and degraded. His decisions may be set aside, and justice, however tardily, finally administered. But what remedy or resource is left to the citizen, whose feelings have been assailed, whose person threatened, whose reputation crushed under the weight of our displeasure? Whom shall he look to for redress? Can he procure our impeachment? Can he bring his action of damages against the imbodied representatives of the people? No, he is left without resource; like the victim of the inquisition, he must bear his tortures as best he may, and thank Heaven that, though his limbs are dislocated, he has escaped with life.

Mr. Speaker, in conclusion, I ask, shall a body, no longer respected for its moderation and dignity, and not respecting itself; which has become, in some measure, an arena for the exhibition of angry passions and furious gladiators; where scenes of violence and disorder have so often been allowed to go unpunished; where your rules are set at defiance with impunity; where, not five

years since, the member from Massachusetts [Mr. ADAMS] refused to vote, and persisted in that refusal, in contempt of the decision and the written rules of the House; and at the very same session, a member (Mr. Stanberry, of Ohio) was suffered to insult the Speaker, and to order him out of the chair, and forty-four members refused to censure him; where, in fact, every thing derogatory to a deliberative assembly has been tolerated; shall such a body, in the exercise of an implied, substantive, and dangerous power, proceed to arraign and punish an American citizen for declining to appear before a committee—not out of contempt, as he declares, to it or this House, but because its chairman had threatened "to take his life, if he moved his arm one inch?" Sir, this is a question which the people of this country, without distinction of party, will answer. They will not inquire into the character of Whitney, his acts, past or present. They will recognise him as a citizen of this republic, entitled to the protection of its laws; and, however the passions or the prejudices, or the convictions, of this body, may decide against him, for this alleged contempt, be assured the people will reverse your judgment.

Mr. BOON had but very few words to say as a reason why he should vote against the resolution then pending before the House. Sir, (said Mr. B.,) we are now within a few short days of the close of a short and a last session of Congress, with an unusual number of bills upon the Speaker's table, of the greatest importance to the whole people of the country, which must and will fail to receive the final action of Congress at the present session, should this resolution be adopted by the House. Sir, pass this resolution, and what will then follow? Why, sir, Reuben M. Whitney will be brought before the bar of this House by your Sergeant-at-arms, and a formal trial will be entered into; and, under the provisions of the constitution, you cannot deny to the prisoner at your bar the right of being heard in his defence, by himself or counsel. In the House an interminable debate will spring up, to the entire exclusion of all legislative enactments whatever on the more important interests of the country.

Mr. B. then adverted to the case of General Samuel Houston, who was brought to the bar of that House some years since for an alleged contempt. In the case referred to, Mr. B. said that he was one of the memorable twenty-five who voted against the arrest of General Houston. A majority of the House, however, passed the resolution, and General Houston appeared at the bar of this House in the custody of your Sergeant-at-arms. He was heard in his defence by himself and counsel; and, after days and weeks had been spent in useless discussion, the House of Representatives found that there was no law defining what should be considered a contempt to the House, or the power of the House to punish any individual for an alleged contempt! It was finally resolved by the House that Samuel Houston be reprimanded by the Speaker, and that he be discharged from the custody of the Sergeant-at-arms. Thus ended the farce in the case of Houston; and, in like manner, it will end in the case of Reuben M. Whitney. Mr. B. said that he did not know any thing of Reuben M. Whitney more than what had been said of him by others in and out of Congress; but, sir, continued he, I confess that I am not inclined to think as favorably of him as, perhaps, I might have done, had he defended himself against the attacks said to have been made upon him, as I would have done under such circumstances.

In conclusion, Mr. Speaker, I may be permitted to say that, if, indeed, Reuben M. Whitney be the man that he has been represented to be by gentlemen standing in their places on this floor, I cannot see the propriety of his being called or summoned to give evidence in any case whatever. I shall vote against the resolution in any possible shape in which it may be presented.

Mr. TURRILL said, as the question which was about to be decided was a very important one, affecting the personal liberty of an American citizen, he rose for the purpose of asking for the yeas and nays, that he might have an opportunity of recording his vote against it; and, sir, (said Mr. T.,) while I am up, I will state some of the reasons for the vote I am about to give. I cannot remain silent; I should be guilty of a gross violation of my duty as a Representative on this floor, were I to sit by and see a citizen, however humble his condition, deprived of his liberty under the circumstances of this case, and not enter my protest against it.

What, I would ask, (said Mr. T.,) is the resolution under consideration? What does it propose to do? Sir, it directs the Speaker to issue his warrant to the Sergeant-at-arms, requiring him to take an humble citizen from his own fireside, from the bosom of his family, drag him, as a culprit, through the streets of this city, and as such hold him up at the bar of this House to the gaze of the nation—and for what? Yes, sir; for what, I would ask, (said Mr. T.,) is a private citizen to be thus dragged from his home? Why are his feelings and the feelings of his family to be outraged? Because, sir, he refuses, for reasons contained in his letter to the committee, to appear and give evidence. To his mind, at least, the reasons are sufficient to justify the course he has taken. From the papers on your table, Mr. Speaker, it appears that this individual, who is about to be taken into custody for an alleged contempt, complains that, while he was giving testimony before a committee of this House, in obedience to a summons, he was grossly insulted, and an outrageous assault was made upon his person by two members of that committee. It also appears, from the papers submitted to the House, that this witness has been waiting at the doors of this hall for a week or ten days, seeking an opportunity to present his petition to the House, asking an inquiry into the facts and circumstances connected with the assault thus made upon him, and praying the House to take measures to protect him from similar assaults in future; but during that time he has not been able to lay his memorial before the House.

Sir, (said Mr. T.,) I take a different view of this case from some gentlemen who have spoken upon it; they seem to think the witness has been guilty of a technical contempt, in refusing to appear before the committee, and that we cannot now inquire into the reasons assigned by him for not obeying the summons. We must wait, say they, until he is brought to the bar of the House; until he gives his reasons here, when arraigned to answer to the alleged contempt. Sir, (said Mr. T.,) I cannot subscribe to this doctrine.

In the same letter, in which the witness refuses to appear before the committee, he gives the reasons why he cannot obey its summons. Those reasons are before us; and if, in our opinion, they are sufficient, he stands justified, and we have no right to bring him here to answer to a technical or an alleged contempt. Suppose (said Mr. T.) that the witness had returned for answer that he was confined to his bed by sickness, or that his wife or child was at the point of death, and he could not obey the summons; would you say that there had been a technical contempt? that you would not now pass upon the reasons given by the witness? Would you direct the Speaker to issue his warrant, requiring the Sergeant-at-arms to bring the witness from his sick bed, or from the dying couch of those most dear to him, to give his reasons here? Certainly not, sir. The House would say at once, without hesitation, that the reasons were sufficient, and that no contempt whatever had been committed.

In the case under consideration, the witness informs the House that he cannot, in his opinion, obey the sum-

mons, without subjecting himself to gross personal insult; that he cannot do it without even putting his life in jeopardy; and he states the facts and circumstances upon which that opinion is based. He invokes an inquiry into the accuracy of his statements. Now, sir, (said Mr. T.,) I, for one, have no hesitation in saying that, if all Whitney states in his communications be true, he was perfectly justifiable in refusing to appear before that or any other committee of this House, until the House itself shall, by some act on its part, show a fixed determination to maintain its own dignity, by extending the most ample protection to witnesses summoned to give testimony before its committees. The whole American people will justify him. Every individual in the nation will commend him for the course he has taken.

Sir, (said Mr. T.,) gentlemen who have debated this question have made a false impression upon the House. From their remarks, one would naturally conclude that the committee had passed upon the reasons assigned by the witness, and come to the unanimous conclusion that they were not sufficient, and that the witness was guilty of a contempt. That is not the case, sir. The committee did not consider those questions at all. The committee expressed no opinion whatever upon that subject, for aught that appears to us. The committee believe that the reasons are sufficient. The committee have only reported the facts; this is all they had a right to do. It is now for the House to say whether the facts, as set forth in the papers submitted by the committee, furnish a sufficient excuse for the witness. For one, (said Mr. T.,) I have no doubt upon that point; and it appears to me that there cannot be a doubt entertained by any one. Sir, (said Mr. T.,) if the facts be correctly stated by the witness—if he was assaulted in one of your committee rooms, as stated by him—until this House redresses the injury he has thus sustained—until it vindicates its own character—I cannot and will not vote to compel the witness to obey the summons of one of its committees. Until this House shall do what ought to be done in the premises, I will not give my vote to bring that witness, or any other individual, by the strong arm of the law, even if we have the power to do so, to the bar of the House, to answer an alleged contempt for refusing to appear before any of your committees.

I hope, sir, (said Mr. T.,) that the yeas and nays will be ordered, so that I can have an opportunity of recording my vote against a resolution the object of which is to bring an American citizen to the bar of this House, to answer to a serious charge, for doing what, in my humble judgment, it was his duty to do—a duty which he owed to himself, to his family, and to his country.

Mr. THOMSON, of Ohio, called for the yeas and nays on the adoption of the resolution; which were ordered.

The House was further addressed by Messrs. THOMSON of Ohio, GARLAND of Louisiana, HARDIN, WISE, PEYTON, ASHLEY, and JENIFER.

Mr. GHOLSON addressed the Chair as follows:

Mr. Speaker: I am aware that there exists a variety of opinions as to the power of this House to punish acts not interrupting the proceedings of the House nor committed in its presence, as contempts. This resolution assumes the facts that a contempt had been committed, and that the House possesses the power to punish it; and it is now proposed that, without further inquiry, we shall deprive a citizen of his liberty, and direct our Sergeant-at-arms to seize and hold him in custody. I do not believe this House possesses any such power.

Mr. Speaker, I am of opinion that the report of the committee, upon which this proceeding is founded, is based upon the letter of Mr. Whitney, given to the House by the committee; and, as such, the House must, in coming to a conclusion, take into consideration the letter of Whitney, and the reasons given in that letter for his refusal to appear before the committee. Mr. Speaker, I am one of those who deny the power of this House to punish for constructive contempts. I, sir, do not believe there is any power given to this House, by the constitution, to punish a citizen of this country for a constructive contempt growing out of his refusal to appear before a committee of this House, standing as the present witness does towards the chairman of that committee. Sir, there is no law giving authority to place an American citizen under duresse under such circumstances; and I, sir, for one, never can give my consent to see authority exercised by this House that I do not believe it possesses; but it is said the exercise of this authority is necessary to the preservation of our rights. Sir, I think such a preservation of our rights as this promises, ere long, to take from us the rights we now have. Gentlemen talk of the rights and dignity of this House, and say they must be respected. I say to them that we, as the representatives of the people, come here with delegated powers, and are bound to keep within the pale of the constitution, which constitution is the palladium of our rights and liberties, and gives this House no power to place an American citizen in the custody of our Sergeant-at-arms for a constructive contempt. Sir, after the proceeding of this House in relation to the honorable gentleman from Massachusetts, and his petition from thirty-two slaves, what is this House to consider a contempt?

Sir, it is contemptuously asked by honorable gentlemen on this floor, who is the contemptuous Reuben M. Whitney? I answer, that I know him only as an American citizen; and, as such, entitled to all the privileges and immunities of the constitution. I ask gentlemen, in return, from what source do they derive the power to place him in custody? I tell gentlemen, at the outset, that precedents from the British Parliament cannot be received by me as authority for the arrest of an American citizen. I, sir, have the honor to represent in part the highly honorable, democratic, and patriotic people of Mississippi; a people who, from the democratic character of their institutions, are known to be tenacious of their rights; and I cannot, as their representative, sit idly here and see one known to possess the high and exalted privileges of an American citizen arrested by order of this House, brought as a prisoner to answer at the bar, without attempting to arrest the course of usurpation, and exercise of such usurped power, on the part of this House, over the rights of the people.

Sir, the doctrine contained in the parliamentary annals of Great Britain, and given in the precedents of the House of Commons, is utterly repugnant to the spirit and genius of our republican institutions. The English law of privilege, and the power of the British Parliament to punish for contempts, is undefined, unlimited, and unknown to the subject except as particular cases occur, in which Parliament, in their omnipotent discretion, choose to exercise it. Thus it is that the infliction of punishment is the first evidence of the existence of the rule under which it is inflicted.

Mr. Speaker, let us inquire for a moment into the circumstances under which it is proposed to bring Mr. Whitney before this House.

Sir, by the very terms of the resolution under which we are to act, it is for an alleged contempt, and that allegation sustained only by construction. Sir, the honorable chairman of the committee before whom Mr. Whitney has refused to appear, and for which refusal this proceeding is instituted, has, according to his reported speech, made on this floor, asserted that he would, on a certain occasion, and that, too, whilst he was acting as a member of a committee appointed by the order of this House, and at a time this witness, Whitney, was before that committee as a witness, and whilst this hon-

orable chairman was acting in a judicial capacity, have taken the life of this witness if he had moved his hand. Yes, sir, if he had moved his arm one inch, even in his own defence, the honorable chairman of this committee informs us that he would have taken his life; and that in defence of his friend, the honorable gentleman from Tennessee, who, he states, was rushing upon Whitney.

[Here Mr. WISE explained.]

Mr. Speaker, the honorable gentleman's explanation amounts to the same thing that I had stated; he admits that his friend, the honorable gentleman from Tennessee, was advancing upon Whitney, whilst Whitney was before the committee as a witness. Sir, I am not to be deterred by the honorable gentleman's implied threat, nor by his imputation and "insinuation" that I had misquoted him.

[The SPEAKER stated that he had not understood the honorable gentleman from Virginia to make any threat, or he would have interposed; and that the gentleman from Mississippi must not make personal allusions.]

Mr. Speaker, I shall, in arguing this question, pursue the same course that other gentlemen have pursued on this floor. I assure the honorable gentleman from Virginia, that if he expects to intimidate me, he has mistaken his man. I shall pursue my own course, without regard to his implied threat. Then, sir, what is the distinguishing difference in the statement first given, and the one now given by the honorable gentleman who is chairman, and before whom Whitney refuses to appear? In either event, the life of Whitney was to be taken, even if he defended himself against the honorable gentleman from Tennessee; and it is for this that gentlemen say he has been guilty of a contempt of this House. Sir, I am not prepared to force a witness before a committee, when the chairman of that committee stands in such relation towards the witness as the honorable chairman does in this instance. Then, I ask, is it a contempt of this House for a witness to refuse to appear before a committee of this House under such circumstances; and has this House the power, and will we be acting in accordance with the authority vested in us by the constitution, to have the witness brought to the bar of this House to answer for such refusal? I certainly think, upon examination, it will be found that this House possesses no such power.

If the witness be sent before the committee, self-defence is the paramount law of our nature. Self-defence is one of the natural rights that all men in this country possess. Self-defence is one of the inalienable rights, dear to this witness, secured to all American citizens by the very nature of our free institutions; and, if he goes, he must be permitted to go before the committee armed for his own protection; for he is apprized of the feelings of the honorable chairman of the committee towards him, by the expression of the honorable gentleman made on this floor. Sir, if we force the witness before the committee, and he goes there armed, (and I hold that we cannot think of forcing him there without the power to protect himself,) may not the result be such as we would regret, and would we not be responsible for the consequences? Let me ask, will not Whitney commit a greater contempt by going before the committee armed than he has done in refusing to go before the committee under the circumstances of this case? Then, sir, I believe Whitney, under the circumstances, is justified in refusing to appear before the committee. Then, if we order Whitney into custody, and to be brought to the bar of this House to answer, as a criminal, will we not do so in violation of all his rights as a citizen, and will we not establish a dangerous precedent? Has this House the power to try offenders? Has this House the power to fine and imprison? And do gentlemen intend to carry out the doctrine of the British Parliament; which is, that the Parliament is omnipotent? Does not the constitution secure to all men the right of trial by jury; and, if we bring him to answer at the bar, will we not try him by two hundred and forty judges? The honorable members of this House, who will sit as judges in their own case—for he is to be tried for a contempt to this House—we, the members composing this House, then, surely, are not his proper triers; and if we convict him, what punishment can we inflict? Is it not a solemn mockery to order the Speaker of this House to say to him, Sir, in accordance with the order of this House, I am instructed to reprimand you; you are, therefore, hereby reprimanded? And this, too, will be without the authority of the constitution, and in direct violation of the rights secured by that sacred instrument. But gentlemen say this is necessary to secure the dignity and enforce the power of this House. What! necessary that we should disregard the rights of our citizens, and say to the people of the United States, that we, the House of Representatives, possess and exercise unlimited control over the persons of our citizens? I understand the constitution to have been formed for the purposes, amongst others, of protecting our citizens from the aggressions of those in power; and we have no right to protect ourselves, as a body, beyond the rights secured to us by that instrument, which rights are fully defined. Let me ask gentlemen if this is the language of republican democracy? If it is, may Heaven protect the people I have the honor in part to represent on this floor from the action of such democracy. Sir, the powers of this House, as defined, specified, and pointed out by the constitution, are: First. To choose their own Speaker and other officers. Secondly. To originate all bills for raising revenue. Thirdly. The sole power of impeachment. Fourthly. To determine the rules of its own proceedings, punish its members for disorderly behaviour, and expel a member with the concurrence of two thirds. Fifthly. The power to judge of the elections, qualifications, and returns, of its members.

Mr. Speaker, from the course this House is taking through committees, we are giving to Reuben M. Whitney an importance that I cannot for a moment believe he possesses in relation to this Government. I think, then, there is no doubt it is the object of certain gentlemen on this floor to reach the character of the Secretary of the Treasury and the President, by means of the sacrifice that is by this proceeding to be made of Whitney. Gentlemen are mistaken if they think to mislead the public mind in this way: they have made certain charges of corruption against this administration; they have asked of this House undefined power to prove these charges; that power has been granted them, as unlimited as they have asked it: they cannot now shield themselves behind the intended sacrifice of Reuben M. Whitney. Sir, the President has, by his sagacity and firmness, added to a series of patriotic efforts, triumphed, I hope forever, over the deep-laid schemes of a subtle aristocracy to wrest this Government from its primitive principles, and ingraft upon it the worst fruits of ancient and discarded abuses. After having laid his country under obligations which insure him the lasting gratitude of his fellow-citizens, and veneration of future ages, the President is now on the eve of retiring from all public employment. Gentlemen need not think to destroy his well-earned reputation in this way; freemen are not so easily imposed upon; gentlemen need not think to shield themselves securely behind the sacrifice of an humble citizen.

Mr. Speaker, let me not be misunderstood. I admit, unquestionably, Congress is the great inquest of the nation, and, as such, possesses certain powers necessary to all inquiries into the administration of the Government; but I maintain that these powers are limited both by the constitutional provisions and laws growing out of them, and that they cannot be exercised in violation of

either; if they could, the power of Congress would be independent and unlimited, above all responsibility to the constitution, the laws, or the people who made them.

If every citizen of the United States, from becoming in some way obnoxious to a member of Congress, or a party in Congress, or for political purposes, may be dragged before a committee, and at pleasure ordered to bring his papers, without specifying which or for what purpose; questioned as to his private affairs; threatened, and if he resists with the firmness becoming a freeman, his life placed in jeopardy; and if he refuse to attend on a committee, he can be arrested and brought in custody to answer at the bar of this House; if all this can be done by the mere naked authority of Congress—nay, sir, by the naked authority of this House—I ask, where is there any security whatever for the person, the rights, or the reputation, of any citizen of the United States?

Mr. McKEON said that, intending to vote in the negative on the question which had been submitted to the consideration of the House, he was aware that he thereby would subject himself to the censures (if such they might be called) of his friend from Maryland [Mr. Jennifer] who had just taken his seat. He (Mr. McK.) saw in the case before him not that of Reuben M. Whitney. He passed by Mr. Whitney. He viewed the matter in a broader light. He saw in it the proposal to arrest an American citizen. It involved the decision of a principle which would be capable of striking down not only the humblest but the highest in the nation. It called into action the exercise of a power which was to be felt not only within the circle of this District, but from Maine to Louisiana, wherever the jurisdiction of this confederacy might operate. It carried with it the means of dragging any man from his home, his family, his business, to answer the behest of a majority of this House. I ask gentlemen (said Mr. McK.) whether the individual who is now before us is not, so far as the knowledge of this House is concerned, a private citizen? So far as we yet know, he has no connexion with your departments. I ask the gentleman from Maryland, whether the person alluded to is not a private citizen, covered by our laws, and protected by our constitution. I understand my friend to yield his assent to this point. Well, sir, under your constitution, his liberty, his life, his property, his papers, are secured; and yet, under the power claimed during this debate, and proposed to be exercised, what security had he, or any other man, against an invasion of his rights? Opposed, as I have ever been, to the doctrine of contempts, I would ask gentlemen what must be the consequences of their insisting on this right?

Suppose, sir, your committee had sent its mandate to one of my constituents, whose business would not allow him, without sacrifice, to obey the command, he would naturally ask under what law he was bound to obey. I may be told that he would be guilty of contempt, at least of constructive contempt of the House, by refusing to obey the summons. Sir, I told you, when your committee was formed, that in many cases it would be powerless. That committee never could have a contempt committed against it by refusal to obey its orders. Your rules say that subpœnas and warrants shall be under the Speaker's hand. We are told that the subpœna, in this case, was under the hand of the chairman of your select committee. But, again, it is insisted that you have given the power to send for persons and papers. By what authority can this House delegate its power, if such it has, to any portion of this body. The House itself only holds its own powers by delegation. No, sir; there could be no contempt by a refusal to obey this summons. I know I shall astonish the member who has just addressed you when I assert that I have no doubt of the want of power of the committee in this matter; and I very much doubt the power of this House, at least without the sanction of a law, to drag an individual before our bar for a contempt of this nature. Issue your warrant, and deliver it to your Sergeant-at-arms; if its execution is resisted, can he call, as a ministerial officer of a court, for assistance. I should think not. You have no guards to enforce your order, and it will be inoperative. The system of privileges and contempts has grown up in this country by assimilating the powers of this House to those of the British House of Commons. A system has been claimed and exercised in England under what is known as parliamentary law. Its encroachments have been silently, but steadily, made upon the mass of the people, until precedents of the most appalling character can be found. The analogy in the cases of contempt does not hold good. This House, as a portion of the Government, obtains its power from the constitution. In that instrument the privileges of the members of this House are defined, and the rights of this House are pointed out clearly and distinctly.

If, however, the practices and parliamentary law of one branch of the British Government are to control the liberties of the American people, instead of the written constitution of the land, better at once had it be known. If this principle of action is to govern, let us at once break down every barrier, and let the executive, the judicial, and, I may say, all the legislative power, be transferred to the majority of this House. Hesitate not to proceed in this case. You will find precedents in parliamentary history of the deputies of the Sergeant-at-arms being sent to break open the trunks, and bring the papers before the House of Commons, of a private individual. Make that the foundation of your movements; make that the precedent of your conduct. Add another example of the exercise of the power of this branch of the Government, and you will not long be building up a system which will ultimately crush the rights of those whose servants we are. What! is this to be the rule in a country professing to be governed by written laws? Will you have the boldness to say that, without due process of law, you will deprive a man of his liberty? The next step will be easy—to deprive him of life. Do gentlemen observe the conclusion which the proposition must lead to? Do they not see that you throw into the hands of a majority of this House a most tremendous power, which may be exerted either as political excitement or any other feeling of the hour may direct? We never can, under our present system, know what may be contempts. All remains in doubt. An editor may be brought before one of the branches of the Government for a libel. But yesterday it was proposed to punish, for contempt, a member for asking a question; and to-day you propose another case. If you wish to arrest and to punish, you ought—at least, if you have the constitutional power to enact laws on the subject, you ought—to inform the people for what offences they are punishable. It was deemed the essence of tyranny to place the edicts of the supreme power so high that they could not be read. You go further. You let the crimes and the punishment remain undefined. You allow them to remain in the hearts of a majority of this House; and yet I have supposed I had been born and lived in a Government of liberal principles. Sir, I can imagine no despotism more complete than that which leaves the citizen in ignorance of the laws to which he is bound to yield obedience, and which makes the accuser the jury to try and the judge to award punishment. I war with oppression of any character, but above all with oppression of this nature, which keeps its instruments of torture concealed from the public gaze, and at any moment may seize upon its victims.

There is one point of view in which this particular case is to be examined. Called upon to arrest an indi-

vidual, are we not to investigate the causes of this proposition? Your committee not only report that the individual refuses to appear, but they report the reasons, as offered by him, for such refusal. Is it not part of the testimony on which we are called to make our decision? Shall we order him to be incarcerated because he refused to go before the committee—because, as he states, he has reason to believe he may not be safe? Sir, I am not disposed to argue this question, and decide on the extent of his fears in this matter. It is sufficient that the witness declared this opinion. For one, I cannot consent to forcibly place him before us, after giving this reason for his disobedience of the summons of the committee. Moreover, you will commence a course of proceeding which will end in no beneficial results, and will consume the time of the House which is demanded for other purposes, involving the highest considerations.

I regret, sir, the allusion made to the President. Why is his name brought into this discussion? This is not a case which any party should endeavor to make use of for any purpose. We are establishing a precedent—a precedent which, if it reaches some one without these walls to-day, will hereafter be brought to bear, perhaps, upon some of us. It is a question involving the most momentous consequences, and reaches to every man in the country, no matter to what party he may be attached. The President's letter, referred to by the gentleman from Maryland, will speak for itself, and justice be awarded to its author by an intelligent people. He seeks no concealment. If he has resisted an attempt to invade the private affairs of our citizens, he deserves the thanks of the country. Sir, I will detain the House no longer. No man will go further than I will to defend the rights and privileges of this House; but I never will advance over the prostrated rights of the people. When gentlemen talk of the rights and privileges of this House, I must be heard in defence of those rights and privileges of the people which, in my opinion, are of paramount consequence. I never will, as a member of this House, arrogate powers which shall be dangerous to public and private security. I never will call into action powers at best doubtful, and which can only be exercised by invading the rights and privileges of the American people.

Mr. GLASCOCK said, that whatever might be his feelings in relation to Mr. Whitney, they would have no influence with him as to the vote he should give on the proposed resolutions; and he had none to gratify, unless to give a conscientious one. Mr. G. said that, from an early period of his life, he had been opposed to all and every attempt to deprive a citizen of his liberty for a single moment, unless under the strongest circumstances, and such as would fully justify him under the constitution and laws of the land. That the power possessed by the House to arrest a citizen has been and is still doubted by the first and most able men in the country was not questioned, and the able arguments and opinions he had heard and read had greatly shaken his own. But he was still disposed to believe that this House has the right to authorize an inquiry into any matter connected with the Government, and to constitute and appoint committees for such purpose, clothed with the power to send for persons and papers; that it is an incidental power to compel the attendance of witnesses, to issue attachments, and punish for contempts. Without this incidental power, all such proceedings would be useless, and frequently put at defiance. Notwithstanding this view of the subject, he could not reconcile it to himself to vote for the present resolutions, by which Mr. Whitney was to be placed in the custody of the Sergeant-at-arms, without first giving him an opportunity of appearing before us under a rule *nisi*, to show cause why an attachment should not issue, &c. This (said Mr. G.) seemed to him to be the most prudent and proper course to adopt on the present occasion; and as the constitution declares that no one shall be deprived of life, liberty, or property, without due process of law, he was not disposed to sustain any measure which would place him in duresse under an alleged contempt, and without giving him an opportunity of appearing and being heard in his defence. But whenever (said Mr. G.) the contempt is apparent and complete, he was prepared to go as far as any gentleman on this floor, though he would never be found voting to deprive an American citizen of his liberty, one of the dearest and most sacred rights of freemen, even for an instant, upon mere allegations. Your resolutions declare, on the face of them, (said Mr. G.,) only an alleged contempt, and yet place him in the custody of the Sergeant-at-arms, without establishing the fact. Let it be made clear, let it be rendered certain that it has been committed, before we proceed to do so. He offered for the consideration of the House the following resolution:

Resolved, That R. M. Whitney be required to show cause, on to-morrow morning, why an attachment should not issue against him for an alleged contempt in refusing to appear, under a legal summons, before the committee of investigation constituted by this House; and that a copy of this resolution be served on the said R. M. Whitney by the Sergeant-at-arms.

The debate was continued by Mr. CALHOON, of Kentucky.

And, the question being taken, the amendment of Mr. GLASCOCK was rejected.

Mr. JARVIS offered the following amendment:

Strike out all after "*Resolved*," and insert:

"That the select committee appointed on the 3d of January, to inquire whether any person had been employed by the deposite banks as their agent to transact their business with the Treasury Department, be instructed to report to this House the circumstances which occurred in the committee room on the 25th day of January last, during the examination of Reuben M. Whitney."

After some remarks from Mr. BELL, urging the necessity of asserting the authority of the House on this occasion, the question on the amendment of Mr. JARVIS was taken, and the same was rejected.

Mr. PATTON moved to lay the whole subject on the table.

On that motion Mr. LINCOLN called for the yeas and nays; which were ordered.

On the name of Mr. ADAMS being called, Mr. A. rose and asked to be excused from voting, for reasons which he sent in writing to the Chair, and which he requested might be entered on the journal.

The SPEAKER said this could only be done by the unanimous consent of the House.

The reading of the resolutions having been called for,

Mr. MERCER said he could, under no circumstances, assent to the proposition of Mr. ADAMS.

The SPEAKER said the application could not then be entertained at this time.

Mr. ADAMS submitted that, under the rules of the House, a member asking to be excused was entitled to give his reasons in writing.

The CHAIR said that, by a decision of the last session of Congress, an application to be excused from voting could not be entertained pending the call of the yeas and nays, but must be made afterwards; an appeal had been taken, and the House had affirmed the decision of the Chair.

And the question on the motion to lay the whole subject on the table was taken, and decided in the negative: Yeas 88, nays 97.

So the subject was not laid on the table.

Mr. GRAHAM offered the following amendment:

Strike out all after "*Resolved*," and insert:

"That the Speaker of this House forthwith issue his official summons to the Sergeant-at-arms, commanding him to summon R. M. Whitney to appear in this hall on to-morrow morning, at 11 o'clock, to show cause why an attachment should not issue against him for a contempt of the authority of the House, in refusing to attend the select committee appointed by this House on the 17th day of January, according to a summons duly served on him."

The amendment was rejected.

Mr. ADAMS then asked to be excused from voting, for the following reasons, which were sent in writing to the Chair:

Mr. ADAMS requested to be excused from voting upon this and every other question of privilege affecting Reuben M. Whitney—the personal relations between him and that individual having long been such as to make it the duty of Mr. ADAMS to decline acting as his judge upon any question affecting his personal rights.

Mr. ADAMS asked that this statement might be entered on the journal; to which the SPEAKER replied that it would, as a matter of course, be entered on the journal.

And the question was then taken on the adoption of the modified resolution of Mr. LINCOLN, and decided in the affirmative: Yeas 100, nays 85.

So the preamble and resolution were adopted.

Mr. LANE moved to reconsider the vote by which the first of the two resolutions in the case of Mr. ADAMS had been rejected on yesterday.

Mr. BOON moved to postpone the further consideration of the motion until to-morrow; which motion prevailed: Yeas 91, nays not counted.

And, on motion of Mr. RENCHER,

The House adjourned.

SATURDAY, FEBRUARY 11.

On motion of Mr. MERCER, so much of the journal was stricken out as contained the reasons assigned by Mr. ADAMS yesterday for asking to be excused from voting on any resolution involving the personal rights of Mr. Reuben M. Whitney, and which reasons had been entered on the journal.

ELECTION OF PRESIDENT OF THE UNITED STATES.

Mr. THOMAS, from the joint committee appointed to wait on MARTIN VAN BUREN, of New York, and inform him that he has been duly elected President of the United States for four years, commencing with the 4th of March, 1837, reported: That the committee, in conformity with the directions of the House, had, on yesterday, waited on the President elect, and informed him that the votes for President of the United States had been counted by the two Houses of Congress, in the manner prescribed by the constitution; that he had received a majority of all the votes given, and was duly elected President of the United States for four years, commencing on the 4th day of March, 1837.

Mr. VAN BUREN expressed, in reply, his grateful sense of the distinguished honor which his fellow-citizens had conferred upon him, and requested us to assure our repective Houses that they might rely on his unceasing efforts to execute the responsible trust about to devolve upon him, in a manner the most conducive to the public interest.

On motion of Mr. THOMAS, the report was laid on the table, and ordered to be printed.

RIGHT OF PETITION.

Mr. TAYLOR asked the consent of the House to offer the following resolution; which was read:

Whereas the vote of the House, taken on the 9th of February, the following resolution, viz: "*Resolved*, That any member who shall hereafter present to the House any petition from the slaves in this Union ought to be considered as regardless of the feelings of the House, the rights of the Southern States, and unfriendly to the Union;" may be construed into an expression of opinion upon the abstract question of the right of slaves to petition Congress; therefore,

Resolved, That slaves do not possess the right of petition secured to the people of the United States by the constitution.

Mr. INGERSOLL sent the following to the Clerk's table, to be read:

Resolved, That the honorable JOHN QUINCY ADAMS, having inquired of the Speaker whether it would be in order for him to present a petition purporting to be from certain slaves, and the Speaker having appealed to the House for instruction—

Resolved, That this House cannot receive such petition without disregarding its own dignity, the rights of a large class of citizens of the South and West, and the constitution of the United States.

The resolution having been read,

Mr. TAYLOR accepted it as a modification of his own, and then renewed his request to the House to grant him leave to offer it.

Mr. PINCKNEY rose and objected.

Mr. CAMBRELENG moved a suspension of the rule.

Mr. MANN, of New York, asked for the yeas and nays; which were ordered.

Mr. PATTON inquired if the motion to reconsider was not first in order.

The CHAIR replied that it was competent for the House to give precedence to another question.

Mr. PATTON presumed, then, that the object of this proposition was to postpone the motion to reconsider the vote rejecting the resolution on the subject of presenting petitions from slaves.

Mr. CHAMBERS, of Kentucky, suggested whether the propositions of the gentlemen from New York and Pennsylvania could be in order pending a motion to reconsider another having a direct bearing upon, if not identical with them.

The CHAIR replied that that was a matter of which the House itself was the sole judge. The motion made to suspend the rule was strictly in order.

Mr. ASHLEY inquired if it would be in order at that stage to submit an amendment to the proposition.

The CHAIR. It would be in order to amend the proposition after it was before the House, if the House should suspend the rule and agree to receive it.

Mr. CHAMBERS, of Kentucky, suggested that it would be better to move to suspend the rule, to take up the question upon the reconsideration.

The CHAIR could not entertain debate, and he had before stated that the motion to suspend was not open to amendment.

Mr. CHAMBERS had made no motion, but threw out, as a suggestion, what he thought would be the best course.

Mr. LEWIS inquired, if the vote of the 9th should be reconsidered, whether the resolution rejected by that vote would be open to amendment.

The CHAIR replied in the affirmative.

Mr. LEWIS hoped that the question would be first taken, for it would answer the same purpose.

Mr. PINCKNEY urged the gentleman from New York to withdraw his motion, and move to take up the question of reconsideration.

Mr. TAYLOR would yield to the wishes of members, and accordingly assented, withdrew his motion to suspend the rule for the purpose of submitting his own

resolution, and made a similar motion to take up the question of reconsideration.

This motion to take up prevailed; and the question then recurring upon reconsidering the vote by which the following resolution was rejected:

"*Resolved*, That any member who shall hereafter present to the House any petition from the slaves in this Union ought to be considered as regardless of the feelings of the House, the rights of the Southern States, and unfriendly to the Union"—

Mr. LANE called for the yeas and nays; which were ordered.

Mr. ASHLEY said he had voted against the resolution then under consideration, and he should be obliged to do so again, if, without modification, the question upon it should be again taken. Mr. A. was not in his seat when that unfortunate subject was first introduced into the House, but he was near at hand, and indistinctly heard the gentleman from Massachusetts when he addressed the Chair. Learning from a friend near at hand that a proposition was made to submit to the House a petition from slaves, praying the abolition of slavery, Mr. A. resumed his seat, when several resolutions were submitted, proposing to bring the gentleman [Mr. ADAMS] to the bar of the House, for an alleged contempt, for having submitted the supposed abolition petition. Not for a moment supposing there could be any misapprehension as to the purport of the petition, or as to the shape in which it was communicated to the House, Mr. A. found himself participating in what seemed to be the common feeling of its members, to support the dignity of the House; and he felt disposed to go as far as any other member to effect that object, even to the expulsion of the member offering the supposed indignity, should the circumstances of the case, on a full investigation, justify that extreme. But, Mr. Speaker, (said Mr. A.,) you may well imagine my surprise when, after the House having consumed almost the whole day in an effort to bring the matter to issue, the paper in question was ascertained not to be a petition from slaves for the abolition of slavery, but a paper purporting to be a petition from twenty-two slaves of the District of Columbia, praying the expulsion of the gentleman from Massachusetts from the House of Representatives; a hoax, no doubt, practised upon the gentleman by some wag of the city, in consequence of the gentleman's zeal in behalf of abolition petitions. Sir, (said Mr. A.,) I was surprised and no less mortified to find myself engaged in such a farce, if I can be permitted to give it that name. Yes, sir, I have called it a farce, and I would admonish my friends from the South, as well as those of the North, not to change its title and character by their over-zeal; that is to say, not to proceed on this all-important and delicate subject so as at length to entitle it to another name—a deep and direful tragedy. Mr. A. said, the facts of the case having been disclosed to the House, he was of opinion the several propositions then upon the Speaker's table, touching the matter in question, should have been swept from it, leaving the gentleman from Massachusetts in possession of his paper or petition, to dispose of the same on his responsibility, without any further action of the House on the subject, unless the course of that or some other member, in reference to the petition, should require it. But, sir, (said Mr. A.,) it was otherwise determined by the House. A vote was taken on the passage of the resolution; and, without giving him an opportunity of presenting his views on the subject, the previous question interposing and cutting off all further debate, he was obliged to vote against it.

Mr. A's object in then occupying the floor was to say, in part, what he wished to have said previous to the vote of the preceding day, on the resolution, and to protest against a construction put on its rejection, by some gentlemen, to wit: that its rejection implied the right of any member thereafter to introduce in that House a petition from slaves. Mr. A. denied the ground assumed. It was not tenable. He would be one of the last to give any vote that might directly or indirectly grant such a privilege. He was not only in favor of rejecting petitions of that character, but was also opposed to the reception of petitions from citizens of one State, proposing the abolition of slavery in another State; and in that respect he had gone as far as the farthest, as the journals of that House of the 9th and 10th of January last would show. He took the broad ground that Congress had no control over the subject, and that it was improper to agitate it there. It should be left to the States holding slaves to take such steps in reference to the abolition of slavery as their own feelings and interest might dictate; and he thought that the most effectual way of getting rid of the evil. He had another objection to the passage of the resolution referred to. He could not think the case of the gentleman from Massachusetts justified the odium that would be cast upon him by the adoption of the resolution. Nor was he (Mr. A.) willing to prescribe any degree of punishment for members of that House, for a contempt to, or disorderly conduct in, the House, until the case should occur. If it should become his painful duty to act on such a case, he would be found to act as promptly as any other member, and should then exercise his own judgment, according to the nature and extent of the offence, without reference to previous rules or resolutions of the House, which, although connected with the same subject, might differ materially in character and extent. Mr. A. could offer other objections to the resolution, but he would not longer detain the House. Thus far he had felt it his duty to explain his vote of the preceding day. If it should become necessary hereafter, he would say more on the subject to those to whom alone he felt accountable for his action upon it. Mr. A. was in hopes the resolution would be so modified as to bear solely on the abstract question as to the right of slaves to petition Congress. He cared not how strong it was; he would vote for it, although he regretted the subject had been introduced at all.

Mr. PARKER raised the point of order whether, as the question of reconsideration recurred, the demand for the previous question, originally moved on the resolution, did not recur with it.

The CHAIR decided otherwise, and that the motion to reconsider stood alone, without any reference to the previous question.

Mr. UNDERWOOD gave his reasons, at length, why he had voted against the resolution which it was now proposed to reconsider. He had voted against it because he would have considered the adoption of it a denunciation on that floor of those who conceived it to be their duty to present all petitions, let them come from whomsoever they might; the adoption of it would have been denouncing all persons entertaining such opinions, however mistaken they might be, as inimical to the Union. And another reason why he had voted against it was, that he considered it as violating the spirit of the constitution of the country, which provided that no one should be held amenable for any thing said on that floor. He disclaimed all intention, by his vote against this resolution, of admitting the right of slaves to petition Congress, and said he had endeavored to get the floor to explain, before the vote was taken, but was prevented by the operation of the rules of the House. He intended, if he had obtained the floor, to offer a resolution declaring it as the sense of the House, that slaves had not the constitutional right to petition Congress.

Mr. GIDEON LEE said, believing that members per-

fectly understood the simple question of reconsideration, and that they would have a better opportunity of discussing the question which would immediately follow the question of reconsideration, he therefore moved the previous question.

Mr. ADAMS appealed to the gentleman to withdraw the motion.

Mr. LEE had made up his mind, and could not withdraw the motion.

The previous question was seconded by the House: Yeas 108, nays not counted; and the main question was ordered to be put.

The yeas and nays, having been ordered on the main question, which was on reconsidering the vote by which the resolution was rejected, were: Yeas 159, nays 45, as follows:

Yeas—Messrs. Alford, C. Allan, Anthony, Ashley, Barton, Bean, Bell, Black, Bockee, Boon, Bouldin, Bovee, Boyd, Burns, Bynum, J. Calhoon, Cambreleng, Campbell, Carr, Carter, Casey, J. Chambers, Chaney, Chapman, Chapin, N. H. Claiborne, J. F. H. Claiborne, Cleveland, Coles, Connor, Cramer, Crane, Crary, Cushman, Dawson, Deberry, Doubleday, Dromgoole, Efner, Elmore, Fairfield, Farlin, Forester, Fowler, French, Fry, Galbraith, J. Garland, R. Garland, Gholson, Gillet, Glascock, Graham, Grantland, Graves, Griffin, Haley, J. Hall, Hamer, Harlan, S. S. Harrison, A. G. Harrison, Hawkins, Haynes, Holsey, Holt, Hopkins, Howard, Howell, Hubley, Hunt, Huntington, Huntsman, Ingham, Jarvis, Jenifer, J. Johnson, C. Johnson, H. Johnson, J. W. Jones, Kennon, Kilgore, Klingensmith, Lane, Lansing, Laporte, Lawler, G. Lee, J. Lee, T. Lee, L. Lea, Lewis, Logan, Loyall, Lucas, Lyon, A. Mann, Martin, W. Mason, M. Mason, S. Mason, Maury, McComas, McKay, McKeon, McKim, McLene, Mercer, Miller, Montgomery, Moore, Morgan, Muhlenberg, Owens, Page, Parks, Patterson, Patton, F. Pierce, D. J. Pearce, J. A. Pearce, Pearson, Pettigrew, Peyton, Phelps, Pinckney, John Reynolds, Joseph Reynolds, Richardson, Robertson, Rogers, Schenck, Seymour, W. B. Shepard, A. H. Shepperd, Shields, Shinn, Spangler, Standefer, Steele, Storer, Taliaferro, Taylor, J. Thomson, W. Thompson, Toucey, Turrill, Underwood, Vanderpoel, Wagener, Ward, Webster, Weeks, White, T. T. Whittlesey, L. Williams, S. Williams, Wise, Yell—159.

Nays—Messrs. Adams, H. Allen, Bailey, Beaumont, Bond, Borden, Briggs, Buchanan, W. B. Calhoun, G. Chambers, Clark, Cushing, Darlington, Denny, Evans, Everett, Granger, Grennell, H. Hall, Hard, Harper, Hazeltine, Henderson, Hoar, Ingersoll, W. Jackson, Janes, Lawrence, Lay, Lincoln, Love, Job Mann, McCarty, McKennan, Milligan, Parker, Phillips, Potts, Reed, Russell, Slade, Sloane, Vinton, Elisha Whittlesey, Young—45.

So the vote was reconsidered.

When the roll had been called through, Mr. CRAIG rose in his place, and stated that he was out of his seat at the moment when his name was called, though he returned to it the instant thereafter; and he asked leave to record his vote in the affirmative, but it was objected to.

The resolution being then before the House,

Mr. TAYLOR moved to amend it by striking out all after the word "*Resolved*," and inserting the following: "That slaves do not possess the right of petition secured to the people of the United States by the constitution."

Mr. PICKENS, said it was not his intention to enter now minutely into any argument touching the great and delicate questions involved in the subjects before the House, but he rose merely to put himself right before the country. He had refused to vote on the motion for reconsideration, and would now refuse to vote on all the propositions made. He did so under a solemn and profound conviction that, as a representative from a slaveholding people, he could not and would not compromise their rights or stain their honor by participating in proceedings, where, by the rejection of the first resolution, they had received a deep wound, and which were now calculated to mislead and deceive his country. Those who had rejected the first resolution the day before yesterday had thereby created, politically speaking, a negative pregnant, and indirectly declared that slaves had a right to petition this House. And this right was openly maintained in the debate by the leading speakers who opposed the resolution. They had taken the responsibility of committing a wound upon the constitution and the Union, and had done so by a deliberate vote; and he (Mr. P.) was for letting them now take the responsibility of healing that wound themselves. As long as that resolution remained negatived, he felt it to be an outrage and insult to his constituents; and he, as their representative, had refused to vote for reconsidering, as he asked no favors and begged no mercy. He called upon gentlemen from the slaveholding race to beware how they moved in this matter. It involved consequences of the deepest and most delicate importance. We stand upon a precipice at whose base the waves of anarchy and discord dash their foaming surges. Let no man be deceived. If blood is to come of these transactions, I desire to clear my skirts of it.

The substitutes proposed are calculated to delude and to lull into false security the South. They change the issue made upon the odious and offensive resolution now proposed to be reconsidered. They are calculated to produce a false impression. Many claim the right for slaves to petition as a natural inherent right, above the constitution; and will vote the substitutes, not because slaves have no right to petition, but because they have no right as "secured to the people of the United States by the constitution." Let the original odious resolution which is now reconsidered be directly voted upon, and, if gentlemen have changed their opinions, let it be adopted. If you intend to save the country, come up to the mark like men. We profess to be outraged by the rejection of that resolution, and we should be satisfied with nothing less now than its adoption. This is due to us; it is the issue you have made. No, sir; you cannot adopt that resolution. I believe the votes then given to be the deliberate sentiments of this House. And if gentlemen, like fawns, now tremble at their own shadows in the brook; if, under party discipline and under party screws, they come forward and pretend to give justice, let them do it openly. But let no man expect me to aid him in support of substitutes by which my country shall be deceived and deluded on the vital questions involved. I desire my constituents to know the truth, the whole truth, and nothing but the truth. If I stand on a volcano, I desire to know it, by looking on the smoke.

I believe the recorded vote on the rejected resolution to be the sentiment of a majority of this House; and I believe that they represented their constituents; that that vote is a correct exponent of the sentiment of the non-slaveholding States in this confederacy. If this be not true, and I am mistaken, (in which I hope most sincerely I may be,) then let those gentlemen reverse the vote then given, as they can do, if they choose. But I will not aid them in producing a false result before the country. I cannot, after the proceedings of the last few days, and particularly on the day before yesterday, partake in any course by which I may be drawn under the majority of this House, and forced into a position which I cannot control, and which may mislead and de-

ceive the South as to the real feelings that exist in other portions of the Union towards them and their institutions. Mr. Speaker, I may be mistaken, but this course is from a solemn sense of my duty. I trust, on this subject at least, I have no factious feelings towards any man or set of men; but I feel pained and deeply wounded at the foreboding state of things. I have seen enough in the last few days to force upon me the melancholy conviction that there is not spirit or courage enough in the country to save our rights and our institutions.

I have said that I believe the vote upon the original resolution to be a correct exponent of the feeling and the sentiments of the non-slaveholding States of this confederacy. Look at Pennsylvania; and while we are discussing these topics and witnessing these scenes in this House, what do we see there? A State convention of two hundred delegates, from different parts of the State, assembled at Harrisburg to devise ways and means by which to abolish slavery throughout this land. They appeal to the laborers of the North against slave labor, on the ground that it comes into competition with them. Look at their Governor, appealing to them to put down "the dark spirit of slavery," in his public message to the Legislature. Do you suppose that the Pennsylvania Representatives did not represent the sentiments of their State on the resolution rejected? Sir, it is a vast mistake. They knew well what they were doing. Look to a recent letter, published from a distinguished divine, distinguished for his extensive influence over the intellect and learning of his country; and what do you see? You see him soiling the mantle of Christian charity, by wrapping under its broad folds those who are loathsome from their leprosy, and whose foul embrace is death. You see him holding up to the world these men as the peculiar and chosen defenders of the liberty of speech, of writing, and of thinking. He has the effrontery to say that "he is not even sure that he would have the privilege he then enjoyed, of writing at his desk, if it were not for the abolitionists." Sir, it is such men as Dr. Channing who are now moving down upon public sentiment, and make the ground upon which your Northern fanatics are to fight their battles. Tell us not the miserable stuff that we give them ground by making issues here. We must make the issues you choose to tender, or give up our country to plunder and murder. Charge not us with these things. We are false to our people if we remain here silent, and beg mercy and forbearance at your hands. Do you suppose that the Representatives from Massachusetts did not vote as their constituents would have done if they had been here? If you intend to produce any such impression upon the country by now changing the issues through substitutes, it will be delusion and falsehood. No, sir; we have seen the lightning flash, and let us not close our eyes from its glare.

When I came on, at the first of this session, I inquired of a gentleman, a member of this House, in whose veracity and judgment I have the highest confidence, as to the state of public feeling then existing at the North on the subject of abolition. He informed me that he thought it was running out, and in all probability, from what he then could see, that in a few years it would be lost. This was his deliberate opinion at that time. It made an impression upon me, and I began to think that things were exaggerated. I was silent, and said but little connected with this subject until within the last few days. But, sir, yesterday morning, after the decided vote on the rejection of that resolution, which created such intense excitement, the same gentleman came to me, and said, with much anxiety, that he felt bound to explain to me what he communicated at the first of the session: he says now he was mistaken entirely as to the strength of the abolitionists, and was afraid he had led me into some error on that point. He was now satisfied there was more excitement than he had any idea of at first; that he had just received twelve petitions on that subject, signed by more than a thousand of the most active and influential citizens of his district, who were men, not women, (as most of the signers usually are,) and that he believed their cause was increasing and powerful. This was from the State of New York. And, in justice to the gentleman, I will say that he communicated these facts because he thought he ought to do so, as he had made a different impression upon me at the first of the session, when I inquired of him on the subject, for information. These are the facts which we all know to be passing before our eyes every day, and it is treason in us to cry "all's well."

Mr. Speaker, we must meet these things. I cannot say what the people of the entire slaveholding region will do. I am not authorized to speak for them; and, knowing what I do, I tremble for the future. But there is one State that I feel in some sort justified in speaking for; a State with whose people it is my pride to have the name I bear identified to the third and fourth generation; a people for whose honor and whose liberties the blood of my ancestors has been shed over every battle field from the seacoast to the mountains. I know not what course other people will pursue, but the people of that State, which I have the honor in part to represent, I know are ready, if need be, to sleep in an intrenched encampment; they are ready to kindle their beacon fires over a thousand hills; and, if the worst is to be forced upon them, they can, in the last resort, throw around themselves a rampart, beneath whose battlements many a gallant son can find at least a soldier's grave, and transmit to posterity the rich inheritance of a glorious name.

Sir, I desire to trammel no individual; and I now declare, on this trying occasion, that I utter the instinctive feelings of my own heart, without concert or consultation with any man. I work in no party ties or party trammels, for the personal aggrandizement of any human being living. I look not beyond the confines of my own State. I have no earthly ambition but to be identified with her interests and her honor.

As long as the vote on the original resolution remains unreversed, I feel bound, from the most solemn convictions of my judgment, to refrain from participation in proceedings which I fear are too well calculated to delude the country. Let those who have insulted us, and wounded the constitution, now withdraw the insult, and heal the wound. I shall refuse to vote either for or against the substitutes. I feel bound to do so, and shall wait in silence your decision—a decision upon which the future fate of this country depends. Upon this subject I can never make a compromise.

In what I have said, I desire to offend no man. I attribute no improper motives to any gentleman. Others may differ from me. I allude to no individual. I have uttered what I felt on this painful occasion. I leave others to pursue their own course, and the responsibility be with them.

Mr. INGERSOLL submitted the following amendment to the substitute offered by Mr. TAYLOR: Strike out all after the word "That," and insert the following: "the honorable JOHN QUINCY ADAMS having inquired of the Speaker whether it would be in order for him to present a petition purporting to be from certain slaves, and the Speaker having appealed to the House for instructions—

"*Resolved*, That this House cannot receive such petition without disregarding its own dignity, the rights of a large class of citizens of the South and West, and the constitution of the United States."

Mr. INGERSOLL said: The amendment proposed,

Mr. Speaker, is offered in a spirit of tranquillity and peace. Next to the desire which should influence every member of this House to give his vote according to the dictates of a conscientious judgment, is that of giving it with the hope of reconciling conflicting sentiments, and reproducing harmony when it has been disturbed. We are informed of angry feelings, of agitated and excited minds. It is our duty, if we can, to prevent, if possible, their further aggravation in this House, and the extension of it throughout the country. How is this best to be effected? By meeting the evil at its source; by counteracting the principal and primary mischief. To ascertain where that is, we need only look to the history of the last week. A discussion has been going on which has done no good. It might have been obviated in a moment by a prompt reply to the inquiry of the gentleman from Massachusetts. That reply would now terminate what at the beginning it would have prevented. We have reached a practical crisis. It is a practical evil that we wish to correct.

There are many propositions which are not acceptable, and are not adopted, and yet the rejection of them does not imply a negative of all or any of the propositions contained in them. There are truisms which are not rendered the stronger by being legislated on affirmatively, or the weaker by a negative vote. If, for example, it should be proposed to resolve that a republican form of government is the best; that this Union ought to be preserved; that it is hoped this Capitol will stand; that we desire to be a free, happy, and united people, no one will question the soundness of the propositions, yet not a member of the House would feel disposed to vote for any of them. They are not practical, and for that reason they are not useful. The question now at issue is mainly between theory and practice. We must meet the inquiry which has been made sooner or later, and I propose to meet it in the form which the substitute I have offered presents. The petition cannot be received, whether it be a jest or otherwise, without compromising the dignity of the House. It aims at no useful end. It attempts the correction of no grievance. It cannot be received, because it would interfere with the rights of those to whom service and labor are due by the individuals who have forwarded it, and declared themselves to stand in that relation. It cannot be received, because in this interference it strikes at all those parts of the constitution which recognise the system of slavery in the several States of the Union where it exists according to their chosen polity.

Mr. JOHNSON, of Louisiana, could not believe that a majority of the members who had voted to reject the resolution offered by the gentleman from Virginia the other day intended to express the opinion that slaves had the right to petition; but there seemed to be a great contrariety of opinion on the subject, and a number of gentlemen thought that, by implication, the rejection of that resolution went to affirm that slaves had the right to petition. He had never entered into a discussion on this subject, because he did not believe that it could lead to any good result; but, on the contrary, would do a great deal of evil. He did consider, however, that if the House recognised the right of slaves to petition, the Union was virtually dissolved; and when that day came, he should feel it to be his duty to leave that House, and go home to his constituents. Entertaining these views, he would ask the gentleman from Pennsylvania to accept as a part of his resolution, to come in at the end thereof, the words "and endangering this Union."

Mr. ANTHONY hoped his colleague would not accept of this modification, because they had heard too much about endangering the Union.

Mr. INGERSOLL said he could not accept of the modification.

Mr. PATTON then addressed the House at some length, in support of his original propositions.

Mr. INGERSOLL modified his amendment, by omitting the name of Mr. Adams, and inserting "an honorable member from Massachusetts."

"An inquiry having been made, by an honorable gentleman from Massachusetts, whether a paper, which he held in his hand, purporting to be a petition from certain slaves, and declaring themselves slaves, came within the order of the House of the 18th of January, and the said paper not having been received by the Speaker, he stated that, in a case so extraordinary and novel, he would take the advice and counsel of the House:

"*Resolved*, That this House cannot receive the said petition without disregarding its own dignity, the rights of a large class of citizens of the South and West, and the constitution of the United States."

Mr. SUTHERLAND spoke at some length in explanation of the vote he had given. He had voted against this resolution; but, because of his doing so, it did not follow that he was in favor of receiving petitions from slaves. He had voted against it because the resolution involved a question of censure on the gentleman from Massachusetts; and he put it to gentlemen whether it would not be the better means of getting a large vote on this subject to take it on the bare question presented by the gentleman from Massachusetts, on the reception of the petition purporting to be from slaves. If that question was met, he doubted not they would obtain very nearly a unanimous vote against the reception of the petition. That was the question which ought to be met, and he was sorry to see gentlemen running off after a new question.

Mr. BYNUM did not rise to make a speech on this occasion, but merely to inform the House that at this time the individual who had been ordered to be brought before the House by the Sergeant-at-arms was now in attendance, prepared to be heard; and he hoped gentlemen would bring this debate to a close at as early a period as practicable, so that a citizen might not be kept in custody longer than was actually necessary. Mr. B. then made a few remarks in reply to the gentleman from New York, [Mr. Vanderpoel,] and read an extract from a Southern paper, stating that a committee of the Legislature of Louisiana had reported in favor of calling a Southern convention, to take some measures to counteract the efforts of the abolitionists.

Mr. BOULDIN said: I have a desire to say something, though not a great deal, on the momentous and awful subject now before the House. I have a personal interest in the issue to be determined here, not very inconsiderable to myself, but falling into utter insignificance when compared with the consequences which may and must follow the decision now to be made. I have said, and have acted upon that opinion and belief, that there was no considerable number of the members of this House willing to take any steps or measures, direct or indirect, against the slaveholding people, through the power or authority of the House, going to destroy the right of property in negro slaves, or to endanger the slave or slave owner on that account in that regard. I said it at the last session, and reiterated it again on Monday last, when this question arose. I said so from my entire conviction of its truth, and from the bottom of my heart. I knew there were societies and private associations, and private opinions and wishes, on both sides of the Potomac, of a different character, but I did not believe that they had attained an official and legislative form and substance, until the vote which is now the subject of reconsideration. I did say upon that vote would depend the question whether my faith would be confirmed, impaired, or entirely annihilated. I know that

for that opinion I am responsible to my constituents, and all who confide in me, or have any claims upon me; so far my personal interest extends.

It is with the deepest regret, the most mournful reflections, that I compelled to say I had been constrained to come to the conclusion that in this I had been entirely in the wrong. I have been obliged to conclude, from that vote, that a majority of this House were deliberately and fatally of opinion that a slave has the right to petition this House.

From this proposition, if true, a corollary follows, as conclusively and inevitably as a corollary follows from a demonstration of any proposition in Euclid, that the constitution of the United States is no effective barrier to the action of Congress on the right of property in a negro slave to alter or abolish it.

This has filled my mind with the melancholy anticipations of all its natural and awful consequences; and this is the general understanding, as far as I am informed of the meaning and import of that vote, which has caused so much dissatisfaction in so many who are interested—so many of the slaveholding community.

I have heard and am cheered with hope that such is not the construction put on this vote by many who voted, and have been thus understood. The motion to reconsider would seem to indicate that this hope is not entirely unfounded.

In the few considerations that I shall throw out, let me then avoid every thing that is calculated to irritate and unsettle the deliberate judgment of gentlemen in the decision they shall now make upon this momentous question, so full of consequences of fearful import. Let me not throw out any thing that wears the appearance of a threat, or any single word that addresses itself to passion of any kind.

Sir, let not the gentleman from Pennsylvania [Mr. SUTHERLAND] imagine that any question of order, or any question as to time and manner of introducing this subject, can materially affect the impression that this vote will make. Knowing that my own confidence was greater than is common to gentlemen of the South, and knowing that that confidence is shaken to its foundations, I cannot but feel that the confidence of others, less firm than my own, must be shaken also.

Although the doctrines of the abolitionists give good cause for uneasiness, and although the late proposition in another branch of this Legislature, to incorporate the Colonization Society in this District, is far more calculated to create uneasiness; yet both together, and all that has happened before, bear no comparison to the belief that Congress will assume the ground that they may receive the petitions of slaves; that the constitution is no security for the property in negro slaves. Nothing can satisfy us while we are even left in doubt on this question. The point has been made and seriously urged, not only by the gentleman from Massachusetts, [Mr. ADAMS,] but by others also, that a slave has the right to petition. The venerable and distinguished gentleman has urged that a slave in the streets of Constantinople may petition the Grand Seignor, or Grand Mogul, and that he dare not refuse to listen to him, and therefore infers that a slave may petition Congress; if he can prove that Congress are the masters of the slaves, here his cases might be analogous. He has referred to the right of a British subject to petition. In that case all are free. He has urged that the right to petition is older than, and paramount to, the constitution. All this goes to show, if it shows any thing, that the constitution does not secure the property in a slave. The constitution was formed to protect person and property. This argument places the whole South, person and property, under the discretion and at the mercy of a majority of Congress; and, like the Grand Seignor, in Constantinople, they may make them all free or slaves, at their pleasure.

Mr. Speaker, we have taken an oath to support the constitution. That constitution was framed to support this and all other property. If, then, we appeal to any powers, rights, or reasons, above and beyond that instrument, we disregard the bond which is the only obligation and contract between us; and, as it seems to me, with all respect to the opinions of others, we disregard the oaths we have taken to support it. It is in vain to put the case of a slave condemned to be hanged for crime, and applying for pardon, with no one to apply to but us. In such a case he is out of the power, custody, and protection, of his master, and is not the subject of property. Any general proposition that slaves can petition cannot be maintained in this way. The law makes provision how he may be pardoned without applying here. The faith and confidence of the South cannot be restored by extravagances of this sort.

We must come to the simple question: Do you, the majority, mean that our slaves can petition Congress? If so, say so—plainly, calmly, and promptly. If not, say the reverse, and let us know what you mean. It is due to us, and to yourselves, that you should be now understood upon this point. I hope that you will not answer to this inquiry under any party drill, as is supposed by the gentleman from South Carolina, [Mr. PICKENS,] but that you will give us your real opinion. I, like that gentleman, wish the South to know, since this question, never before thought of, as far as I know, has been raised, the exact truth. I wish the South to know the truth, the whole truth, and nothing but the truth. I do not wish, by any irritating, provoking, or even vindictive, and much less by appealing to the tender feelings of kindness and sympathy, to aggravate or appease any passion or feeling, but to get from the House a cool and deliberate expression of opinion on this point.

I can assure the gentleman from South Carolina, that my course has not been produced by any drill on either side. I am certain, however, that even this question has been made, and I fear will continue to be made, subject to the inveterate party feelings heated to frenzy. In such a state of things nothing is sacred. I know there are those in this country, of all political sects, who are willing to make any use of this subject of negro slavery. I am and have been daily sensible of these operations going on around me, and see their effects.

Sir, the very moment the gentleman from Massachusetts put his question, I felt it, and saw it in all its sad consequences. I felt nothing but sorrow and sadness. When the Chair announced to the House that it was a question of novelty and difficulty, I felt surprise, and even astonishment. I thought it was so easy to have escaped any further trouble about it. Not much acquainted with questions of order, I became somewhat resigned to this, and felt still nothing but sorrow that such a firebrand should have been thrown in among us, mingled with a dread of its consequences, until a gentleman from New York (the chairman of the Committee of Ways and Means) attempted to make sport, and turn it off as a "hoax" or a "joke," originating in the South. Sir, this produced in me feelings of any kind rather than what had prevailed with me before. If the gentleman from Massachusetts was "hoaxed" it was his misfortune, but that was no reason why an attempt should be made to "hoax" us in so solemn and serious a matter. The gentleman from Pennsylvania [Mr. SUTHERLAND] relied upon this as some excuse for the introduction of this monstrous proposition in this House. Gentlemen all, and surely a gentleman who has stood as high, and deservedly so, as the Ex-President, must be taken to be serious when they make from their places propositions of this, or indeed of any kind, be they what they may. When, then, a gentleman occupying a place as high in this House and this country as the chairman of the Com-

mittee of Ways and Means proposed to treat the subject with levity, and justify the introduction of a paper of that kind into this House, and a proposition so fraught with mischief, upon the ground that some one from the South had played a trick on the gentleman from Massachusetts, I was struck with surprise, as well as with other emotions that I need not now express in terms. There are things of which sport cannot be made; and this is one of them. What would you think of a man that would attempt to make fun of death? As well might gentlemen undertake to do that.

The ladies of the North appear to be very anxious about their sisterhood at the South. God bless them, sir. I wish them all happiness, North and South, in whatever situation they may be found. Let me not say a word to wound or offend them; but I am persuaded they give themselves a great deal of unnecessary trouble about us. As they seem to have set out as valiant chevaliers, determined to break a lance in defence of the oppressed, it is probable that any appeal to them looking like a regard to their own interest would be coldly received; yet I would modestly say to them that, living among the people myself, I have some chance to know something about the effect likely to be produced in the South by their interference; and I am afraid the benefits will not be as great as they suppose. I will say, sir, to the gentlemen and ladies of the North, and to the gentlemen from that quarter in this House, and especially to the gentleman from Pennsylvania [Mr. Sutherland] who last spoke, that I neither ask nor despise the sympathy of the North, or of him, so kindly expressed, but that, in fixing their eyes upon our dangers and perils, they are very prone to forget their own. They all seem to forget that, while they kindle up strife, rebellion, and civil war, as they think, only in the South, and weep over it, the flame they are kindling may reach their own dwellings—ay, sir, may break out first in their own quarters. While they fix their imaginations upon kindling fagots and smoking habitations in the South, the real flame may appear bursting loose from their own bedchambers, their own dwellings; and their own wives, husbands, friends, and children, may be the first and real sufferers. I do not address myself to the fears or passions of any, but to their reason. And, sir, if zeal has left any reason remaining, cannot gentlemen perceive that civil war, division, and disuuion, with all their horrid consequences, cannot be confined to one quarter of the Union only? Let me address myself to a consideration that will bring men to reflection, if any thing can—to dollars and cents. If men cannot think of their own wives and children, and the dangers and perils that will befall them on account of their imaginations too strongly dwelling upon the dangers, real or fancied, they think impending over our wives and children, they may be brought to feel, or their huckstered, adored thousands and millions in manfactories, when a single fagot applied would reduce them all to ashes and smoke in an hour. Do they suppose that there is no discontent in their own country? No combustible matter that would take fire from a spark kindled in the South? However, it is useless to address reason to those whose zeal has caused them to overlook this.

Whether we sit here as brothers, consulting upon the common welfare, happiness, and prosperity, of our common family and country, or whether one portion of us is making claims to power never granted over the other, whether the constitution has any obligatory force to protect our property, seems now about to be decided. I have lived in friendship and at ease, mingling equally with men here from all parts of the Union, and no man has felt more gratefully the kindness and friendship of Northern brethren, and acknowleged it more openly or frankly than I have done, or returned it more cordially. Yet, sir, if they claim to hold our property, and consequently our safety and independence, at their discretion, it is but too plain that this claim will produce any other fruit sooner than brotherly love and kindness. That however the personal friendships (no other cause of difference existing) may continue the same, and probably in most instances will continue, still the general and final result will and must be, not the kind and gentle grasp of love and friendship, but the ungentle grapple of death; and the issue must be blood. A reflection not more terrible to one than to the other, and not more to either than to all men; but an issue to be deprecated, as should also all things calculated to lead to it, by all men in their sober senses, and from which may God in his mercy shield me, and mine, and my country!

Mr. LANE said he had moved the reconsideration of the vote taken upon the first resolution, for the purpose of substituting one less equivocal in its character—a resolution not susceptible of any and every possible construction—that shall banish all doubt from the mind of the good man and the patriot—that shall not arm the fanatic of the North, or the discontented politician of the South, with weapons to disturb the public repose. That, before he proceeded to assign the reasons which had induced this course, he desired the indulgence of the House while he should set himself right before his constituents, the House, and the country, in relation to this subject. It was one upon which his opinion had been made up long before he had a seat in this hall; and since which he had seen nothing, heard nothing, to shake, much less change it, either in reference to the power of Congress, or its duty, in its action upon abolition petitions.

That Congress have no power to interfere with slavery, as it exists in the States, is a proposition too clear to admit of a doubt. The wildest fanatic does not claim this power on the part of Congress.

That Congress does possess that power over the subject, in the District of Columbia, to the same extent with the States, in their respective jurisdictions, to his mind, was equally true. That, while he honestly entertained this opinion, he was free to state that its exercise, to any extent, would be injurious to that species of property in the hands of the owners in the neighborhood of the District, and fearfully dangerous to the tranquillity of the Union.

Sir, (said Mr. L.,) what do these petitioners, called abolitionists and (by way of contempt) fanatics, but whom he would call, whether male or female, the citizens of the United States, call upon Congress to do? To abolish slavery as it exists in the States? No, sir. To interfere with it in any manner in the States? Certainly not. They set forth that, in their opinion, slavery, in the abstract, is a great moral, political, and religious evil, and pray for its abolishment in the District of Columbia, together with the slave trade—a traffic carried on, within the District, as inhuman as it is disgraceful to the American people. That, as a member of the Committee on the District of Columbia, he had examined the jail, the common property of the people of every portion of this Union, and, to his surprise, he found that prison the common receptacle for the safe keeping of slaves, bought up in the neighboring States by the dealers in human flesh, and there detained until the master or an agent shall find it convenient to drive them to a Southern market; and all this without regard to comfort or convenience. In one instance he found, in a damp loathsome room of eight feet square, a mother and six or seven children. Nor is this all. Within this District are private prisons, into which they are driven in droves, and kept for weeks and months, and then shipped to the South. This, all this cruelty, this loathsome suffering, this inhuman traffic, is carried on in open day, in presence of

the American people, at the seat of liberty and boasted freedom. It is this cruel, this disgraceful trade, those petitioners humbly and respectfully pray you to abolish. To this end, to remedy this evil, (Mr. L. said,) as a member of this House, he would receive these petitions, refer them, and act upon them promptly and effectively. He would treat them kindly, and combat their errors with reason. Mr. L. said he did not intend in these remarks to include the individual who should purchase a slave or slaves for his own use, or part with those for which he had no use.

Mr. L. said, upon the resolution rejected, reconsidered, and now a substitute proposed, he had but little to say. He had voted against its adoption, moved its reconsideration, and would now vote most cheerfully for its substitute. The honorable gentleman from South Carolina [Mr. PICKENS] says he voted for the resolution because that punishing a member for presenting a petition from slaves was conclusive they had no right to petition; while Mr. L. had voted against it for the reason that its adoption presupposed a right in the slave to petition. If no such right existed, why resolve that it should be a crime to present? Why not resolve at once the absence of the right?

Sir, it is remarkable that an honorable gentleman from South Carolina, alive to this subject, should have presented to this House a resolution so equivocal in its language, so doubtful in its character. What is the language, what the meaning, what the construction it would have received if adopted?

"*Resolved*, That any member who shall hereafter present any petition from the slaves of this Union ought to be considered as regardless of the feelings of the House, the rights of the Southern States, and unfriendly to the Union."

It provided, that any member who shall hereafter present any petition from the slaves of this Union. The plain and inevitable inferences to be drawn from this sentence are, first, that the members of this House have been in the habit of presenting such petitions; secondly, that it had been lawful to do so; and, lastly, the slave not only possessed such right, but had exercised it.

Sir, had this resolution been adopted, and trust me, you would have seen the disappointed and ambitious politicians of the South, if any such there are, fanning the flame of discontent; yes, upon every stump, at every muster, in every hall, sounding the alarm, danger, danger, disunion! The resolution would have been tortured into any and every possible meaning, to prove any and every thing. It would have been rightly denounced at the South as loosening instead of drawing the cord upon the slave. The South would have been in a political flame; in the North, the politicians would have blown the tide of abolition to its height, and all brought to bear upon the administration. In the face of all this, the honorable gentleman from South Carolina [Mr. PICKENS] says the rejection of such a resolution has driven the South to the fearful precipice of disunion; that they tread upon volcanoes. Sir, it was the rejection of that resolution which has saved them from the precipice, and calmed the troubled spirit of the volcano. Let honorable gentlemen from the South join with their real, not pretended, friends; let them go with him and those with whom he acted—with the friends of the constitution, of the Union, of liberty, of equal rights—with the democratic party, the friends of the administration, in the adoption of a resolution, in its language pointed, in its meaning clear and obvious. A resolution that all who see, hear, or read it, shall understand it as one man—that the slaves of this Union have no right to petition Congress for the abolition of slavery. Such a resolution will be understood in the South, and will be satisfactory to all. The fanatic of the North cannot pervert it, nor the honest abolitionist evade it. Mr. L. said, in conclusion, that now, the event having passed, without being in any degree affected by this exciting subject, and with reference to which much of the past excitement may be attributed, he hoped, for the tranquillity of the nation, of the business of this House, the resolution now proposed in the place of the one on a former day rejected would be adopted, with such a majority as shall speak peace to the South, and that cannot be misunderstood at the North.

Mr. WADDY THOMPSON said he regretted to differ from his honorable colleague [Mr. PICKENS] on any question of such interest to the South as the one immediately pending; but he felt it due to those gentlemen who had shown a disposition to meet this question, to say that he was satisfied with the amendment proposed by the gentleman from Pennsylvania, [Mr. INGERSOLL,] because he believed it covered all the material points, if not the whole ground. Although he did not feel authorized to take the responsibility of accepting it as a modification of his resolution, still he would consider himself justified in voting for the amendment. He was glad to give gentlemen from the North the opportunity of setting themselves right on this subject; and although he might be disposed, under certain circumstances, to cavil for the ninth part of a hair, yet he would consider himself as doing that which was most improper if he were to split hairs on a question like the present—a question of pacification. He considered it to have been his duty to have said thus much; and, if he had not mistaken the general sentiment of the South, they would respond to it.

Mr. HOWARD moved a reconsideration of the vote by which the resolution of yesterday, directing Mr. Whitney to be brought before the bar of the House, was adopted; which motion was entered, and lies over. [It being a privileged question, was entertained by the Chair, and recorded.]

The subject was further discussed by Messrs. WISE, HARRISON of Missouri, ASHLEY, (the last two gentlemen in explanation,) UNDERWOOD, CRAIG, and ANTHONY, (the latter merely urging the House to take the question, as they had already consumed a whole week in a debate which could in no way benefit the country, any portion or section of it, or even a solitary individual.)

Mr. TAYLOR rose amidst loud cries of "question!" He said it had been his intention to submit a few remarks to the House in support of his proposition, but he was admonished by the loud calls of "question," and would most cheerfully yield to the expressed wish of the House. His chief object in rising, however, was to state, that the gentleman from Pennsylvania having offered a modification, and Mr. T. having been urged by one of his colleagues to accept it, he had then declined, and he now desired to give a single reason. He had done so for the purpose of waiting to see what the views of other members were, and having listened attentively to the debate in its progress, he had become satisfied that the acceptance of that amendment as a modification of his own would insure greater harmony in the House, which being all-important in the consideration and disposition of the question, therefore he accepted it.

Mr. T. subsequently explained that, in accepting the amendment of the gentleman from Pennsylvania, he wished, at the same time, to retain also the original resolution, to come in after Mr. INGERSOLL's, and form, together, one distinct proposition.

Mr. ADAMS then read certain amendments he wished to move, one of which was to insert, where it was referred to, the words of the resolution of the 18th of January, ordering "all petitions, memorials, resolutions, and papers, relating in any way, or to any extent what-

mittee of Ways and Means proposed to treat the subject with levity, and justify the introduction of a paper of that kind into this House, and a proposition so fraught with mischief, upon the ground that some one from the South had played a trick on the gentleman from Massachusetts, I was struck with surprise, as well as with other emotions that I need not now express in terms. There are things of which sport cannot be made; and this is one of them. What would you think of a man that would attempt to make fun of death? As well might gentlemen undertake to do that.

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"*Resolved*, That any member who shall hereafter present any petition from the slaves of this Union ought to be considered as regardless of the feelings of the House, the rights of the Southern States, and unfriendly to the Union."

It provided, that any member who shall hereafter present any petition from the slaves of this Union. The plain and inevitable inferences to be drawn from this sentence are, first, that the members of this House have been in the habit of presenting such petitions; secondly, that it had been lawful to do so; and, lastly, the slave not only possessed such right, but had exercised it.

Sir, had this resolution been adopted, and trust me, you would have seen the disappointed and ambitious politicians of the South, if any such there are, fanning the flame of discontent; yes, upon every stump, at every muster, in every hall, sounding the alarm, danger, danger, disunion! The resolution would have been tortured into any and every possible meaning, to prove any and every thing. It would have been rightly denounced at the South as loosening instead of drawing the cord upon the slave. The South would have been in a political flame; in the North, the politicians would have blown the tide of abolition to its height, and all brought to bear upon the administration. In the face of all this, the honorable gentleman from South Carolina [MR. PICKENS] says the rejection of such a resolution has driven the South to the fearful precipice of disunion; that they tread upon volcanoes. Sir, it was the rejection of that resolution which has saved them from the precipice, and calmed the troubled spirit of the volcano. Let honorable gentlemen from the South join with their real, not pretended, friends; let them go with him and those with whom he acted—with the friends of the constitution, of the Union, of liberty, of equal rights—with the democratic party, the friends of the administration, in the adoption of a resolution, in its language pointed, in its meaning clear and obvious. A resolution that all who see, hear, or read it, shall understand it as one man—that the slaves of this Union have no right to petition Congress for the abolition of slavery. Such a resolution will be understood in the South, and will be satisfactory to all. The fanatic of the North cannot pervert it, nor the honest abolitionist evade it. Mr. L. said, in conclusion, that now, the event having passed, without being in any degree affected by this exciting subject, and with reference to which much of the past excitement may be attributed, he hoped, for the tranquillity of the nation, of the business of this House, the resolution now proposed in the place of the one on a former day rejected would be adopted, with such a majority as shall speak peace to the South, and that cannot be misunderstood at the North.

Mr. WADDY THOMPSON said he regretted to differ from his honorable colleague [MR. PICKENS] on any question of such interest to the South as the one immediately pending; but he felt it due to those gentlemen who had shown a disposition to meet this question, to say that he was satisfied with the amendment proposed by the gentleman from Pennsylvania, [Mr. INGERSOLL,] because he believed it covered all the material points, if not the whole ground. Although he did not feel authorized to take the responsibility of accepting it as a modification of his resolution, still he would consider himself justified in voting for the amendment. He was glad to give gentlemen from the North the opportunity of setting themselves right on this subject; and although he might be disposed, under certain circumstances, to cavil for the ninth part of a hair, yet he would consider himself as doing that which was most improper if he were to split hairs on a question like the present—a question of pacification. He considered it to have been his duty to have said thus much; and, if he had not mistaken the general sentiment of the South, they would respond to it.

Mr. HOWARD moved a reconsideration of the vote by which the resolution of yesterday, directing Mr. Whitney to be brought before the bar of the House, was adopted; which motion was entered, and lies over. [It being a privileged question, was entertained by the Chair, and recorded.]

The subject was further discussed by Messrs. WISE, HARRISON of Missouri, ASHLEY, (the last two gentlemen in explanation,) UNDERWOOD, CRAIG, and ANTHONY, (the latter merely urging the House to take the question, as they had already consumed a whole week in a debate which could in no way benefit the country, any portion or section of it, or even a solitary individual.)

Mr. TAYLOR rose amidst loud cries of "question!" He said it had been his intention to submit a few remarks to the House in support of his proposition, but he was admonished by the loud calls of "question," and would most cheerfully yield to the expressed wish of the House. His chief object in rising, however, was to state, that the gentleman from Pennsylvania having offered a modification, and Mr. T. having been urged by one of his colleagues to accept it, he had then declined, and he now desired to give a single reason. He had done so for the purpose of waiting to see what the views of other members were, and having listened attentively to the debate in its progress, he had become satisfied that the acceptance of that amendment as a modification of his own would insure greater harmony in the House, which being all-important in the consideration and disposition of the question, therefore he accepted it.

Mr. T. subsequently explained that, in accepting the amendment of the gentleman from Pennsylvania, he wished, at the same time, to retain also the original resolution, to come in after Mr. INGERSOLL's, and form, together, one distinct proposition.

Mr. ADAMS then read certain amendments he wished to move, one of which was to insert, where it was referred to, the words of the resolution of the 18th of January, ordering "all petitions, memorials, resolutions, and papers, relating in any way, or to any extent what-

ever, to the subject of slavery, or the abolition of slavery," to be laid on the table, without being printed or referred, and that no further action should be had thereon.

Mr. A. then addressed the House at length, and went on to show that he was in no way responsible for the debate which had occurred. He now believed the paper to be a forgery by a slaveholding master, for the purpose of daring him to present a petition purporting to be from slaves. That having thus reason to believe it a forgery, he should not present it as a petition, whatever might be the decision of the House on the question before them. If he should present it all, it would be to invoke the authority of the House to cause the author of the forgery to be prosecuted for the forgery; which he certainly would do, if there were a competent judicial authority to try the offender, and he could require and obtain evidence to prove the fact.

Mr. GRANGER said he was about to proceed to address some remarks to the House, but it had been intimated to him that the proposition of the gentleman from Massachusetts [Mr. Adams] had been accepted.

[Cries of no! no! order! order! question! question!]

Mr. G. said he would tell the House, once for all, that, if he stood there until to-morrow's sun should rise, nothing should put him down but the rules of the House. Sir, (said Mr. G.,) has it come to this, that when a question of this magnitude is under discussion, involving the most important, and, as he supposed, well-settled principles of law, and when gentlemen dare not to have resort to the gag-law of the previous question, a member claiming his privilege here, and claiming to be heard in the exercise of that privilege, is to be hunted down with cries of "order! order! question! question?" I am the last man to be silenced in that way, nor will I yield the floor.

The ground he had taken in the commencement of this controversy was well known. This was the first moment in which a coldness had ever existed between the honorable gentleman from Massachusetts, [Mr. Adams] and himself. Mr. G. had thought that that gentleman had unnecessarily thrown into the House a question on which he had not been well advised, and on which he should have been better informed before he had brought it to the consideration of the House. He (Mr. G.) had no disguise on this subject. Let any man present here a petition from slaves, in reference to the question of the abolition of slavery, and he would be the first man to record his vote that no such right of petition existed. The institutions of our country had been so established that, if the right of slaves to appear in this hall and petition for their freedom was acknowledged, from that day there would be here nothing but a continued scene of anarchy and confusion. This was a position too plain to be controverted. He did not know whether the abolitionists contended for such a doctrine, for he knew very little of their views or opinions; nor did he know whether the gentleman from Massachusetts himself contended for it. He (Mr. G.) had very little to say as to the probability of a dismemberment of the Union arising from these causes, or of the wisdom or folly of legislating upon these abstract propositions. He would say, however, that there was a point beyond which he would not go, not particularly in reference to the gentleman from Massachusetts and his position now, but for the great cause of justice to every citizen who should be placed, here or elsewhere, on his trial. The Speaker had decided that the resolution of the gentleman from Virginia [Mr. Patton] still held the question as one of privilege; that resolution had been rejected; the vote had been reconsidered, and the House now again stood on the same question of privilege upon which it had yesterday recorded its verdict.

What was the position of the House? He would venture to say that it was the first time, since the formation of this Government, that the House had been called on to do a deed like the present. What was the question of privilege? It was, whether a member should be brought to the bar for an alleged disrespect to the House; and the vote of the House upon such a question is a judicial rather than a legislative proceeding. The power of punishing for contempt is one inherent in all legislative bodies, to protect them from insult, and to enforce their authority; but those who are the objects of that power are entitled to all the privileges of defendants in courts of justice. After that question had been discussed, and after the collected reason of the House had seen that such a proposition could not be sustained, another resolution was introduced, which had also been decided to be in order as a question of privilege. The judgment of this House had been given. The verdict of acquittal had been entered in favor of the accused; and now, for the first time in the history of this nation, after having been solemnly acquitted here, as in a court of justice under other circumstances, we were called on to open this verdict of acquittal for the new action of the House. It was the rich prerogative of that justice which is tempered by mercy to hold out its hopes, its blessings, and its privileges, to the accused, to the last syllable that was possible. When a verdict of "guilty" had been returned, a new trial might be granted; but where before had it been heard that, after the innocence of an accused person had been solemnly recorded, he should again be brought up for a new trial before the same tribunal?

It is a well-settled principle in law that no man shall be twice put in jeopardy for the same offence; yet here, after the legally constituted tribunal of our country has recorded its verdict of acquittal, the seals of that verdict are to be torn open, and the gentleman from Massachusetts is to be again put upon his defence; for it is useless to deny that, if the resolution, the rejection of which has been reconsidered, is now open for amendment in the manner proposed, it is equally so for the introduction of a proposition of censure as severe as that upon which this discussion commenced. As there is nothing in our rules requiring immediate action upon a motion to reconsider, it is in fact establishing the doctrine that, after this House shall have passed its judgment of acquittal upon a person brought to the bar for a contempt, it can, at any time thereafter, open that verdict, and change its decision to one of more or less severity than the former, according to the temper of the House at the moment of its action. It appeared to him that such a proposition was too monstrous to be tolerated.

Although he would not willingly weary the attention of the House, which at last he had been so fortunate as to secure, he would detain them long enough to say that the position he had taken might be illustrated by instances that would occur to the mind of every gentleman who heard him, and which were freed from the excitement with which this question was mingled. We had ordered a citizen (R. M. Whitney) to the bar of the House, to answer for an alleged contempt towards one of its committees, and he will probably be brought before us on Monday. Suppose that, after a full action of the House upon his case, a resolution should be passed, and he be discharged without censure: will any gentleman contend that such a vote could be reconsidered, and this citizen, for the same act, be again placed upon his defence? Or, suppose a case that has happened, and very probably may again happen: a citizen is brought to our bar for a breach of privilege, consisting in an assault upon a member. The accused is acquitted upon the testimony of witnesses to the transaction who chance to be present, but who reside in remote sections of the Union.

What would be thought of the opening of such a verdict for a second action of the House—and that, too, not at the request, but against the expressed wishes, of him who had been once pronounced innocent? Am I to be told that the testimony upon which the House acted would be all spread upon the record, to guide its judgment? What then? Suppose an impeachment by this House, and an acquittal by the Senate: is there a gentleman here who will contend that such a judgment could be reconsidered, and a new decision be made, because the testimony was in writing, and might constitute the basis upon which to rest such second verdict?

Mr. G. said that he did not take this ground from any desire to shrink from the responsibility of meeting the question upon the petition in the possession of the gentleman from Massachusetts, [Mr. ADAMS.] With the exception of one gentleman from that section of the country holding itself aggrieved, he (Mr. G.) had been the first man to enter his protest against the course pursued by the gentleman from Massachusetts. Stage after stage, in these proceedings, he had entreated gentlemen not to press these abstract questions upon the House, well aware that the decision, however made, would not result in good. But gentlemen insisted upon a recorded verdict of the House, which resulted in favor of the accused; and every principle of justice and of law, in this and every other civilized nation upon earth, denies the right of opening this record of innocence, to give a chance for a verdict of guilt.

Mr. G. said that he had endeavored to obtain the floor before the question upon reconsideration had been taken, but had been cut off by the rules of the House. He had given his vote against such reconsideration; but as he believed the House had exceeded its powers in opening this verdict of acquittal, to see whether a new trial would not produce a new result, he should not vote upon any of the propositions then before them.

Mr. VANDERPOEL said he congratulated the House and the whole country that this important and agitating subject was about to assume such a shape as that all, or nearly all, portions of the House might and would unite in doing and declaring something that the crisis demanded. He had voted for the original resolution which was rejected day before yesterday, and the vote to reject which had just been reconsidered. In voting for it, he had no difficulties or scruples to overcome. He believed in one and all of the propositions which it either expressed or implied. He would be ashamed of himself, if he ever could have supposed that slaves had a right to petition this body, or any legislative body of any State where slavery exists; nor had he any doubt of the soundness or justness of the proposition, that if any gentleman should hereafter present a petition from slaves, he would justly expose himself to the displeasure, if not the censure, of this House. The idea that slaves had a right to petition the American Congress was indeed too monstrous to justify any labored attempt at refutation; but at the same time he was well satisfied that the vote upon the resolution of the gentleman from Virginia [Mr. PATTON] was not an expression of the sense of a majority of this House upon the abstract right of slaves to petition. He believed, he hoped, for the honor of the nation, that there were not twenty members in this House who believed in the abstract right of slaves to petition Congress. At the same time, he knew that the vote of Thursday, which he (Mr. V.) so much deplored, was not a fair exponent of the sense of the majority of this House as to the right of slaves to petition, as would be demonstrated by the vote which would now soon be given.

It would be recollected that the resolution which was just reconsidered contained some two or three propositions, so connected as to be indivisible; propositions in one of which gentlemen might believe, and disbelieve the residue. A gentleman from New Jersey [Mr. PARKER] had moved a division of the resolution of the gentleman from Virginia, so as to get a vote upon each distinct proposition; and the Chair very properly decided that the resolution was so worded, that if the vote upon the first proposition were taken, no distinct independent substantive proposition would be left, and the resolution was not therefore susceptible of division. It was to be swallowed, then, as one unbroken dose. Many gentlemen, to his (Mr. V's) knowledge, had voted against it, because they supposed it involved a very severe censure upon the honorable gentleman from Massachusetts, [Mr. ADAMS;] others voted against it because it impeached, in advance, as they supposed, the motives of some honorable member of this House, who, under some very peculiar circumstances, might hereafter deem it a duty to present a petition from a slave. As a whole, therefore, they voted against it, though, as I well know, they believed that slaves have constitutionally no right to petition Congress. And yet the honorable gentleman from South Carolina [Mr. PICKENS] has told us that he did not vote upon the motion to reconsider, because he believes that the vote of Thursday was a fair exponent of the sense of a majority of this House upon the abstract right of slaves to petition! The gentleman's course was no doubt a conscientious one; but he entreated him to review a resolution which he (Mr. V.) feared he had too precipitately formed. Was the stand he had taken kind to those gentlemen of the North who had for the last two years so firmly co-operated with us, here and elsewhere, in all measures that were calculated to frustrate the mischievous doings of Northern abolitionists? Was it not any thing but charitable? I tell the gentleman that I know, because they have told me so, that many gentlemen from the North voted in the majority on Thursday, because they supposed that the resolution then negatived implied a severe imputation upon the motives of the gentleman from Massachusetts.

And does he still adhere to the sentiment that that resolution is a fair exponent of the sense of the majority of this House, and is he still unwilling to aid gentlemen in any effort they may make to set themselves right before this House and this nation? Suppose that whole numbers of Northern gentlemen should rise in their places, and tell us that they did not believe in the right of slaves to petition, but that they voted in the negative on Thursday, because the resolution then under consideration implied, as they supposed, a most unmerited and cruel impeachment of the motives of an honorable member of this House: would the gentleman from South Carolina still pertinaciously adhere to his faith? Would he still persist in the course he had prescribed for himself? He appealed to that gentleman's high sense of justice, and he appealed to his regard for the past efforts of Northern gentlemen to put down the abolitionists, and to his regard for that great Southern interest which was assailed by the petitions with which fanatics were constantly pestering us. Sir, said Mr. V., I will not impeach the motives which have influenced any gentlemen in the course they have seen fit to pursue in relation to this agitating subject. They are doubtless patriotic. But I will take occasion to say, that as a Northern man, opposed with all my soul to the mad schemes of the Northern abolitionists, and feeling the full weight of obligation that rests upon me to fulfil that sacred compact of the constitution—not to interfere with the domestic relations of our Southern brethren, my incentives to duty have by no means been strengthened by the speeches, the doctrines, and the propositions, of the honorable gentleman from South Carolina, [Mr. PICKENS,] and of other Southern gentlemen who have advocated his policy, his views, and his measures, upon this subject. We have for the last two years heard

much here to try our patience, if not to abate our zeal in the good cause. We had heard entirely too much of blood and disunion; too much hurling of defiance, to afford us encouragement, to stimulate us to renewed vigor in the path of duty. Sir, there are many Southern gentlemen who do not seem to appreciate our position at the North. We now have, and always will have, fools and fanatics there, as well as elsewhere. We know we can keep them in subjection, if their arms are not nerved, and their ranks are not thickened, by the indiscretion of our Southern brethren. It is at the North where the battle against the abolitionists is to be fought. We will do the work for you, my friends from the South, nobly and gallantly; but, in the name of justice, cheer and encourage us with your kindness and friendship, instead of irritating us with menace, with denunciation, and ebullitions of defiance. Do not propose measures so harsh and unreasonable as to drive from us any of that great moral thinking mass of Northern population, that now sustains and encourages us in our efforts to put down the abolitionists. Think, gentlemen, before you speak; look before you leap. Recollect that the boldest measures are not always the wisest and most politic measures. Do not unconsciously play into the hands of Northern incendiaries, by asking us to vote for propositions which our constituents of the North may regard as violations of the constitution. Do not ask us to deny to freemen the right of petition, however deluded they may be. Be assured that you are not, by such a course, subserving the great interest you have so near at heart. It is calculated to increase our difficulties at home, and reinforce the enemy you wish to subdue. I conjure Southern gentlemen to think of, to appreciate, these considerations. They are dictated by a spirit of friendship, by a spirit of fidelity to the constitution. Think you not that harsh speeches and harsh measures operate against your cause? An honorable gentleman from South Carolina, [Mr. Pinckney,] in the ardor of debate, had resorted to a simile which, if true, might rather have been waived. He told us that he would as soon believe that a cow or a horse, a dog or a cat, had a right to petition, as that a negro slave had a right to petition this House. Speeches like these, and measures that are akin to them, furnish texts from which abolitionists will write and preach whole volumes. Let Southern gentlemen temper their valor with a little discretion, and, my word for it, all will yet be well. We of the North, the great mass of the North, will fulfil the compact to the letter and spirit. We recognised your property in slaves when we entered into solemn covenant and union with you. We solemnly agreed that slaves should form part of the basis of your representation on this floor; and, until we become wretches, and wholly insensible to the obligations of covenant and duty, we will faithfully fulfil the compact.

It was necessary that he should say a few words as to the right of slaves to petition. He was surprised that any intelligent gentleman had seriously contended for this right. It was wholly inconsistent with the idea of property in slaves, which all who understood the relation of master and slave must admit to exist. A slave is not a citizen in the eye of the constitution. His political existence is merged in that of his master. He cannot prosecute in your courts of justice; he cannot petition your legislative assemblies. Sir, I know enough of the sentiments of the State which I have the honor in part to represent to feel assured, that before slavery was abolished in New York, a proposition to present a petition from slaves to the New York Legislature would have been regarded as an insult. It would have awakened there as great a measure of indignation as has been here exhibited within the last five days. Sir, what has the Legislature of New York lately done to indicate its abhorrence of the movements of modern abolitionists? A petition was there very recently presented to enlarge the political rights of free negroes; emanating, no doubt, from the same sources that are constantly agitating us here; and *eo instanti* that it was presented, its prayer was indignantly rejected by an almost unanimous vote of the popular branch of the New York Legislature. There was little or no sympathy for abolitionists there. New York is sound to the core upon this subject; and he had no fear that she would ever become otherwise.

An honorable gentleman from Massachusetts [Mr. Cushing] had favored us with a very eloquent and able speech, a few days ago; but the great defect of it was, that it did not meet the true question. Admit that the right of petition is pre-existent to and independent of the constitution, the question still recurs, whether it is not to freemen, and to freemen alone, that it attaches. The constitution secures to the people the right peaceably to assemble and petition the Government for a redress of grievances. Had any one, before to-day, ever dreamed that the appellation of "the people" embraced slaves? Sir, I hesitate not to declare that, were I a Southern man, I would not submit to the doctrine that slaves have a right to petition, if Congress were ever mad enough to sanction it. Nay, I go further, and declare that, as a Northern man, I would not submit to it. I would not brook the degradation of listening to and entertaining that which it belongs to freemen alone to address to us. The honorable gentleman from Massachusetts [Mr. Adams] had fancied and stated some cases in which it might be expedient to entertain a petition from a slave. Sir, said Mr. V., I could have hoped that that gentleman was too sound a logician to suppose that extreme and far-fetched cases against a proposition prove its unsoundness. On the contrary, the maxim *exceptio probat regulam* was a sound maxim of law and philosophy. The gentleman had supposed the case of a slave wandering or driven into a foreign country, and there cruelly oppressed. He asks, would you not entertain a petition for his relief? Suppose, sir, you should here pass a broad and sweeping resolution, that petitions should not be received from slaves, and that any gentleman who should thereafter present such petition would be regarded as insulting the House. Suppose that, after this, a gentleman should rise in his place, and state that he had received a petition from an American slave in a foreign country, who was there most cruelly oppressed; that he had endeavored to find his master, but had not been able to find him; that he submitted it, most respectfully, to the House, to determine whether it would receive such petition, and the House were to determine, as matter of grace and favor, that the petition should be received: would this extreme case prove the unsoundness of the general proposition that slaves have constitutionally no right to petition? No, sir; it would not militate against the soundness of the general rule. But, even in such a case, the proper course would be for the slave to lay his case before our minister or consul abroad. Let the minister or consul communicate the facts to your Executive, and, if he regards it as a case requiring legislative interposition, let him communicate it to Congress. I deny, therefore, that, even under such extreme circumstances, a slave would, as matter of strict right, have a right directly to petition Congress. And was it indeed so very strange that this right of petition was not a universal right? He appealed to his friends and colleagues from the North, whether there were not some persons in our section of the Union legally incapable of petitioning even your courts of justice. An infant, a person under twenty-one years of age, can there only petition a judicial tribunal by his guardian or next friend. Tell me not, then, that the right of petition to courts of justice or legislative bodies is a universal right; that it is

not modified or limited by the laws and relations of society. He would not longer discuss this point. He had already dwelt too long upon it. To discuss it was paying too much respect to it. It was a point which he could have hoped would never have been mooted in an American Congress.

Sir, said Mr. V., let me not be misunderstood. At the same time that I regret the indiscretions that flow from the deep feeling of the South upon this agitating subject, I feel every disposition to make very liberal allowances for the feeling which there prevails, and which is the parent of these indiscretions to which I have adverted. Be assured, sir, that all that stanch and thinking portion of the North which is able to appreciate the benefits and is disposed to fulfil the obligations that result from our glorious Union regard the sensitiveness of our Southern brethren as being by no means unnatural. A great portion of the South imagines that a conspiracy is going on in the non-slaveholding States against their property; nay, more than this: that instruments are there being sharpened, to be put in the hand of the Southern slave, and to be raised against his master. That this apprehension was a deep if not a growing one he (Mr. V.) was fully aware. But was it not very probable that the natural fears of our Southern friends should a little magnify the dangers that actually existed? So far as his experience and observation extended, he felt justified in saying that the abolitionists had the faculty of making a great deal of noise, and creating the greatest sensation, with very little materials. When at home, he heard very little of them. Once in a while they would honor him with a paper, which served no other office but to light a candle or ignite a segar.

But as to any evidence of the fact which some Southern gentlemen were constantly putting to us, that the abolitionists were growing so rapidly and alarmingly in strength and consequence, he must confess that he (Mr. V.) had no personal knowledge of its actual existence. From what he knew of them, he would say that they seemed to be very well versed in the game of "brag;" but when their actual hand came to be tested, it would turn out not to be by a tenth part so formidable as they pretended. Did the number of petitions and the number of petitioners whose names were paraded to us here form any just criterion by which to determine their strength? He was speaking in the hearing of men who were too familiar with the facility with which names were procured to petitions, to suppose that any formidable array of names to these petitions furnished any just cause of alarm. Sir, you can get thousands of signatures in every community to almost any petition, praying for the most preposterous objects in nature. One of the wisest and most accurate observers of men and things that this or any other country had ever produced once remarked that he had made it a point never to pay much attention or attach much importance to any paper or petition that had more than one name or signature to it; that there was no responsibility any where, when vast numbers thus united. Petitions formed the most fallacious evidence in the world of public opinion. If they were so in relation to ordinary matters, he had knowledge enough to feel authorized to say that they were emphatically so in relation to this subject. He had had abundant evidence of it since the abolitionists had commenced their mad and impracticable work. They had never done him the honor to intrust him (Mr. V.) with any of their petitions for presentation here. Perhaps they knew his sentiments too well upon this question to intrust him with them. A petition from his district had, however, been presented by one of his colleagues, at the last session of Congress. He had had the curiosity to cast his eye over it, and found it headed by a most influential gentleman. Mr. V. immediately addressed him a note, informing him that his valuable and influential name had thus arrived here, and was perverted to most mischievous and incendiary purposes; and the gentleman very promptly returned him a letter, requesting him to withdraw his name, and informed him of the circumstances under which he had thoughtlessly put his signature to this petition. Before the abolition question had become one of fearful interest or notoriety, a mulatto man, a barber, who was accustomed every morning to shave the petitioner, one day presented to him in his shop this petition, and he signed it hastily, and without the least reflection.

A great proportion of the other petitioners signed it, no doubt, thoughtlessly as did this gentleman; and when presented here, the friends of the abolitionists claim, and gentlemen from the South seem too readily to fear, that petitions like these constitute something like evidence of public opinion at the North. He (Mr. V.) could have hoped that we had had too much experience upon this point, within the last four years, to confide too readily in the force of such evidence. We could not so soon have forgotten the flood of petitions, the countless names of petitioners, which were poured in upon us during the memorable panic session. From these documents it seemed that whole communities were unanimous in their anxiety for the restoration of the deposites to the Bank of the United States, and that not one tenth of the electors of this country would sustain the President in this great measure. The election, the true test of public opinion, came on, and where then were these armies of petitioners? Let the elections of 1834 answer. Why, then, sir, with all the lessons of experience before us, telling us how deceptive is that evidence of public opinion which is derived from petitions, should our friends from the South so readily take alarm from abolition petitions? We have had excitements at the North, arising from other causes, which swept like a tornado over our region; excitements that originated in the best and purest feelings of our nature, but which, unfortunately for the results which they at first promised, soon became intermingled with the political struggles of the day. He need hardly say that he alluded to the anti-masonic excitement, which was a pure and hallowed indignation at a most barbarous outrage upon the person of an American citizen, and remained so until old political hacks, broken-down politicians, mounted the whirlwind which it raised, for the purpose of riding into those high places which they could never reach without some most unnatural and factitious aids. It had its day in the State where it originated, and was now on the wane. Though pure in its inception, the moment it was perverted to political purposes, the people had sagacity enough to see the mischievous ends to which it was attempted to be prostituted, and firmness enough to resist, and successfully resist, its onward strides. Imposing as it once was, pure as it was in its origin, it could not secure, to those who mounted it as a hobby, political power in the State where it had its birth. Sir, the fate of that excitement is to the friends of the Union, the friends of the South at the North, an ample guarantee that the abolition excitement can never be successfully perverted there to party purposes. It has not the aliment of principle and justice to sustain and feed it, which, before it was turned to political ends, the anti-masonic excitement could boast. It cannot, it will not, be a means of securing political power, though demagogues and unprincipled men may endeavor to render it so. A great majority of the Northern people are a reading, a thinking, and a reasoning people. They are devotedly attached to the Union, and will not contribute to any state of things that might possibly blot out a star or a stripe from the banner that floats over it. When mad or desperate men shall propose to turn the abolition excitement to party purposes, we know, sir, that with the

people of the North discomfiture will be their doom. The weapons of truth, of argument, and of patriotism, are against them. We will then be, as we have hitherto been, faithful to our Southern brethren. We will tell our constituents of the obligations imposed upon them by the constitution. We will tell them that the freemen of the North and the freemen of the South fought shoulder to shoulder, in the great struggle of the Revolution, for the rich blessings we now enjoy; that when your independence was announced to the world, each State was sovereign and independent, and that the institution of domestic slavery then existed in most, if not in all, of the old thirteen States; that the warm climate of the Southern States disabled the white man from efficiently laboring there; and that this circumstance had contributed to render the slave property of the South a great and most vital interest; that common safety and common interest required a bond of union for States that had so freely poured out their blood and treasure for the rich inheritance we now enjoy; that our Southern friends would not enter into such bond of union with us without some stipulations or provisions, in the articles of union, by which their property in slaves, this great Southern interest, might be saved from losses and hazards, that might otherwise have resulted from the Union; that, for the great purposes of "forming a more perfect Union, establishing justice, insuring domestic tranquillity, providing for the common defence, promoting the general welfare, and securing the blessings of liberty to themselves and their posterity," the people of the United States did solemnly ordain and establish a constitution for the United States of America. That this sacred instrument expressly recognises this property in slaves, and establishes it as part of the basis of representation on this floor; that it prohibited Congress, prior to the year 1808, from passing any law to preclude the importation of slaves into the States, that it compels the people of one State to deliver up to the owners fugitive slaves from another State. We will appeal to the duties and obligations that flow from this solemn compact, this sacred instrument, which has been the source of so much happiness and prosperity, and will boldly ask the people of the North, "will you dishonor those fathers who, in ordaining the constitution, were actuated by the high and affectionate motive of 'securing the blessings of liberty to themselves and their posterity,' by violating one jot or tittle of the covenants into which they entered for such high and hallowed purposes?" Sir, we know what will be the response. They will greet us with their benedictions for our exertions here to save the constitution, and nobly say to us, "we will not dishonor our fathers by violating what they have so wisely and solemnly ordained; we will not, from a false and mistaken philanthropy, do or suffer to be done aught that may tend to tear and scatter into fragments our great and glorious Union."

And suppose, sir, that we should then be told that the abolitionists, in the petitions they address to Congress, do not propose to interfere with slavery in the States; that they only ask for the abolition of slavery in the District of Columbia. We would still continue our expostulations, with a perfect confidence of triumph and success. We would tell our friends of the North, that when Virginia and Maryland ceded to the United States jurisdiction over this ten miles square, they were both, and now are, slaveholding States. We would ask them, had Virginia and Maryland imagined that the American Congress would have emancipated the slaves of this District, while slavery with them was a great and vital interest, think you that they would ever have ceded their jurisdiction over this territory, and thus make it the great armory where the weapons of incendiaries and abolitionists would be collected, to be sent forth and scattered among their slaves? They would not, sir, hesitate to give the natural and the proper answer. We would then appeal to their sense of justice, and ask them whether, by abolishing slavery in the District of Columbia, while all the circumjacent country, with which this District was once connected, is deeply interested in slave property, while Virginia and Maryland are both slaveholding States, we would not violate the spirit of the compact by which Maryland and Virginia ceded their jurisdiction over this District to the United States; whether, by abolishing slavery in this District, we would not commit a gross fraud, nay, perpetrate a shocking outrage, upon two of the old thirteen States that have such strong claims upon our justice and our affection; the one having given birth to Washington, the other having contributed her full quota of gallant actors upon almost every battle field of the Revolution. And to these questions, too, be assured, sir, we would receive, from a vast majority of the people of the North, the reply which good faith and a deep-rooted love for the Union would dictate.

Mr. V. said that he had been very unexpectedly drawn into this debate. He had had no intention to speak, till he had heard the remarks of the gentleman from South Carolina, [Mr. Pickens.] He could not reconcile it with his sense of duty, as a Northern man, to sit still, after the speech which that honorable gentleman had delivered.

He had said that he had heard too many threats of blood and disunion since he had had the honor of a seat here. Had we been told by a gentleman from the South that the Potomac would soon be the dividing line, and that its waters would be crimsoned with blood? These threats had ceased to frighten any body. When he (Mr. V.) had first entered this House, he always felt a holy horror when gentlemen presented to us the dreadful alternative of disunion! But, sir, it had no power longer to shake his nerves. He had become used to it; for it had become quite an old story. Threats of disunion had become as familiar here as household words. Gentlemen almost daily talked about setting up for themselves, "as flippantly as maids do talk of puppy dogs," and no one was longer disturbed by it. He would not longer permit himself to be troubled with the apprehension of even the possibility of disunion. The North, though it had a few weak and deluded men, and officious women, would sacredly regard and faithfully fulfil all the obligations that resulted from the "Union." There was patriotism enough at the North, and patriotism and discretion enough at the South, to save this glorious fabric of our Union. Delusion and fanaticism would have only a brief and harmless career.

Mr. THOMPSON, of South Carolina, accepted the modified amendment of Mr. Taylor, as a modification of the original resolution.

Mr. CAVE JOHNSON demanded the previous question; which was seconded; and the main question, being on the adoption of the resolutions, was ordered without a count.

Mr. VANDERPOEL asked for the yeas and nays on the main question; which were ordered.

A division of the question having been ordered, the first resolution, as modified, was then taken up, as follows:

"An inquiry having been made, by an honorable gentleman from Massachusetts, whether a paper, which he held in his hand, purporting to be a petition from certain slaves, and declaring themselves slaves, came within the order of the House of the 18th of January, and the said paper not having been received by the Speaker, he stated that, in a case so extraordinary and novel, he would take the advice and counsel of the House:

"*Resolved*, That this House cannot receive the said petition without disregarding its own dignity, the rights of a large class of citizens of the South and West, and the constitution of the United States."

The question being taken thereon, it was adopted, by a vote of yeas 160, nays 35, as follows:

YEAS—Messrs. Alford, Chilton Allan, Anthony, Ash, Ashley, Bean, Bell, Black, Bockee, Boon, Bouldin, Bovee, Boyd, Bunch, Bynum, John Calhoon, Cambreleng, Campbell, Carter, Casey, John Chambers, Chaney, Chapman, Chapin, N. H. Claiborne, John F. H. Claiborne, Cleveland, Coles, Connor, Corwin, Craig, Cramer, Crary, Cushman, Dawson, Deberry, Dromgoole, Dunlap, Elmore, Fairfield, Farlin, Fowler, French, Fry, Galbraith, James Garland, Rice Garland, Gholson, Gillet, Glascock, Graham, Grantland, Graves, Haley, J. Hall, Hamer, Hannegan, Hardin, Harlan, Harper, Albert G. Harrison, Hawkins, Haynes, Holsey, Holt, Hopkins, Howard, Howell, Hubley, Hunt, Huntington, Huntsman, Ingersoll, Ingham, Jarvis, Jenifer, Joseph Johnson, R. M. Johnson, Cave Johnson, Henry Johnson, John W. Jones, Kennon, Kilgore, Klingensmith, Lane, Lansing, Laporte, Lawler, Lay, Gideon Lee, Joshua Lee, Thomas Lee, Luke Lea, Leonard, Lewis, Logan, Loyall, Lucas, Lyon, Abijah Mann, Job Mann, Martin, William Mason, Moses Mason, Samson Mason, Maury, McComas, McKay, McKeon, McLene, Mercer, Miller, Montgomery, Moore, Morgan, Muhlenberg, Owens, Page, Parks, Patterson, Patton, Franklin Pierce, James A. Pearce, Pearson, Peyton, Phelps, Pinckney, Rencher, John Reynolds, Jos. Reynolds, Richardson, Robertson, Rogers, Schenck, Seymour, Augustine H. Shepperd, Shields, Shinn, Sickles, Standefer, Sutherland, Taliaferro, Taylor, Thomas, John Thomson, Waddy Thompson, Turrill, Underwood, Vanderpoel, Wagener, Ward, Webster, Weeks, White, Thomas T. Whittlesey, Lewis Williams, Sherrod Williams, Wise, Yell, Young—160.

NAYS—Messrs. Adams, Heman Allen, Beaumont, Bond, Borden, William B. Calhoun, Carr, George Chambers, Childs, Clark, Crane, Cushing, Darlington, Denny, Evans, Samuel S. Harrison, Hazeltine, Henderson, Herod, William Jackson, Janes, Lincoln, Love, McKennan, Morris, Parker, Dutee J. Pearce, Phillips, Potts, Russell, Slade, Sloane, Spangler, Sprague, Elisha Whittlesey—35.

The second resolution was then taken up, as follows:

"*Resolved*, That slaves do not possess the right of petition secured to the people of the United States by the constitution."

Mr. HALEY moved to lay it on the table. Lost, without a division.

The question was then taken on the adoption of the resolution, and decided as follows:

YEAS—Messrs. Alford, Chilton Allan, Ash, Ashley, Bean, Bell, Black, Bockee, Bond, Boon, Bouldin, Bovee, Boyd, Bunch, Burns, Bynum, J. Calhoon, Cambreleng, Campbell, Carr, Carter, Casey, G. Chambers, J. Chambers, Chaney, Chapman, Chapin, Childs, N. H. Claiborne, J. F. H. Claiborne, Cleveland, Coles, Connor, Corwin, Craig, Cramer, Crary, Cushing, Cushman, Dawson, Deberry, Doubleday, Dromgoole, Dunlap, Elmore, Fairfield, Farlin, Fowler, French, Fry, Galbraith, J. Garland, R. Garland, Gholson, Gillet, Glascock, Graham, Grantland, Graves, J. Hall, Hamer, Hannegan, Hardin, Harlan, Harper, A. G. Harrison, Hawkins, Haynes, Herod, Holsey, Holt, Hopkins, Howard, Howell, Hubley, Huntington, Huntsman, Jarvis, Jenifer, J. Johnson, R. M. Johnson, C. Johnson, H. Johnson, J. W. Jones, Kennon, Kilgore, Klingensmith, Lane, Lansing, Lawler, Lay, G. Lee, J. Lee, T. Lee, L. Lea, Lewis, Lincoln, Logan, Loyall, Lucas, Lyon, A. Mann, J. Mann, Martin, W. Mason, M. Mason, S. Mason, Maury, McComas, McKay, McKeon, McLene, Mercer, Miller, Montgomery, Moore, Morgan, Muhlenberg, Owens, Page, Parks, Patterson, Patton, F. Pierce, James A. Pearce, Pearson, Pettigrew, Peyton, Phelps, Pinckney, Rencher, Joseph Reynolds, Richardson, Robertson, Rogers, Schenck, William B. Shepard, A. H. Shepperd, Shields, Shinn, Sickles, Spangler, Standefer, Taliaferro, Taylor, Thomas, J. Thomson, W. Thompson, Turrill, Underwood, Vanderpoel, Wagener, Ward, Webster, Weeks, White, E. Whittlesey, T. T. Whittlesey, L. Williams, S. Williams, Yell, Young—162.

NAYS—Messrs. Adams, Heman Allen, Beaumont, Borden, Darlington, Denny, Haley, Hazeltine, Ingersoll, W. Jackson, Janes, Love, Parker, Phillips, Potts, Russell, Slade,* Sloane—18.

So the second resolution was adopted.

[When the name of Mr. WISE was called, that gentleman rose in his place and declined to vote, for the reason that he held that Congress had no power to interfere, in any way, with the subject of slavery.]

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* *To the Editors of the National Intelligencer:*

GENTLEMEN: Having failed in numerous and pressing efforts (finally terminated by the previous question) to obtain the floor in the House of Representatives, on Saturday last, for the purpose of giving reasons for my negative votes on the two resolutions relative to the right of slaves to petition Congress, I feel impelled, by considerations peculiar to this case, and by the relation in which I stand to the question of slavery, to ask the privilege of briefly presenting to the public, through your paper, the substance of what I intended to say on that occasion.

The first resolution, after reciting that Mr. ADAMS had inquired of the Speaker whether it would be in order to present a petition purporting to be from slaves, declares "That this House cannot receive the said petition without disregarding its own dignity, the rights of a large class of citizens of the South and West, and the constitution of the United States."

The resolution contains three propositions:

1. That, in receiving the petition, the House would disregard its own dignity;

2. That it would disregard the rights of a large class of citizens at the South and West; and

3. That it would disregard the constitution of the United States.

These several propositions, let it be observed, have respect to a petition the purport of whose prayer is not stated, the preamble to the resolution containing not the slightest allusion to it whatever. In affirming the propositions, therefore, no reference was had to the question, whether the prayer of the petition was respectful or insulting, lawful or unlawful, proper or improper. The simple, naked fact, that it was signed by slaves, formed the foundation, and the only foundation, for the propositions contained in the resolution. No matter if it were signed by slaves residing within the District over which Congress have exclusive jurisdiction, and whose legislation necessarily acts directly upon their rights; and no matter if it prayed even for protection from the exercise of the most excessive cruelty, for liberation from confinement by slave-dealers in the dungeons of the public prisons in this District, or for rescue from threatened transportation to, and sale in, a foreign country. No matter if it were for any or for all of these objects; to receive it, the resolution affirms, would be disregarding the dignity of the House, the rights of a large class of citizens, and the constitution of the United States.

Now, how would the dignity of the House be compromitted by receiving a prayer for mercy, and, I may add, for justice, as in the cases I have supposed, from a

CASE OF R. M. WHITNEY.

The SPEAKER informed the House that the Sergeant-at-arms, in obedience to the order of the House and the warrant of the Speaker, had arrested Reuben M. Whitney, who was then in custody, and waiting the order of the House.

slave? What sort of legislative dignity is that which shuts the door in the face of "a man and a brother," merely because he is "in bonds?" Can there, on the contrary, be a spectacle more truly dignified than that of a legislative body bending its ear to the supplications of the poor, the helpless, and the oppressed? How beautifully and appropriately are mercy and justice illustrated, when neither wealth, nor power, nor patronage, comes in aid of the prayer for their exercise.

And how, in the next place, does the mere fact that a petition is from slaves render its reception a disregard of the rights of a large class of citizens at the South and West, and of the constitution of the United States? If the citizens of the South and West have, under the constitution, rights in regard to their slaves, does it follow that they are without limit? and that beyond that limit, whatever it may be, other rights may not exist? If the slave has no right to liberty, (I speak of a conventional right,) has he none to supplicate that precious boon at the hands of any power which may rightfully grant it? And has he no right to life? none to exemption from excessive cruelty? and none to implore protection to the one and security to the other? Is there no power on earth to which he may look for help in these extremities?

To "disregard," in any sense applicable to this subject, the rights of the South and West, is to invade those rights; and can we invade them in the legitimate exercise of powers granted in the constitution? That constitution invests Congress with the power of exclusive legislation over this District. Does not that power necessarily involve the right and the duty of hearing petitions from the governed, and from all the governed? Would it not be a very strange kind of Government which could not, or would not, hear such petitions?

If the hearing of petitions from the governed in the Territories of the United States consequentially affects the interests of the South and West, is it a consequence of which the South and West have a right to complain? They were parties to the constitution which created the exclusive Government, and they must abide its consequences. Suppose the inhabitants of this District should continue to press Congress, as more than eleven hundred of them did in 1828, to abolish slavery and the slave trade within its limits; and should, as in that petition, denounce, in severe and almost unmeasured terms, the enormities of both; would this be an invasion of the rights of the South and West, and a disregard of the constitution? Did Congress evince such disregard in receiving that petition, and ordering it to be printed? And what is the difference in principle, so far as concerns this argument, between that case and the present? Eleven hundred free white citizens of this District besought Congress to abolish slavery and the slave trade within its limits, and pressed it by abolition arguments. Did not this tend, according to the argument of the opponents of the right of slave petition, to create uneasiness among the slaves in the South and West, and thus affect "the rights of a large class of citizens" in those sections of the country?

There is great looseness in the reasoning which infers violations of the constitution from possible and remote consequences of a particular course of legislation. Admit the soundness of the reasoning in this case, and shut the doors of Congress upon petitions from the bond and the free of this District, touching the subject of slavery, merely because of their remote tendency to the abolition of slavery in the States, (for that is the argument,) and what shall we have next? Why, the doctrine that no State can abolish slavery within its limits, because, being a party with the other slave States to the constitution, which recognises the existence of slavery, and makes it the basis of representation, it cannot rightfully do any thing which shall tend to the abolition of slavery in the other States, and thereby deprive them of their slave representation in the Congress of the United States. This may now seem a very strained construction; but passion and interest have pushed sensible men to stranger absurdities than this.

The second resolution to which I have referred declares "That slaves do not possess the right of petition secured to the people of the United States by the constitution."

What does this resolution mean? Does it mean merely that the guaranty of the right of petition to "the people," in the constitution, does not extend to slaves? For the sake of the argument, let it be admitted that it does not—that the assumption is correct (which has been made in the debate, but which I do not admit) that "the people," whose right of petition the constitution declares shall not be abridged, means merely "We the people" who formed the constitution, and not slaves. How does this admission affect the question? The existence of the right of petition, as has been often said in the debate, does not depend upon the guaranty of the constitution. It is a right which is before and above all constitutional guaranties. It has its foundation in the dependencies inseparable from the social state. If the constitution does not expressly guaranty it to slaves, neither, let it be remembered, does it take it from them. And shall I attempt, by my vote, to do what the framers of the constitution did not think proper to do, in the formation of that instrument?

If it was intended by the resolution to assert merely that slaves have not the benefit of the constitutional guaranty of the right of petition, why was not the declaration made in language intelligible and unambiguous? Such language was avoided. The right of petition, and not the constitutional guaranty stands forward as the prominent subject of the resolution. The right is one thing—its guaranty another. The right is incident to all Governments, instantly attaching to the relation of governor and governed, the moment that relation comes to exist. But it may, or it may not, be guarantied. If it is, that guaranty is a mere supervening incident to the right. And it is in this light that I regard the allusion to it in the resolution. The denial, by that resolution, of the right of petition, is not essentially affected by adding that the right is one which has been secured to the people of the United States by the constitution. It is, after all, the right of petition, in its great, original, essential qualities and incidents, which is really denied.

Stripped of its non-committal disguise, then, the resolution stands out neither more nor less than a broad denial of all right in slaves to petition. I will give no vote which can be even tortured into such a denial.

Having said thus much, I owe it to myself to add that, whatever may be the right of the slave to petition, I am clear that no countenance should be given to any attempts to exercise it. Such attempts can do the slave no good. From the nature of the case, his deliverance must arise from some other quarter. In the whole history of the abolition of the slave trade and slavery by Great Britain, I am not aware that the right of slaves to petition has ever been claimed or brought in question. And, if all the slaves in the land could be made to hear me, I would say to them, "entertain not, for one moment, the thought of petitioning the Government for liberty, much less of making any effort to obtain it by

Mr. HOWARD said that he had made a motion, in the early part of the day, to reconsider the vote by which the resolution directing the Speaker to issue his warrant for the arrest of Mr. Whitney had been adopted, and he had done so under the impression that it would facilitate the action of the House on the important public business. Since that time, however, he had been induced to change his mind, and he would therefore withdraw the motion to reconsider.

Mr. CALHOON, of Kentucky, submitted the following resolution; which was considered and adopted:

Resolved, That R. M. Whitney, now in the bands of the Sergeant-at-arms, be brought to the bar of this House, to answer for an alleged contempt of the House, in peremptorily refusing to appear and give evidence as a witness on a summons duly issued by a select committee, acting by the authority of this House, under a resolution of the 17th of January last, in the matter of a letter, expressing said refusal, addressed by the said R. M. Whitney to the committee, and by the committee referred to the House; and that he be forthwith furnished with a copy of the report of said committee and of the letter aforesaid.

The House then adjourned.

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force, unless you wish to put far off all hope of the deliverance of your race from bondage. Cultivate, rather, a quiet spirit." "Be patient." "Resist not evil." "Be obedient to your own masters; not answering again; not purloining; but showing all good fidelity, not only to the good and gentle, but also to the froward."

But why, I am asked, do you assert the right of the slave to petition, if his exercise of the right ought not to be countenanced? I answer, because the question has been forced upon me, and I must meet it. I would be the last to bring forward a resolution asserting the right for which I contend. But when I am called on, as in the present case, to say yes or no to a proposition which expressly denies that right, I must and will say no, and give my reasons for thus saying.

I will not give a vote which shall, even by the remotest implication, assert that my colored brother is property, and nothing but property; that he "he has no more right to petition than a dog or a horse," and that he possesses, in fact, "no legal or constitutional rights whatever."

I have said that the deliverance of the slaves must arise from some other quarter than themselves. Let me not be misunderstood. The idea of an attempt by Congress to abolish slavery in the States of this Union has never, that I am aware, been entertained by any. No other deliverance is contemplated than that of voluntary emancipations by individuals, or abolition by force of legislation, acting within the sphere of its admitted Jurisdiction. If the abolitionists have ever been understood at the South as entertaining views different from these, they have been greatly misrepresented. They entertain, however, the opinion that Congress possesses the power to abolish slavery in the District of Columbia, and that the State Legislatures have like power in their respective States; and they seek, in the exercise of that freedom of speech and of the press which is guarantied to them by the constitution, to produce a public sentiment which shall, by its fair and legitimate influence, effect the legislation they so much desire.

They believe that "all men are created equal;" that "they are endowed by their Creator with the inalienable rights of life, liberty, and the pursuit of happiness;" and that to the Creator alone belongs the high prerogative of holding property in man. Planting themselves on the broad basis of these truths, they assert that the assumption and exercise of that right, by man, is among the highest wrongs which he can inflict upon his fellow-man. Their own deep conviction of this truth they seek to communicate to the minds of others—not to slaves, with whom they hold no intercourse, and whom, if they did, they would only admonish to patience and submission—but to their masters, to those communities in whose Legislatures resides the power to put an end, within their limits, to the wrongs of slavery, and furnish relief from its complicated evils. They look at slavery with some conception of what is comprehended in that word; and are amazed that philanthropy itself should have so long slept over the existence of such an evil; that, while other nations, less free in their institutions than our own, have abolished it, we, who boast of our attachment to the principles of civil liberty, and our high regard for the inalienable rights of man, should still cherish it in our very bosom.

In their strong conceptions of the character and consequences of this evil, abolitionists have sometimes indulged in the indiscriminate use of harsh and severe personal epithets, to which I have felt a deep repugnance. With me, however, it has been a subject rather of regret than of severe censure; for, if strong feeling and strong language are ever to be excused, it is when they are excited and drawn forth in the sacred cause of human freedom. Let those denounce and recriminate who never themselves transgress the bounds of prudence, when they feel strongly in what they believe to be a good cause; and especially those who have never opposed or countenanced the opposing of mob power to the progress of free discussion. Most heartily do I disapprove of the indiscriminate use of such epithets as man-stealers, robbers, and pirates, on the one side, and vile fanatics, incendiaries, and murderers, on the other. For the abolitionists, however, I can say that language of vituperation is giving place to sober arguments, addressed to the reason and conscience and enlightened self-interest of the slaveholder; and I will hope that the intellect of the South will henceforth be employed in answering those arguments, rather than indulging in harsh and indiscriminate denunciations of those who urge them.

Permit me to close this communication with the following resolutions, which I find among those adopted by the late anti-slavery convention of the State of Pennsylvania:

"*Resolved*, That in Christian meekness we intend to maintain the right of exhorting those who uphold an institution so evidently unjust as that of slavery, to examine its operations upon all classes of the community, both individually and collectively, confident that, if they do so with unprejudiced minds and sincere motives, they will be convinced of its deep sinfulness, and thus be prepared to commence, immediately, the great work of freeing themselves and their country from its paralyzing influences."

"*Resolved*, That the convention recommend to the colored people of this State to maintain a peaceful and moral deportment in all the departments in life in which they may be placed; that thus they may be instrumental in delivering their oppressed brethren from bondage, and refute the calumnies of those who say they cannot be elevated in character in these United States."

"*Resolved*, That we earnestly recommend the colored people, both bond and free, to endeavor to fulfil all their moral, social, and religious duties, and thus show to the world that they deserve to be free."

Here is abolitionism, sound in principle, chastened in feeling, and pure in spirit. My judgment and my heart approve it.

I am, gentlemen, very respectfully, your obedient servant,

WILLIAM SLADE.

WASHINGTON, *February* 15, 1837.

MONDAY, FEBRUARY 13.

CASE OF R. M. WHITNEY.

The SPEAKER announced that Reuben M. Whitney, now in custody for an alleged contempt of the authority of the House, was without the bar, waiting the further pleasure of the House.

The Chair also stated that the accused had been furnished with copies of the papers referred to in the resolution adopted on Saturday last.

Mr. PATTON moved that the Sergeant-at-arms be directed to bring the prisoner to the bar of the House; which motion prevailed.

The accused having been placed at the bar, the SPEAKER addressed him as follows:

"Reuben M. Whitney: You have been brought before the House, by its order, to answer the charge of an alleged contempt of this House, in having peremptorily refused to give evidence in obedience to a summons duly issued by a committee of this House, which committee had, by an order of the House, power to send for persons and papers.

"Before you are called upon to answer in any manner to the subject-matter of this charge, it is my duty, as the presiding officer of this House, to inform you that, by an order of the House, you will be allowed counsel, should you desire it. If you have any request to make in relation to this subject, your request will now be received and considered by the House. If, however, you are now ready to proceed in the investigation of the charge, you will state it, and the House will take order accordingly."

To which the accused replied, that he held in his hand a paper in relation to the charge, which he respectfully requested might be received and read.

The following paper was then read:

"The undersigned answers that his refusal to attend the committee, upon the summons of its chairman, was not intended or believed by him to be disrespectful to the honorable the House of Representatives, nor does he now believe that he thereby committed a contempt of the House.

"His reasons for refusing to attend the committee are truly stated in his letter to that committee.

"He did not consider himself bound to obey a summons issued by the chairman of the committee.

"He had attended, in obedience to such a summons, before another committee, voluntarily, and without objections to the validity of the process; and would have attended in the same way before the present committee, but for the belief that he might thereby be exposed to insult and violence.

"He denies, therefore, that he has committed a contempt of the House, because—

"First. The process upon him was illegal, and he was not bound to obey it. And

"Secondly. Because he could not attend without exposing himself thereby to outrage and violence.

"If the House shall decide in favor of the authority of the process, and that the respondent is bound to obey it, then he respectfully asks, in such case, that, in consideration of the peculiar circumstances in which he is placed, as known to the House, the committee may be instructed to receive his testimony upon interrogatories to be answered on oath before a magistrate, as has been done in other instances in relation to other witnesses; or that the committee be instructed to prohibit the use or introduction of secret and deadly weapons in the committee room during the examination of the witnesses.

"And in case he shall think it necessary, he prays to be heard by counsel, and to be allowed to offer testimony on the matters herein submitted.

"R. M. WHITNEY."

Mr. GHOLSON offered the following resolution:

Resolved, That Reuben M. Whitney be now permitted to examine witnesses before this House, in relation to his alleged contempt.

Mr. HAYNES said he understood that the prisoner denied the power of the House, and that it seemed proper to dispose of this preliminary question first.

Mr. LINCOLN then read a resolution which he intended to offer, (as below.)

Mr. GHOLSON said it appeared to him they had select committees enough already, for the period of the session, and the matters before the House to be acted upon. Where existed, let him ask, the necessity for raising a committee? All they could do would be to bring their report before the House; and the House would, when called upon to act on it, be in precisely the same situation they were that morning. He had supposed that the object of bringing Mr. Whitney to the bar was for him to disprove or to purge himself of an alleged contempt to the House. Well, he has appeared, in obedience to its order, and Mr. G. could see no objection to his setting about immediately to disprove the charge against him, if it was in his power.

Mr. MERCER did most sincerely hope that the House would so far respect its own dignity as to adhere to its old established forms of proceeding. That form had invariably been the appointment of a committee to direct the mode of proceedings.

Mr. PATTON then renewed the suggestion that the respondent ought to retire during the deliberations of the House on the preliminary proceedings. This had always been the uniform course.

The CHAIR stated that such had been the uniform course in former cases; and, believing it to be the sense of the House, he directed the Sergeant-at-arms to take Reuben M. Whitney from the bar; which was done.

Mr. BOULDIN said he wished only to make one suggestion. One proposition of the gentleman, brought before the House, was that he was willing to go before the committee, if that committee would go into the committee room unarmed. He was sure the committee did not wish to go into the room armed. He wished to suggest to the committee and to the House that this would avoid all further trouble about the matter.

Mr. LINCOLN said it was very far from his intention to place himself in the attitude of a prosecutor in this case. The committee had contented themselves by detailing the circumstances of the refusal of this witness to appear before them, without recommending any action on the subject; and because of this course having been pursued by the committee, he (Mr. L.) had come forward the other day, and introduced a proposition directing the Speaker to issue his warrant for the arrest of this witness. He had not intended, after the adoption of this order, to take any further part in the matter, and should not then have arisen to bring before the House another proposition, if it had not been for the fact that no other person present appeared to have turned their attention to the course of proceeding which it would be necessary for the House to adopt on this occasion. In looking into the precedents as to the mode of proceeding in such cases, he had found that it would be necessary, for the purpose of procuring the action of the House on the subject, that some direction should be given by the House as to the mode of proceeding; because he believed it would be impossible for the House to act on it without some preliminary measures being taken; and, for the purpose of indicating the course which he thought should be adopted, he sent to the Chair the following amendment:

Strike out all after the word "*Resolved*," and insert, "That a committee of privileges, consisting of seven members, be appointed and instructed to report the

mode of proceeding in relation to Reuben M. Whitney, who is now in custody, awaiting the order of this House; and that said committee have leave to execute the duty assigned them immediately."

Mr. McKAY said he had voted, on Friday last, when the subject was before the House, to require the Speaker to issue his summons to bring Reuben M. Whitney to the bar, and he had done so with a good deal of reluctance; not that he at all doubted the power of the House to punish a witness in cases of flagrant contempt. This witness has now appeared at the bar, and declared explicitly that, in refusing to appear before the committee, he did not intend to commit a contempt to the House, or to call in question its authority, and had given reasons for his refusal. Now, Mr. McK. was unwilling to consume any more of the public time, to the exclusion of all the important business of the country, in an investigation of the power of the House, and in hunting up precedents to sustain that power.

It seemed to Mr. McK., he said, that the witness himself, in an alternative presented by him to the House, had opened the door to overcome any further embarrassment. He had stated several alternatives. One was, that the committee should be prohibited from the use or wearing of deadly weapons: this was an alternative Mr. McK. had no disposition to consider. Another was, his offer to give his testimony, upon interrogatories, and swearing to it before a magistrate; in other words, a private examination. Now, let him (Mr. McK.) ask, would not the witness's testimony, taken in this way, be just as valuable to the committee as if written in their presence? Surely it would. As the object of the committee must be, and as the object of the House in raising the committee itself was, to procure testimony bearing on the subject-matters to be investigated, could they do better than by pursuing the very course indicated and tendered by this witness himself? Surely the House would not consume the balance of the session in discussing the parliamentary law on the subject of contempts, and in investigating the conduct of the members of one of its committees towards a witness brought before them. Would they consume another week upon it? which they certainly would do unless his suggestions were adopted. Suppose the witness be brought to the bar, and is heard by counsel; suppose they question the power of the House, and, in vindication of their client, go into the conduct of the various members of the select committee, what would be the certain result? It would consume the balance of the session.

He would again ask if they could now punish the witness for contempt. The dignity of the House had been vindicated; the witness had been brought to the bar, and explicitly disclaimed any intention to commit a contempt, or to be guilty of disrespect towards the House. Moreover, he declares himself ready and willing to give his testimony in the way it is obtained from many other witnesses. Mr. McK. concluded by expressing a hope that the House would consume no further time in the matter, but at once instruct the committee to take the testimony of Mr. Whitney by filing interrogatories.

Mr. HOAR could not understand the question as the gentleman from North Carolina [Mr. McKAY] had. He had understood that gentleman as saying that the mode of avoiding this difficulty was already pointed out by the respondent. Well, what was the course which was pointed out by the respondent? Why, he had said, in the first place, that he did not intend any contempt of the House; and, in the second place, he had said that, provided the House would do certain things which he had indicated, he would be willing and ready to testify. He did not understand this as an indication of the willingness of this witness to obey the command of the Government issued by that House. Mr. H. would submit to the House this question: The witness had represented to the House that certain difficulties presented themselves to him, which prevented his appearing before the committee, one of which was that he apprehended some personal danger; but could this witness not confide in the justice of the House, that it would take measures to protect him from injury while he was before one of its committees? Shall he assert, as a right, that the House, in the first place, must adopt certain measures which he had indicated, before he could appear before this committee?

Mr. H. contended that no individual in the United States had this right, and that this in itself was a contempt of the Government of the United States; and, while this course was persisted in, it appeared to him that the House could not, in a proper sense of what was due to itself and to the Government, take any course other than to require the witness to obey the command of the Government. He should be as ready as any one to take every proper measure to protect a witness; because a witness there was properly under the protection of the House; and if any individual member of the House should undertake to do that which was a violation of its protection, the law furnished a remedy. Unquestionably the House was under the necessity of adopting measures to vindicate the rights of citizens; but it seemed to him that this was not the proper stage of the proceeding for the consideration of this question. It appeared to him that the only course which it was necessary for them now to pursue, to save the time of the House, was to have a committee to take testimony, if testimony was necessary. Gentlemen had asked, why the necessity of appointing a committee to make a report, when that report would have to be examined again by the House? If this objection was a proper one, it would lie against every committee which was appointed by the order of the House; your standing committees as well as your select committees. If it was proper to have committees to examine other cases, it was proper to have one to examine this case; and he could see no objection which would lie against this committee, which would not lie equally against any other committee of the House.

Mr. HUNTSMAN said: Mr. Speaker, it seems to me that to adopt the resolution of the gentleman from Massachusetts would be acting prematurely. Why appoint another committee upon that subject, before we ascertain certainly that there may be a disputable matter for us to act upon? If I understand the nature of Mr. Whitney's plea, there are three positions assumed in it: 1st, he says that he intended no contempt to this House; 2d, that he does not believe that that summons, or precess, which was issued by the chairman of the committee, was a legal process; 3d, that if the House shall determine that it was, he is willing to answer in two ways: 1st, that he will answer any interrogatories submitted, if permitted to swear to them before a justice of the peace, as in other cases of a similar character; or, 2d, that he is willing to go to the committee room, provided the members thereof are restricted from wearing arms during his examination. It appears to me, sir, that, before the appointment of any committee, the House should first determine upon his first proposition, to wit: was the process legal? was he bound to answer? If the House shall thus determine, (as probably it will,) that he is bound to answer, he then professes a willingness to answer in one of the two modes. If the House shall determine to accept either of the modes, then let him answer, and the question is at an end. If the House shall determine, however, that neither of these modes of answering is acceptable to the House, then there may be a necessity for the appointment of a committee to make such rules for the government of Whitney's trial as may best comport with that object. He can

then be heard by counsel. But if the House shall determine that he may answer in one of the modes proposed, then much valuable time, much expense, will be saved, that can be bestowed upon much more valuable subjects than any contest we can have with Reuben M. Whitney.

There are most of the appropriation bills yet to pass, seven or eight hundred bills upon your table, and not three weeks of your session yet remains. The Tennessee land bill, which has been here for twelve or fifteen years, waiting for the action of the House; and if this investigation shall take the range anticipated, it will occupy all the balance of the session, to the utter exclusion of all other business whatever.

Notwithstanding all this, I have voted for the inquiry, and all the subsequent proceedings to bring him before the bar of this House. Since this question was last up, I have examined some of the cases which have arisen in this House upon the subjects of contempt. The cases seem to show that this House has never prescribed any rules for the punishment of contempts, but a simple reprimand of the culprit is the extent of its powers. There are two remarkable cases: the first of Johnson Anderson, for an attempt to bribe a member of this House. That was certainly a more flagrant offence than the refusal to appear before a committee of the House to give testimony. After several weeks' discussion and examination of Anderson's case, he was found guilty; and what then? Why, sir, he was called up before the Speaker, who, with much gravity, reprimanded him. A reprimand, then, sir, is the extent of the punishment. If this is all, (as seems to be generally understood,) the punishment you can inflict for a contempt, I conceive, is not only a prodigal waste of the time and money of the people, but it is worse: it is a farce acted before the people; it lessens the dignity of the House, to be arrayed for three weeks in a controversy with Reuben M. Whitney; at the end of which, suppose we find him guilty of every thing charged, why, all the punishment we can inflict upon him is an exquisitely nice-worded reprimand from the Speaker.

The next case of contempt was the case of the honorable Samuel Houston. After three weeks' investigation, engrossing the time of the House and the money of the people, to the exclusion of all other business, he was found guilty *pro forma*, called to the bar of the House *pro forma;* and the honorable Speaker, with a degree of splendor and elegance seldom equalled, pronounced a handsome eulogy (which was merited) upon the life and transactions of the honorable culprit, and ended by saying, "I am commanded by the House to reprimand you, and you are reprimanded accordingly." This was the substance of the whole—precisely like Anthony's oration over the dead body of Cæsar. After bestowing the most handsome eulogy ever delivered upon Cæsar, he says, "Yet Brutus says he (Cæsar) was ambitious; and Brutus is an honorable man." In this case, the honorable House says Mr. Whitney has committed a contempt, and the House is composed of honorable men; and you, Mr. Whitney, are reprimanded, according to order. It is lamentable, Mr. Speaker, that this House has never passed any laws authorizing a more consummate punishment upon those who act in contempt of its authority than a simple reprimand. Let this controversy end as it may, it amounts to nothing; or, in other words, it is worse than nothing, for so I consider a reprimand. I shall, therefore, vote to dispose of this case as early as possible, so that the House can act upon something that may be beneficial to the country, and not consume the whole session in the case of the Congress of the United States against Reuben M. Whitney, or Reuben M. Whitney against the Congress of the United States. Of Mr. Whitney I know nothing; I never saw him, to my knowledge, before he was brought to the bar of the House. But, sir, I do not wish this House to be put in such a situation as it may lose much valuable time, expend much money, and gain nothing but a reprimand upon Reuben.

Mr. CAMBRELENG hoped that the time of the House might not be consumed in discussing this mere matter of form, as to whether this subject should go to a select committee or not, when the important appropriation bills to carry on the operations of the Government were yet unacted on. He did not think it was necessary to send this question to a committee, and he appealed to the gentleman from Massachusetts, [Mr. LINCOLN,] who had offered this resolution, to withdraw it, because that House could just as well determine on the mode of proceeding as any seven members of it could who might be appointed a committee for this purpose. Inasmuch as Mr. Whitney was now at the bar of the House, he trusted the House would not permit this question to go to a committee, but that they would decide it there, and decide it promptly. If this was not done, the wheels of Government must stop, because there was no money appropriated for any one branch of the public service. He hoped that those gentlemen who had voted to bring this individual to the bar of the House would vote to dispose of his case with all possible despatch.

Mr. MANN, of New York, said it was foreseen, before the committee presented this question to the deliberate consideration of the House, that it would ultimately roll itself into a question of greater magnitude for consideration and determination than any question that had been propounded there for a long time. And why so? It was because the decision of that House, and the course of its proceedings in regard to this question, involved the cause of free government throughout the world; and the action of that House, upon a matter like the one under consideration, was to be regarded in the history of this country as for or against free government.

Sir, (continued Mr. M.,) what spectacle are we presenting here, as the House of Representatives of the United States, to the consideration of all those nations and countries with whom we are on such terms of amity and peace as that they take cognizance of the proceedings of this House? Are we offering to them an example for their imitation? Or are we offering to them a spectacle for their ridicule and contempt? Sir, it becomes the dignity of this House to vindicate its character as the representatives of this, the only free nation of the earth, before a tribunal of the civilized world, in regard to this matter. I care not, therefore, sir, when the national character of this country, in all future times, is to be involved, (which, upon first view, seems not to have struck the minds of all gentlemen,) I say, sir, I care not what becomes of your pitiful appropriation bills to carry on your Government. This question involves considerations of far higher import, and more imperiously calls upon the House to vindicate its character, as the guardians of civil liberty, than all the appropriation bills you could pass here from this time to the end of time.

Now, sir, why is this all so? Why, sir, you have directed one of the committees of this House to make an investigation. That committee, in the course of the investigation, have deemed it proper to take what they deemed to be exceptions to an answer given them by a witness. What was that answer? Was there any thing in that answer, given by that witness, which ought to have disturbed the most fastidious member of that committee, in and of itself?

Mr. MASON, of Ohio, here rose and called the gentleman from New York to order, on the ground of irrelevancy.

Mr. MANN. The gentleman will reduce the point to writing.

Mr. MASON understood the question before the House to be on the amendment of the gentleman from Massachusetts.

The CHAIR said it was, and pronounced the course of argument of the gentleman from New York to be within the strict limits of that subject.

Mr. MANN resumed. Sir, I will save the gentleman the necessity of calling me to order, for I will proceed in order. I am in order. I am going on to show why the character of this House and the nation demand that this House of Representatives ought immediately to permit this examination of this witness, in regard to the alleged contempt for which he stands now arraigned at the bar of the House, under the gaze of the American people. I am going on to show, sir, why you should examine the witness forthwith, instead of raising a committee to hunt up precedents and report forms and modes of procedure.

Mr. LINCOLN begged to explain, for he thought he had been misunderstood. The object in raising the committee was merely to report a simple mode of proceeding, and very little delay would ensue, which would be amply made up by the saving of time afterwards. Mr. L. then read his amendment.

Mr. MANN. I do not misunderstand the gentleman, sir; but, in my judgment, his plan is paying more regard to shadows than to the substance. Now, is it not in the power of the gentleman himself to cross-examine the witnesses? Would he feel any reluctance to do it? If so, sir, I will do it; I can do it, too; having had a little experience since this session commenced, as well as formerly, in the cross-examination of witnesses before a committee.

It seems, Mr. Speaker, that the gentleman from Massachusetts does not choose to appear here as a prosecutor in this case, and that is the reason he wants this resolution adopted. Now, I ask the gentleman not to shrink from the responsibility of coming here with a resolution, and moving the arrest of this witness. I foresaw what would be the result. I foresaw, before the committee left their room with their report, that this was to become one of the most important questions, in regard to the character of the American Congress, presented for a long time. It is to be decided here, and for the approval and approbation of the civilized world, whether a witness shall be compelled to go before a committee whose members stand with arms in their hands to protect themselves for what that committee may deem wrong.

Sir, (continued Mr. M.,) bring the person accused to your bar, and give him an opportunity of placing his vindication before this House, and in the hearing of each member of it. If there ever was an occasion, if there ever will be another occasion, for demanding, at the hands of this House, and at the expense of every moment of its time from this to the end of the session, more than the present, then I cannot conceive one. I will, however, promise to relieve the gentleman from Massachusetts [Mr. LINCOLN] from the office he seems unwilling to assume upon himself. If he does not choose to assume the responsibility of coming here in favor of that resolution, as well as myself, for I agreed to the resolution of calling the witness here, then I will assume the duties alternately, and in vindication of what I deem to be just to the character of this House, that of instituting the most scrutinizing and most careful cross-examination of these witnesses in regard to what the accused has intimated here. Let it be determined by this House, let it be determined before the eyes not only of this country but of every civilized country of the earth, whether the proceedings of this House are to be vindicated, and asserted, and maintained; and in what manner those proceedings are to be asserted, vindicated, maintained, and carried on. Sir, it is due to the world that we should tell them that, as guardians of the rights of our own citizens, as well as maintainers of the cause of free government every where, we should point out here, from the very temple of liberty itself, what ought to be done.

In conclusion, Mr. M. said he would not spend one single moment in instituting an inquiry into forms of proceeding, but he was for calling upon the accused at once to enter upon his defence, give him his counsel, and let that counsel cross-examine the witnesses.

Mr. VANDERPOEL said that the question before us was, what were the relative merits of the two propositions?—the one made by the gentleman from Massachusetss [Mr. LINCOLN] and the other by the gentleman from Mississippi, [Mr. GHOLSON.] He had no hesitation in saying that, unless a better plan was suggested than that which was presented by the gentleman from Massachusetts, he would vote for the resolution of the gentleman from Mississippi. Expedition in this matter was certainly an object. We might talk as much as we pleased about the vast importance of this subject; about its connexion with the cause of free government throughout the world. For his (Mr. V's) part, he could not regard it as being of sufficient importance to justify us in such a consumption of time with it as to put in jeopardy the general appropriation bills.

The wheels of Government must be kept in motion. Our days here were almost numbered; and if there was not a general disposition here to despatch this matter, your appropriation bills were most assuredly in danger. Why, then, instead of proceeding immediately with the case, refer the matter back to a select committee, for the purpose of reporting to us the form of proceeding we should pursue? The Chair could appoint a committee to examine witnesses on the part of this House. The gentleman from Mississippi would, no doubt, so modify his amendment as to authorize the Speaker to appoint such catechists or prosecutors, and then we could proceed immediately with the trial. The gentleman from Massachusetts had told us that he had looked into the precedents, and he had doubtless concocted some plan of proceeding. Let the gentleman now suggest it to us; and if he (Mr. V.) approved of it he would probably vote for it; but he could not, and would not, contribute to the delay that would be consequent upon the passage of his resolution. Mr. Whitney had already been under arrest for two days; and it was due to him, and to the regard that we all cherished for the liberty of the citizen, that we should proceed in the matter with the least practicable delay.

Mr. LANE said, to his mind, the question presented to the House is a plain one, so far as it regarded the course to be adopted in relation to the case as it now stands. The defendant has been brought to the bar of the House, to answer for an alleged contempt in not giving evidence before one of its committees. To which he answers, that he intended no contempt to this House, and manifested his perfect willingness to give evidence before the committee, provided they shall appear unarmed, or that he will appear and answer interrogatories submitted before a justice of the peace.

The defendant, Mr. Whitney, stands before this House purged of all contempt; and the only remaining question is to examine witnesses for the purpose of informing the House whether the reasons alleged are or are not true, in order to enable the House, as judges in this case, to come to a correct conclusion whether the defendant ought to be protected or not.

This would be the proceeding in a court of law, when brought up before the court. If he disclaimed all contempt, and gave his reasons for not obeying the process of the court, witnesses would be called upon and ex-

amined as to the truth of the excuse; if a good one, there is an end of the whole proceeding, and the accused is instantly discharged.

There can be no necessity for a committee to report rules of proceeding. Let us come at it, at once, by permitting the defendant to call witnesses to the bar of the House, to prove the truth of his excuse.

Sir, (said Mr. L.,) if one half the defendant has stated be true, in relation to what took place before the committee, to his mind, the said R. M. Whitney, the defendant, would not only stand blameless before this House and the nation, but in all things justified. That he held obedience and protection go together; the one withheld, and the other ceases. That he held no one ought to be called upon to appear before a hostile and armed tribunal.

Mr. CALHOON, of Kentucky, said he had but a word or two to offer. It seemed to him that when the two propositions were gravely considered, there could be no difficulty in the minds of gentlemen as to which ought to be adopted. What were the facts? Mr. Whitney had been brought to that House upon a resolution charging him, or rather which required him to answer in regard to an alleged contempt committed by him against that House: in the first place, in failing to appear before one of its committees, when summoned for that purpose; and, in the second place, in regard to a letter written by him to the committee, which is supposed to contain an insult.

Well, he had been brought to the bar of the House; and what was then further proposed to be done? It was proposed by the gentleman from Massachusetts [Mr. LINCOLN] that a committee should be appointed to inquire into the mode proper for the House to pursue in regard to the investigation of these facts. The other proposition of the gentleman from Mississippi [Mr. GHOLSON] proposed that they should proceed at once to the examination of witnesses. Now, upon what subject did the gentleman propose to hear witnesses? Mr. Whitney had sent to the House a letter, which Mr. C. had not heard read, but which he understood to contain charges against members of another committee, and that he was unwilling to go before the committee which had summoned him unless the House would pass an order that the members of that committee should not be armed. He states that he is unwilling to go before that committee unless the House pass such an order, but that he was willing to go before a magistrate, and there swear his answers to such interrogatories as the committee may file. Now, suppose the last gentleman's [Mr. GHOLSON's] proposition should be adopted, where would the inquiries extend? Would they not extend directly to the fact as to whether this committee should be armed or not? And as to whether this committee was a safe tribunal for a witness to appear before? Mr. C. would ask whether such an offer was not, of itself, an insult to the American Congress? What! was it a proper subject of inquiry, whether the Speaker of that House had constituted a committee that met armed to the teeth? Surely the gentlemen did not mean to institute such an inquiry as that!

Again: should the proposition of the gentleman be adopted, might it not happen that, instead of inquiring into the alleged contempt committed by Mr. Whitney, they would be drawn off into an investigation of the scene that took place before another committee? And that, in fact, instead of going on with the inquiry against Mr. Whitney, it would result in an inquiry into the conduct of members of that House, not in the committee before which he was summoned to appear, but before another committee? For these and other reasons, Mr. C. was in favor of the amendment of the gentleman from Massachusetts.

Mr. GHOLSON would answer the gentleman by telling him what his object was in offering his resolution. He had understood this whole proceeding against Mr. Whitney to have grown out of his refusal to appear before the committee; for which refusal he (the witness) had assigned certain reasons, then before the House. Now, Mr. G's object was to have witnesses examined to inquire, on the part of the House, into the truth of the facts or statements set forth by Whitney to the House, and given by him as his reasons for refusing to obey the summons of the committee. If the House should think the reasons good, why, discharge him. If the House should be of opinion, however, that the reasons were insufficient, why, they would not discharge him. This was the quickest, readiest, and most simple way of reaching the point. Moreover, Mr. G. was as willing that the conduct of a member of that House should be inquired into as that of any other American citizen.

Mr. CALHOON should not be disposed to go into an inquiry as to the truth or falsehood of any statement which this witness had made. He considered that it was not a proper course to go into an investigation of the conduct of members of the select committee. The proper course, he thought, would be to appoint a committee, whose duty it should be to report a mode of proceeding before the House. But if gentlemen saw proper to inquire into the conduct of members of that House—into their object in certain transactions, and into the object of the Speaker in appointing members of that House on committees, who were not proper persons for witnesses to appear before—he had no objection to it.

Mr. HARDIN would vote for the original resolution and against the amendment. He had been trying to bring himself to support the amendment, but could not do so. On last Friday, after a lengthy debate, they had directed the Speaker to issue his warrant to take that individual into custody, and bring him before the bar of the House; and Mr. H. thought that was the identical place to hear him. This witness now proposed giving his reasons why he had not appeared before the committee; and why not hear him? Gentlemen had urged upon the House the necessity of sending this subject back to a committee. Well, suppose it was sent to a committee, the witness would have to appear before that committee; and how could he appear before a committee when he was in the custody of the Sergeant-at-arms?

Mr. LINCOLN explained that he had merely brought this subject to the consideration of the House, and that he had no personal feelings on the matter.

Mr. MANN, of New York, did not mean to insinuate that the gentleman from Massachusetts had been operated upon by any sinister motives.

Mr. BELL presumed it was the intention of every gentleman to have this question put in such a situation as to despatch it as speedily as it could possibly be done, with justice to the individual who had been brought to the bar of the House, and to the House itself. The gentleman from Mississippi [Mr. GHOLSON] proposed immediately to proceed to the examination of witnesses; but that gentleman must see that the proposition of the gentleman from Massachusetts [Mr. LINCOLN] would not interfere with his proposition. Mr. B. wished to impress upon the House the importance, in an economical point of view, of adopting the proposition of the gentleman from Massachusetts, as the House could proceed with infinitely greater despatch in this way than any other. As he understood the proposition of that gentleman, the committee proposed to be raised could at once determine on the mode of proceeding without a delay of ten minutes, and then the House would be prepared to proceed regularly with the examination of witnesses.

It would be observed, by the statement of the witness himself, that the whole difficulty had grown out of the fears he entertained of violence being committed upon him by the chairman of the committee. As soon as a committee should be instituted, and the mode of proceeding determined on, Mr. B. would propose to take a step to terminate all this difficulty, which would be to examine Mr. Whitney at the bar of the House; and, if he would state that he was really in fear of violence from the chairman of this select committee, then Mr. B. would move that the Speaker direct the Sergeant-at-arms to attend him, and protect him from violence. Mr. B. understood this to have been the reason of the witness, that he would have attended before the committee but for fear of violence; and, in that case, he thought it was the duty of the House to protect a witness; and if he would state on oath that this was the reason he had failed to appear before the committee, Mr. B. would consider it the duty of the House to protect him. He hoped the resolution of the gentleman from Massachusetts would be adopted.

Mr. MANN, of New York, then moved to amend Mr. GHOLSON's resolution, by adding to the end thereof the following:

"And that a committee of five be appointed by the Speaker, to examine such witnesses on the part of the House."

Mr. GHOLSON accepted the modification.

Mr. LINCOLN's amendment was then disagreed to.

The question then recurring on the original resolution,

Mr. BOON reminded the House that, when this subject was under consideration on Friday last, he had predicted the difficulties that would arise. He was now happy to find that some gentlemen at least had changed their opinion since the vote they gave that Reuben M. Whitney should be brought there. Now, would this result, as some gentlemen had intimated and designed, in that individual's being reprimanded by the Speaker? At least it had not yet become matter of record; no, nor even reduced to a certainty that it ever would be. If a law were in existence, or should be passed, defining the nature of contempts, he (Mr. B.) would go to arrest any individual guilty of them, be he whom he might. Till such a law should be passed, he, however, would never give his vote to bring any man before that House for contempt.

The CHAIR reminded the gentleman from Indiana that the proposition then pending did not open the whole merits of the question.

Mr. BOON said he would submit one that should open the whole merits; and he sent it to the Clerk's table to be read, as follows:

Strike out all after the word "*Resolved*," and insert, "That Reuben M. Whitney, now at the bar of this House, be forthwith discharged from the custody of the Sergeant-at-arms."

Mr. B. hoped, he said, when the proper time arrived, the yeas and nays would be taken on this proposition. Notwithstanding the remark of the distinguished gentleman from New York, [Mr. MANN,] that he considered the pitiful appropriation bills for the support of the Government as nothing compared with the settlement of this question, Mr. B. must be allowed to say that, when the subject before the House was compared with the great general interests of the country, the case of Reuben M. Whitney and the select committee in the room below sunk into utter insignificance. Why, there was one single question, in which the Western country was interested, (the land bill,) that was paramount to a hundred Reuben Whitney cases of this kind; nay, more, he would say a thousand.

Mr. B. saw no necessity for detaining the House, at the sacrifice of all the business of the country, any further. The prisoner at the bar had told them that he wished to be heard by counsel, and it was understood out of doors that he had selected two of the most distinguished gentlemen in the country as his counsel; and if they were to be heard at length, as they assuredly will if the House entered upon the subject, then this question could not be settled in six solemn days; for the counsel would occupy at least two, and each of the committee to be appointed will probably speak, and then the balance, or a certain proportion of the two hundred and forty Representatives, would take that opportunity, also, to maintain their rights there. The truth was, he feared that the residue of the session would be consumed by it. After some further remarks, Mr. B. concluded by moving the substitute above.

Mr. ANTHONY said he had voted against the resolution of the gentleman from Massachusetts, to bring Reuben M. Whitney before the House, for an alleged contempt in refusing to appear before the committee of which an honorable member from Virginia is the chairman; and he had done so because he did not wish, at this late stage of the session, when so much important business remained to be acted on, to go into an examination of the embarrassing and difficult question of an alleged contempt of the House, by refusing to appear before one of its committees; but, as a majority of the House had determined to bring the accused before them, he cheerfully submitted to their decision.

Whether the accused had acted contemptuously, and how far his conduct was reprehensible, if at all, depended upon the facts which would be elicited from the examination of witnesses; and he was therefore opposed, at present, to the amendment of the gentleman from Indiana, which directed the accused to be discharged from the custody of the Sergeant-at-arms, and would go for the resolution of the member from Mississippi, and ascertain satisfactorily such facts as would enable the House to judge correctly of the conduct of the accused, and to determine whether he is excusable or not in his refusal to appear before the select committee.

Mr. A. said they could not shut their eyes to what had transpired in another committee; and that the present chairman of the select committee, before which the accused refuses to appear, was one of the members of the former committee, in which a difficulty arose between a friend of the present chairman [Mr. WISE] and the accused; and on that occasion the honorable member from Virginia stated to this House that "the witness had his right hand in his pantaloons pocket; that he expected him to draw a deadly weapon on his friend; that he watched the motion of that right arm, the elbow of which could be seen by him, and, had it moved one inch, he (Whitney) had died upon the spot; that was his determination."

He would like to know, from the witnesses who might be examined, all the facts in relation to this matter, so that the House might determine whether Mr. Whitney had any apprehension of being assaulted, or had any fear operating on his mind, sufficient to excuse him from appearing before the committee; he would also be able to judge, from the testimony, whether there was any good and sufficient ground for apprehension of danger on the part of the witness. If he placed himself in such a situation as to be exposed "to die on the spot," if he firmly believed his life was in danger, or if he really supposed that he subjected himself to personal injury, Mr. A. said he would never vote to bring him before that committee; but if, on the contrary, it was a mere idle, vague, and unauthorized fear, and there was no just ground of apprehension, in such case the witness should be compelled to appear to give evidence. Our laws have respect to the intention of those who violate them, and they never pun-

ish for crime or contempt, unless there is an intentional violation. By our Post Office laws, robbery of the mail, where the life of the carrier is put in jeopardy, is punishable with death; but if the carrier's life is not put in jeopardy, the punishment is only fine and imprisonment. In the case before us, after obtaining the evidence, we shall be able to determine whether the life of Mr. Whitney was in jeopardy; or, if not, whether he solemnly believes, by going before the committee, he subjects himself to personal injury.

When gentlemen talk of the indignity offered to the House, by the refusal of a witness to appear before one of its committees, and exclaim that there would be an end of all investigation if such conduct is tolerated, they only look at one side of this disagreeable question. While he admitted that all judicial and legislative tribunals are bound, in honor, to assert and maintain their rights and privileges, and to enforce obedience to all their lawful mandates, yet they are equally bound, by every principle of justice and equity, to protect and shield every witness that comes before them from the least personal danger, from the slightest apprehension for his safety and perfect security.

Can it be imagined for a moment that a witness would tell the truth, the whole truth, and nothing but the truth, when his mind is agitated by fear, and when he is under compulsion and restraint? What reliance could be placed on testimony obtained from one who considers himself in danger from those before whom he is giving evidence? It would be much better to let him go before a magistrate, and answer such interrogatories as might be propounded to him; and the testimony thus taken would have much more effect in producing conviction. Every individual has the natural right to protect himself from insult and injury. His life, his body, health and reputation, are peculiarly within his own protection; and no tribunal should have the power to violate these natural indefeisible rights; and no man should be compelled to appear before any tribunal when he was placed in jeopardy of life or limb. If, on investigation, it should be found that Mr. Whitney had no reasonable ground to apprehend injury, then the House could adopt such course as would vindicate its privileges and assert its rights; but if it should turn out that he had good cause to withhold obedience to the summons of the committee, then he would vote to discharge him from custody.

In the answer of the accused to the summons of the committee, he expresses himself as perfectly willing to answer interrogatories before a magistrate, or to appear and answer before the committee, if they prevent the carrying of dangerous weapons in the committee room. This Mr. A. considered a reasonable request, from what had transpired, as the witness could as fully answer in this mode as if he were in the presence of the committee, because he believed the practice of similar committees was to put all questions in writing, and receive answers in the same manner. But if the House should decline to adopt this proposition, they could protect the witness, as their duty required them to do, by preventing dangerous weapons from entering the committee room.

In conclusion, Mr. A. observed that the House having resolved on prosecuting this subject of contempt, he was willing to hear all the facts and circumstances connected with it, and ascertain whether the accused considered himself in a state of duresse, and entitled to the protection of the House, or whether it was a mere pretext on his part to avoid giving testimony before the committee. When the "truth and whole truth" should come to light, we could act as become the dignity and honor of the representatives of a free and enlightened people.

Mr. CHAPIN moved to amend the modified resolution of Mr. Gholson, by adding to the end thereof the following:

"That the questions put shall be reduced to writing before proposed to the witness, and that the answers be also reduced to writing. Every question put by any other member of the committee shall be reduced to writing by such member, and be propounded to the witness by the Speaker, if not objected to; but if any question shall be objected to, or any testimony offered shall be objected to, by any member, the member so objecting, and the accused or his counsel, shall be withdrawn; after which, the question shall be decided without further debate. If parole evidence is offered, the witnesses shall be sworn by the Speaker, and be examined at the bar, unless they are members of the House, in which case they may be examined in their places."

Mr. CHAPIN said his object in offering the amendment proposed was to save time, and prevent the confusion which must necessarily result from proceeding with the trial of the accused without establishing some rules to govern the action of the House. This proposition accomplishes directly what the honorable gentleman from Massachusetts [Mr. Lincoln] designed to do by raising a committee to report forthwith a mode of proceeding. We are admonished by the chairman of the Committee of Ways and Means [Mr. Cambreleng] that the important appropriation bills are in danger of being lost by the waste of time in adhering to established forms, and that no obstacles should be thrown in the way of a prompt decision of the case before the House. This amendment imbodies, substantially, the mode of proceeding recommended by the committee of privileges, in the celebrated case of Houston, pending before this House, in 1832. It was important to determine, preliminarily, by whom the prosecution should be conducted; in what manner the questions should be put, and the answers given; whether orally or in writing; and by whom objections to the testimony should be argued—or the whole proceeding would lead to confusion and an interminable debate.

Mr. C. voted against the resolution requiring Mr. Whitney to be brought to the bar of this House. He did so, because the only evidence of the refusal of the witness to obey the summons of the committee, of which the honorable gentleman from Virginia [Mr. Wise] was chairman, set forth at length the grounds of such refusal, and to his mind they were perfectly satisfactory. But he would, for the present, waive the discussion on that point; as it involved the merits of the controversy, it would not be in order to discuss it in this stage of the proceeding.

Mr. C. said he would conclude by asking the honorable gentleman from Mississippi to accept the amendment he had offered, as a modification of the original resolution.

Mr. PARKS said that he, as well as the gentleman from Indiana, was opposed to bringing this individual before the House; but, as he was brought there, they owed it to the gentleman himself, and to the House, that he have a hearing. The motion pending was, that a committee of five be appointed to examine witnesses on the part of the House; and for the purpose of settling the question, and of ascertaining whether they would lay it aside, or go on with it, he moved the previous question.

Mr. GHOLSON appealed to Mr. Parks to withdraw the motion for a moment; which he did; when Mr. G. accepted of the amendment of Mr. Chapin; and

Mr. PARKS then renewed the motion for the previous question; which was seconded by the House: Yeas 97, nays 33; and the main question, having been ordered, was put, and carried, without a division.

So the resolution, as modified, was agreed to by the House.

The SPEAKER then announced the committee; and

Mr. Whitney was again brought in, the order read to him, and he put in a list of witnesses he requested to be summoned.

Mr. UNDERWOOD rose to protest against the whole proceedings, from the beginning to the end. This was the first time he had ever seen an individual who was put upon his trial for an alleged contempt, in which he was about to be authorized to summon witnesses to testify in regard to another matter, before he has been called upon to purge himself of the contempt alleged. His idea was, that as Mr. Whitney had refused to attend before a committee of the House and testify, he should be called upon to testify, upon oath, why he did not attend before that committee; and, after that, if the House should decide that his reasons were sufficient, they of course would excuse him, and direct him to be discharged; but if he did not answer, or if his reasons for not going before the committee were insufficient, they would keep him in custody until he did answer.

[Mr. TURRILL submitted to the Chair whether the whole merits of this question were open for discussion.

The CHAIR informed the gentleman from Kentucky that the merits of the question were not now open for discussion.]

Mr. U. continued. This witness had stated his willingness to testify, provided he could do so consistent with his personal safety. As soon as he testified upon oath as to his reasons for not appearing before the committee, and it was ascertained that these reasons were good reasons, he purged himself of the contempt; but if he would not take an oath that his life was in danger, the House would be under the necessity of keeping him in custody until he would testify.

But, said Mr. U., suppose you bring this individual before the House, allow him counsel, and have a committee to put interrogatories to him, where was this thing to terminate? He considered that all this difficulty could be avoided by requiring Mr. Whitney to state why and wherefore he did not appear before the select committee of the House to give evidence; and if his evidence was sufficient, they were bound to discharge him. In his view of the case, all the House wanted was to know what Mr. Whitney's feelings were in regard to his refusing to appear before the committee; and that they could not obtain by an examination of witnesses.

Mr. HARRISON, of Missouri, moved a reconsideration of the vote by which the resolution in relation to Mr. Whitney was adopted; but the motion was negatived: Yeas 92, nays 95.

The respondent was then removed from the bar, and the House proceeded to the consideration of other business.

Several petitions and memorials were now presented, in the reversed order of States and Territories; among which,

The SPEAKER presented the petition of Jacob Grear, stating that he had in his possession a fifty dollar note, money of the Continental Congress, which he prayed Congress might be paid in gold and silver.

Mr. PATTON moved that the petition be laid on the table; which motion was rejected.

Mr. McKEON moved to refer the petition to the Committee of Ways and Means.

A motion was made to commit to the Committee on Revolutionary Claims.

Mr. LAY moved the Committee on Roads and Canals.

And the question being taken, the petition was referred to the Committee on Revolutionary Claims.

The SPEAKER presented the petition of Reuben M. Whitney, (accompanied by a letter requesting the Speaker, as the presiding officer of the House, to present the same,) stating that he had been summoned before a committee of the House, complaining of certain proceedings, and asking the House to grant him redress.

TEXAS.

Mr. THOMPSON, of South Carolina, presented the petition of citizens of the District of Columbia, praying for the recognition of the independence of Texas; which he moved to refer to the Committee of the Whole on the state of the Union, and make it the order of the day for next Tuesday week.

Mr. HOWARD moved to refer it to the Committee on Foreign Affairs.

This petition, giving rise to debate, was laid over.

Mr. LEWIS then inquired of the chairman of the Committee on Foreign Affairs at what time they might expect a report from that committee on the subject of the recognition of the independence of Texas.

Mr. ROBERTSON inquired if a question of this kind was in order.

The CHAIR replied that, by the courtesy of the House, inquiries of this kind were permitted.

Mr. HOWARD then reminded the gentleman from Alabama [Mr. LEWIS] that about a month ago the Committee on Foreign Affairs had directed him to introduce a resolution calling on the President of the United States for information in regard to our intercourse with Mexico, as they considered it to have a direct bearing upon the subject of our affairs with Texas; and they considered the information they were to obtain by that resolution as most material in making up an opinion in relation to the recognition of the independence of Texas.

But when the document called for came before the House, it would be recollected that he (Mr. H.) had moved to commit it to the Committee on Foreign Affairs; when a motion was made to accompany that reference with instructions; and, in consequence of this, the Committee on Foreign Affairs had never, up to this moment, had it in their power to get at the information contained in the document, it being still tied up in the House. The gentleman from Alabama must therefore perceive that, as the committee had not yet had access to these papers, it could do nothing until this question of reference was settled.

JOHN PAUL JONES.

Mr. PINCKNEY said he had been requested, by a number of individuals interested in certain prizes made by the late celebrated John Paul Jones, to endeavor to obtain for them the compensation to which they were respectively entitled for their services. In relation to this matter, he had applied for information to the Treasury Department, and had obtained therefrom a statement respecting the prizes sent into France, which on his motion had been ordered to be printed for the use of the House. It appeared from that statement that the sum of twenty thousand dollars had been received on account of the capture of the Serapis, the Countess of Scarborough, and Bonhomme Richard, of which by far the greater portion had been paid away, leaving only a small balance of three or four thousand dollars to be divided amongst such of the captors of those vessels as may still survive. But there was another class of captures: he alluded to those that were sent into Bergen, in Norway, and which were there delivered up to the English by the Crown of Denmark. It appeared to him that if ever a reclamation was to be made on Denmark for the value of those prizes, it was high time that a negotiation should be opened. He therefore asked leave to offer a joint resolution on the subject.

Leave being granted, Mr. P. then sent to the Chair the following resolution:

A joint resolution requesting the President of the United States to assert and prosecute with effect the claim of the United States against Denmark for the value

of the three prizes made by John Paul Jones, in 1779, and which were sent by him into Bergen, in Norway, and there delivered up to the English by the Crown of Denmark.

Mr. HOWARD moved that it be referred to the Committee on Foreign Affairs. He was under the impression that it was embraced under the last treaty between the United States and Denmark.

Mr. PINCKNEY had no objection to the reference, but was perfectly satisfied that those prizes had never been made the subject of any treaty stipulation with Denmark. The resolution submitted the propriety of action to the judgment of the President, and he hoped the committee would soon report it.

The resolution was then referred to the Committee on Foreign Affairs.

COLONIZATION SOCIETY.

Mr. INGERSOLL presented a petition praying aid to the Colonization Society, which he moved be referred to the Committee on Foreign Affairs.

Mr. ADAMS objected, and contended that the memorial should be laid on the table, under the order of the 18th of January.

The SPEAKER said the memorial would not come under the resolution. Similar memorials had been presented, which, in some instances, had been referred, and in others had been laid on the table. In the latter instance, the disposition was the effect of a motion made for such purpose.

Mr. ADAMS called for the reading of the memorial.

And the memorial, giving rise to debate, was then ordered to lie over.

CONTEMPTS.

Mr. BEAUMONT, by consent, offered the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of bringing in a bill defining the offence of a contempt of this House, and to provide for the punishment thereof.

After some remarks from Messrs. BEAUMONT and ADAMS,

Mr. CAMBRELENG moved the previous question, and the House seconded the call.

And the main question was ordered to be now taken.

And the main question, being on the adoption of the resolution, was taken, and decided in the negative.

So the resolution was rejected.

After the presentation and disposition of several other petitions and resolutions,

The House adjourned.

Tuesday, February 14.

PRINTING OF MAPS.

Mr. JOHNSON, of Tennessee, asked leave of the House to introduce a resolution regulating the duties of the Clerk of the House. He said that it was usual for the Clerk, under general orders of the House for printing documents or other papers, to cause to be printed plats and maps, which cost annually some ten or fifteen thousand dollars, and which were of no use to the House or public, and often printed without the wish of even the member presenting such papers to the House. To correct this evil, he asked leave to offer the following resolution:

Resolved, That the Clerk of the House be, and he is hereby, directed to have printed no map or plat, under any general order of the House for printing documents or papers, and not without a special order of the House for that purpose.

The House refused to receive the resolution at that time.

APPROPRIATION BILLS.

On motion of Mr. CAMBRELENG, the House resolved itself into a Committee of the Whole on the state of the Union, (Mr. Patton in the chair,) for the purpose of proceeding to the consideration of the annual appropriation bills—that for the naval service being pending.

ARMY BILL.

Mr. CAMBRELENG hoped the committee would, before proceeding to the navy bill, take up the bill making appropriations for the support of the army, and concur in the amendments of the Senate to that bill, the principal amendment being for the pay of the Tennessee volunteers. He moved that this bill be taken up; which was accordingly done.

After some remarks by Messrs. CARTER and WHITTLESEY,

Mr. GRAVES moved an amendment to the bill, appropriating $75,000 for the payment of the expenses of the Kentucky volunteers, who were called out under the orders of General Gaines, and received into the service of the United States, but were immediately discharged.

Mr. G. advocated his amendment at some length, and pointed out the obvious injustice there would be in drawing any line of distinction between men having equal claims upon the gratitude or consideration of the country; and pointed out the identity between the Tennessee and Kentucky volunteers.

Mr. JOHNSON, of Tennessee, said he regretted that the gentleman from Kentucky had thought it necessary to throw any impediment in the way of the passage of this bill. The volunteers provided for in this bill had been mustered by an officer of the United States, and received into the public service, and the muster rolls returned to the War Department, and, as such, were entitled to their pay as much as the regular soldiers in the army of the United States. He was not averse to the payment of the volunteers from Kentucky—very far from it; they should be paid, and will be paid; but he apprehended that the distinction taken by the chairman of the Committee of Claims between the class of cases provided for in this bill, and the class proposed to be provided for in the amendment of the gentleman from Kentucky, merited the attention of the committee. The latter class had not been received and mustered into the service of the United States by an officer of the United States, nor had a muster roll been returned. If provision for their payment is now to be made, it must be a gross sum, leaving it to the judgment of the paying officers to decide who were entitled, and who were not entitled. In the former case, the troops were mustered and organized under the laws of the United States, and would be paid as such. In the latter case, they were organized, he presumed, under the laws of Kentucky, which might be altogether different from that required by the laws of the United States. Before any appropriation could be, therefore, properly made, he apprehended the rolls of the several companies should be examined at the War Department, and estimates furnished by that Department. These volunteers ought, as he had before said, to be paid, and no doubt would be. But can we do it now safely? The Kentucky volunteers are left upon the same footing with the Tennessee volunteers, similarly situated, to be provided for hereafter, when proper information should be received at the Department; and he understood there was perhaps as large a number not received into the service of the United States as those who had been actually received into the service. Mr. J. expressed a hope that the present bill might be permitted to pass. None doubted the correctness of paying those provided for in this bill; and he

did not think they ought to be delayed for the want of proper information in relation to the other class, no doubt equally as meritorious as those provided for in this bill; and when information shall be received which will enable us to act understandingly upon the subject, he would cheerfully give his support also to that class.

After some further remarks by Messrs. E. WHITTLESEY, CHAMBERS of Kentucky, and CARTER,

Mr. CARTER moved an amendment to the amendment, providing that those volunteers of Tennessee who were called out and mustered at Athens should be indemnified by paying them three months' pay.

After some remarks from Messrs. FRENCH, CAMBRELENG, WHITTLESEY, and GRAVES,

Mr. CLAIBORNE, of Mississippi, moved the following amendment to the amendment of Mr. GRAVES: "And that a like sum of seventy-five thousand dollars be appropriated for the payment of the Mississippi volunteers."

Mr. C. said that, at a very early period of the session, a gentleman from Tennessee [Mr. SHIELDS] had offered a resolution providing for the payment of the Tennessee volunteers. He (Mr. C.) had moved a modification of the resolution, so as to include those citizens of Mississippi who had volunteered under the requisition of General Gaines. The resolution, so amended, went to a committee; and here is a bill providing for the payment of the one, to the utter exclusion of the other. It was a distinction which he did not understand. It wore the appearance of an indignity, and would be so conconstrued by his constituents. He wished to know why this discrimination had been made—upon what grounds.

Mr. Chairman, said Mr. C., when that requisition was made, from eight hundred to a thousand young men flew to the standard of your country. They were citizens of the first respectability, but most of them without fortunes; many of them pawned all that they had of earthly property, to equip themselves for service; others were supplied by the liberality of their fellow-citizens; my colleague himself, sir, raised upon his own credit upwards of three thousand dollars, and marched at the head of a gallant troop, who panted for an opportunity to imitate the deeds of their fathers on the field of battle. Other bands, officered by young and chivalrous spirits, went from Winston, Noxubee, Yellobusha, Lowndes, and other counties, and they marched under banners consecrated by the hand of women, and blessed with the benedictions of the lovely and the gifted. They were received into service; they made enormous personal and pecuniary sacrifices to obey your call; they would have harvested as much honor in the conflict, if it had come, as the volunteers of any other State; they were disbanded against their own consent, and to their universal disappointment; and I now demand for them the same compensation which is provided for others by this bill. I demand it, sir, as an act of justice, not as a charity. We scorn your charity; we scorn all your bribes, whether they come in the shape of appropriations or benefactions; but I demand payment to those patriotic volunteers, for the expenses and privations they incurred.

Sir, said Mr. C., I am interposing no obstacle to the passage of this bill. I will vote for it in any form. If any State in this confederacy has strong claims upon the consideration of the country, it is the State of Tennessee. Her achievements on the battle field have burnished our national banner with imperishable renown. History can never forget them. She has produced, too, a statesman, who, after having rendered the most pre-eminent services to the cause of constitutional liberty, is about to retire from his exalted station with more of the admiration of the world, with more of the confidence and affection of the people, with more of those qualities that secure an undying fame, than any one now living—a name, sir, that stands now, and for after centuries will stand, a beacon for the soldiers of freedom, wherever human rights are violated or man oppressed:

"A light, a landmark on the cliffs of fame."

Sir, continued Mr. C., I appeal from the committee who reported this bill to the House for justice. I appeal, in the names of the volunteers of Mississippi and of Kentucky, whose claims have just been so ably and eloquently advocated by my friends from that State, [Messrs. GRAVES, CHAMBERS, and UNDERWOOD.] I appeal to the Tennessee Representatives themselves, who are ready on every occasion to vindicate, with distinguished ability, the rights and honor of their constituents. Under existing circumstances, this appropriation may not be made for the volunteers of Kentucky and Mississippi. He did not know whether he should ever again be honored with a place in this House; he might soon himself become an example of the evanescent and fleeting nature of popularity; but he gave notice to the committee, that whether he was here to assert the rights of his constituents, or whether they should send a more eloquent advocate, this claim would be pressed, would be insisted upon, until justice should be rendered.

Mr. WHITTLESEY, of Ohio, explained, in reply to Mr. CLAIBORNE, that the committee had applied to the War Department, and had received for answer that no returns or muster rolls had been transmitted to the Department by the proper officers in Mississippi; and, until those returns were made, the committee could not act in the case of the Mississippi volunteers. They had no data at all to act upon. The fault was not with the committee, but with the State authorities.

After some further remarks by Messrs. ALFORD, BELL, CAMBRELENG, WHITTLESEY, C. ALLAN, and LAWLER,

Mr. GRAVES modified his amendment so as to make an appropriation for all volunteers who had turned out and been accepted by the Governors of the different States, under the call for volunteers by General Gaines.

Mr. DUNLAP said: Mr. Chairman, the Senate's amendment only appropriates money that is due to the volunteers of Tennessee, who were mustered into service and immediately discharged. The act of 1836 provides that all those volunteers who entered the service of the United States should be paid for six months' clothing, and that sum is due them immediately on their entering into the service. This amendment only appropriates the amount due those volunteers. The amendment of the gentleman from Kentucky provides for only one other class of volunteers, to wit: those who were received by the Governors of Kentucky and Mississippi, but were not mustered into service by an officer of the United States. There is, sir, another class of volunteers equally meritorious. I mean, sir, those who marched to the place of rendezvous, under the proclamation of the Governors of the different States, and were not received either by the United States officer or the Governor. This latter class of volunteers marched from the portion of Tennessee I reside in, to Fayetteville, in the middle part of the State, at least one hundred and fifty miles; they paid their own expenses, had to furnish themselves with rations while at the place of rendezvous, as the Governor did not furnish rations to any but those received into the service.

Now, sir, I cannot see that there is any difference between paying those who were received into the service and immediately discharged, and those who tendered those services at the place of rendezvous; all were clothed and equipped for a six or twelve months' campaign; one class are provided for who receive pay for six months' clothing, while those who paid their own expenses receive nothing.

Mr. Chairman, it will be a very difficult thing to satisfy those gallant volunteers that there is any difference in their claims on this Government; gentlemen may draw their distinctions here, but they will be considered elsewhere distinctions without a difference. I know, sir, that many men from my district, who volunteered their services, went to the expense of purchasing horses to ride the campaign, and, when they returned home, were glad to sell, by losing from thirty to fifty dollars in the price of the horse.

I have drawn up an amendment to the gentleman's amendment, which I ask him to receive as a modification to his amendment. It provides for the payment of all those who offered their services to the United States, in any of the States, under the proclamations of the respective Governors of the States, the same pay as those who were mustered into service and immediately discharged. This, sir, will be some compensation, though not as much as will indemnify them for the loss they sustained; it places all the volunteers on an equality.

After some further remarks by Messrs. GRAVES, GLASCOCK, DAWSON, HAYNES, DUNLAP, GRENNELL, HOLSEY, and MERCER,

Mr. CARTER withdrew his amendment.

Mr. LAWLER moved to amend the amendment of Mr. Graves, by including the volunteers of Alabama, mustered at Mount Vernon, in that State.

Mr. GRAVES then modified his amendment by inserting the sum of $100,000, which he thought would cover all the amount necessary.

Before taking the question, on motion of Mr. CAMBRELENG, the bill was laid aside, and the committee resumed the consideration of the

NAVAL APPROPRIATION BILL.

The pending question was on the motion of Mr. Jarvis to amend the following paragraph:

"For pay of commissioned, warrant, and petty officers, and of seamen, two million four hundred and thirty-four thousand eight hundred and eighty-six dollars," (and which item includes the appropriation for the exploring expedition,) by reducing the amount to "two million two hundred and eighty-four thousand dollars."

Mr. JARVIS now moved to modify his pending motion for reduction, by reducing the original amount only $51,118, (this being the difference in the amount required for fitting out a frigate.)

As a further modification of his amendment, Mr. J. moved to add the following proviso, to be inserted at the end of the 8th line:

"Provided that nothing in this or any other appropriation bill shall be considered as authorizing or approving of any increase of the surveying or exploring expedition, authorized by the act of June, 1836."

After some remarks from Mr. JARVIS, to show that a frigate was not the proper class of vessel to be sent on this expedition, and in vindication of his course on this subject,

Mr. D. J. PEARCE said, as there was no quorum present, he would move the committee rise. Mr. P. withdrew the motion, and

Mr. CAMBRELENG arose merely to entreat gentlemen to abstain, at this period of the session, (when we had but a few days to transact the great mass of public business,) from going into a long debate on the propriety of sending a frigate on this exploring expedition. After a good deal of exploring on his part, he had at last discovered that it was not intended to send the frigate for exploring purposes, but to aid in making surveys of islands long since discovered, and, at the same time, to extend protection to our extensive commerce in those seas. It was not designed, as he now understood the matter, to send the frigate to within twenty degrees of the boundary of former discoveries. He was happy to learn that there was no man, either in or out of the departments, mad enough to think of sending a frigate to explore unknown seas, continents, and islands, near the south pole, beyond the latitude of seventy-four degrees, especially as the region of eternal snow commences at fifty-four degrees. It was also possible, although he would not say that he apprehended war with Mexico, that it might become necessary, in three weeks, to send that frigate to the Gulf of Mexico. It was a matter entirely of executive discretion. In any event, the frigate would be required for the public service, and he hoped the little time remaining of the session would not be wasted in a useless and interminable debate on the question whether a frigate ought or ought not to be sent to explore in the hitherto undiscovered regions of the south pole.

Mr. PEARCE then renewed his motion. The committee rose and reported progress.

Mr. VANDERPOEL moved that the House adjourn.

Mr. CAMBRELENG called for the yeas and nays on that motion.

Mr. MERCER hoped the motion to adjourn would be so amended as to state the hour at which it was made; (it being then fifteen minutes before five o'clock.)

Mr. GRANGER asked the gentleman from New York [Mr. Vanderpoel] to withdraw his motion to adjourn, to enable him (Mr. G.) to submit a motion to reconsider a vote taken on yesterday.

Mr. VANDERPOEL declined to do so.

The yeas and nays on the motion to adjourn were then ordered, and, being taken, were: Yeas 33, nays 68—no quorum voting.

So the majority of the members present refused to adjourn.

Mr. GRANGER then rose to submit his motion.

Mr. CAMBRELENG objected, on the ground that no quorum was present. He moved an adjournment.

The SPEAKER decided that the motion of the gentleman from New York [Mr. Granger] could not be entertained in the absence of a quorum.

The House then adjourned.

Wednesday, February 15.

Mr. HOWARD said that it was within the knowledge of the House that a gentleman from Georgia, [Mr. Jackson,] who was a member of the Committee on Foreign Affairs, had been detained from the House for the greater part of the present session, in consequence of severe indisposition, and the necessity he was under of removing from the city of Washington in order to obtain professional advice. Mr. H. had just received a letter from that gentleman, in which he stated that there was no prospect of his regaining his health sufficiently to be able to give his attendance at the House during the remainder of the session. As it was very desirable that the Committee on Foreign Affairs should be full, Mr. H. therefore made the usual motion, that Mr. Jackson, of Georgia, be excused from further attendance on that committee, and that the Speaker be required to fill up the vacancy; which was agreed to.

CASE OF R. M. WHITNEY.

Mr. Whitney having been placed at the bar, and stated his readiness to proceed at once to trial,

Mr. BRIGGS submitted the following proposition:

Whereas, by the 11th rule of this House, all acts, addresses, and joint resolutions, shall be signed by the Speaker, and all writs, warrants, and subpœnas, issued by the order of the House, shall be under his hand and seal, attested by the Clerk:

And whereas the subpœna by virtue of which R. M. Whitney, now in the custody of the Sergeant-at-arms of the House, by order of the House, for an alleged con-

tempt for refusing to appear and give testimony before one of the select committees of the House, was not under the hand and seal of the Speaker, and attested by the Clerk, but signed by the chairman of the select committee: Therefore,

Resolved, That the refusal of R. M. Whitney to appear and testify before said committee was not a contempt of this House.

Resolved, That the said Whitney be forthwith discharged from the custody of this House.

Mr. B. insisted that this preliminary question should first be disposed of, before proceeding further. The respondent was at the bar of the House for an alleged contempt; and it was proper, at least, to inquire whether, if the facts were as set forth, he had been guilty of contempt. The House was then sitting in the capacity of a court of justice, to pass upon the conduct of one of the citizens of the country. Should not, therefore, the first step in this important proceeding be, whether the basis of it comes directly to the point?

The charge against the accused was, that he had committed a contempt against the House, by refusing to obey a summons of one of its committees. Now, the question was, whether the subpœna by which the respondent was required to appear and give evidence was such an authority as the witness was compelled to obey. In Mr. B's estimation, that was not such a paper as would form an authority for compelling his appearance before the committee, or for the disobeying of which he can be held as guilty of a contempt towards the House. And why? It was a subpœna signed only by the chairman of a select committee, which committee was acting under the authority of the House. Mr. B., in support of this part of his argument, then cited the 11th rule of the House, and under that rule he maintained that the accused could have been guilty of no contempt, inasmuch as the authority under which he was summoned was itself insufficient.

Mr. GHOLSON inquired of the Chair if it was in order to submit this proposition after the prisoner had been some days in custody, had been brought to the bar, had been put upon his trial, and after the adoption of an order of the House directing the accused to proceed to the examination of witnesses.

The CHAIR said it was a point of order he was not prepared to decide. The case was before the House, which was then sitting in a judicial character; and it was competent for a majority, if it deem it expedient, to quash all further proceedings.

Mr. BRIGGS simply wished to remark—

Mr. CLAIBORNE, of Mississippi, rose to a question of order, and stated that he looked upon the proposition of the gentleman from Massachusetts [Mr. BRIGGS] as ill-timed and extraordinary in its character. If it held out any advantages to the accused, he hoped that he would instruct his distinguished counsel to waive them at once. He stands at your bar in the attitude of a criminal, dragged there by a compulsory process: and it was due to him, it was due to the honor of the House and the country, that the trial should be proceeded with. Let it not be quashed or evaded. If he is guilty, let him be punished. If innocent, let this House pronounce his acquittal. It was singular that gentlemen should force upon the accused advantages which he was unwilling to accept! He (Mr. C.) protested against all quibbles, technicalities, and special pleading.

The CHAIR remarked that the case of the accused was before the House, by its order; and the accused himself had been brought to its bar by a resolution or order of the House, and upon the preceding day it had been determined that he should be permitted to examine witnesses. That order would not, however, preclude the House from taking any other order in the premises, at any time in the progress of the trial, which to a majority of the House should seem proper to be taken. It was for the House to determine; and the Chair was not aware of any rule of parliamentary proceeding, or in courts of justice, whereby the presiding officer would feel authorized to entertain the motion of the gentleman from Massachusetts.

Mr. BRIGGS was only going on to remark, in justice to himself, that this question had been raised by him without consulting any human being on that floor, and for this reason: a moment before the House met, his attention was turned to that rule, and he hastily drew up the preamble and resolution, and had shown it to no one but his friend on the left, barely an instant before he offered it. He had done it with a view to bring this preliminary question before the House; and, in his opinion, it was just, according to the rules of the House and the orders of procedure, that it should be presented to its consideration, that they might dispose of it as members of the House called on to act in a judicial character. The conclusion upon Mr. B's mind was, that the process was a process which the accused was not bound to obey, and in the disobeying of which he committed no contempt towards that House.

Mr. YELL said that he hoped the proposition of the gentleman from Massachusetts [Mr. BRIGGS] would not be adopted, after the action of this House on a preceding day. By bringing the accused before the House, it was made imperious or proper that this House should afford him that investigation which its importance demanded. The object of the resolution now under consideration was to prescribe the particular mode by which the accused should be tried, and deprive him of the benefit of the usual mode in like cases. Mr. Whitney had, in his memorial to this House, denied its jurisdiction to bring him before the committee of the House; and that, if they had the power, he was justified in refusing to go before the committee, for the reasons set forth in his memorial. If the resolution was adopted, the accused would be discharged without further investigation as to the facts of the contempt. He hoped, therefore, the accused would be permitted to select his own course, whether he would plead to the jurisdiction first, or be tried upon the facts. If Mr. Whitney was justified from the facts, then it would supersede the necessity of investigating the power of jurisdiction. If, however, he should fail in satisfying this House, from the facts and circumstances of the case, then he would be entitled to the benefit of the question of jurisdiction in purging himself from the alleged contempt. Mr. Y. hoped that, under all the circumstances, the accused might be permitted to proceed in such order as he might choose, under the rules adopted in this and similar cases, and concluded by hoping that the resolution would be rejected.

Mr. MANN, of New York, said his friend from Massachusetts [Mr. BRIGGS] need not have told the House that he had not consulted any one of its members concerning the proposition he had just offered, and that he had within a few moments previous to the meeting of the House that morning had the question brought to his mind, because it must be apparent that the gentleman, in making this proposition, had not considered well either the rule of the House, or the practice of the House under that rule. Neither had the gentleman considered well the practice of committees under that rule.

What was the rule itself? The moment Mr. M. read it, he believed it would be apparent to the House that the gentleman had given a misconstruction to it. Mr. M. then read the rule, as follows:

"11. All acts, addresses, and joint resolutions, shall be signed by the Speaker; and all writs, warrants, and subpœnas, issued by order of the House, shall be under his hand and seal, attested by the Clerk."

Here, continued Mr. M, was the distinction—"issued by order of the House." When the "House" made an order to issue a subpœna or warrant, or whatever it might be, for witnesses, then, in every case, they must be under the hand and seal of the Speaker, and attested by the Clerk.

Now, said Mr. M., this very question had been started there before; was started in this very committee, and in three or four other committees of which he had been a member; and, particularly, in that sent by the House of Representatives to Philadelphia, to investigate the affairs of the Bank of the United States. In the latter instance the committee were called upon to issue the highest process in its power; and the question was there raised and mooted, with a former Speaker or with the present, he was not certain which, whether the process issued by that committee, under the powers given them to send for persons and papers, should be signed by the Speaker of the House, and attested by the Clerk. The committee decided, and in that decision, if he was not mistaken, the incumbent of the chair coincided, that the summons the committee were authorized to issue, by the power to send for persons and papers, need only be signed by the chairman of that committee. This was deemed sufficient under the power granted to the committee, by the general order of the House, that it should have power to send for persons and papers. How send for persons and papers? Why, by virtue of issuing a notice to them to be and appear before that committee; and if the question had been then raised before that committee, whether A, B, or C, should be summoned, the committee could not, from its constitution, have decided that they would have been obliged to bring it at once to the Speaker, under the 11th rule. Such, he insisted, had been the uniform and invariable construction given to this rule by all the committees, and by this very committee, before they issued one single summons. It was there raised and considered that, under a proper construction of this rule, and the order of the House constituting the committee, the committee itself had the power, by process signed by the chairman, to send for witnesses.

There could not, therefore, continued Mr. M., be a single doubt remaining that, under the construction given to that rule by every committee of which he had the honor to be a member, and they had been several, that this process was served regularly and properly, upon the general order granted by the House to the committee to make a particular order to call A, B, &c. Moreover, suppose the case of their being mistaken, what would be the consequence? Did the accused take exception to the regularity of these proceedings? for it lay with him. He had not. But suppose the House had done what the premises assumed by the gentleman from Massachusetts say it should have done—issue a regular order, and make an arrest without due authority: was his friend ignorant that on a former great occasion an action was brought against the officer for false imprisonment? The question of authority was the same in the one case as in the other. Mr. M. again contended that the proceeding in the present case was entirely regular, entirely according to the rules of the House and the law for its government. The distinction between the two cases was this: when the House issued an order or warrant in a particular case, under this rule, the Speaker must issue the summons under his hand and seal, and it must be attested by the Clerk; but when the power was granted to a committee to send for persons and papers, in a particular case, without asking the House to consider the propriety of doing it in each case as it might arise, a summons signed by the chairman of the committee was sufficient, and had been always held to be so.

Mr. VANDERPOEL was convinced, from what his colleague had said, that there was no validity in the objection of the gentleman from Massachusetts, in the first place; and, in the second place, Mr. V. had not been given to understand, as yet, that the accused took any advantage of it. For these reasons, he moved to lay the proposition of the gentleman from Massachusetts on the table, and on that motion asked for the yeas and nays; which were ordered.

Mr. PATTON inquired whether, if this motion prevailed, it would also lay the whole subject on the table.

The SPEAKER said it would not.

The question was then taken on laying Mr. Briggs's proposition on the table, and decided in the affirmative: Yeas 157, nays 33, as follows:

Yeas—Messrs. Alford, Anthony, Ash, Ashley, Barton, Bean, Beaumont, Bell, Black, Bockee, Boon, Bovee, Boyd, Brown, Buchanan, Bunch, Burns, John Calhoon, Cambreleng, Campbell, Carr, Carter, Casey, John Chambers, Chaney, Chapin, John F. H. Claiborne, Cleveland, Coles, Connor, Corwin, Craig, Cramer, Crary, Cushing, Cushman, Darlington, Doubleday, Efner, Elmore, Evans, Everett, Farlin, Forester, Fowler, French, Fry, Galbraith, Rice Garland, Gholson, Gillet, Glascock, Graham, Granger, Grantland, Graves, Grennell, Griffin, Haley, Joseph Hall, Hamer, Hard, Hardin, Samuel S. Harrison, Albert G. Harrison, Hawkins, Haynes, Henderson, Herod, Holsey, Holt, Hopkins, Howard, Hubley, Hunt, Huntington, Huntsman, Ingham, Janes, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, Henry Johnson, John W. Jones, Benjamin Jones, Kennon, Kilgore, Klingensmith, Lane, Lansing, Lawler, Gideon Lee, Thomas Lee, Luke Lea, Leonard, Lewis, Lincoln, Loyall, Abijah Mann, Job Mann, William Mason, Moses Mason, Samson Mason, May, McCarty, McComas, McKay, McKennan, McKeon, McKim, McLene, Montgomery, Moore, Morgan, Morris, Muhlenberg, Owens, Page, Parker, Parks, Patterson, Dutee J. Pearce, Phelps, Pickens, Pinckney, Potts, John Reynolds, Joseph Reynolds, Richardson, Rogers, Schenck, Seymour, William B. Shepard, Shinn, Sloane, Spangler, Sprague, Standefer, Storer, Sutherland, Taliaferro, Taylor, Thomas, John Thomson, Toucey, Turrill, Vanderpoel, Wardwell, Webster, Weeks, White, Elisha Whittlesey, Thomas T. Whittlesey, Sherrod Williams, Yell, Young—157.

Nays—Messrs. C. Allan, Bailey, Bond, Borden, Bouldin, Briggs, W. B. Calhoun, George Chambers, Childs, Clark, Crane, Dawson, Deberry, Denny, Dromgoole, Hazeltine, Hoar, Howell, Lawrence, Lay, Love, Lyon, Maury, Mercer, James A. Pearce, Pearson, Pettigrew, Phillips, Reed, Robertson, Russell, Steele, Underwood—33.

So the House laid it on the table.

Mr. HARDIN said, as he had found himself appointed on the committee to examine witnesses in this case, he had looked into some of the precedents in such cases, and it appeared to him that the individual who had been brought to the bar of the House should be first sworn to answer such questions as might be propounded to him, touching his reasons for not appearing before the select committee, after being duly summoned so to appear.

Mr. H. said he had prepared a couple of interrogatories, which he wished to propound to the individual who had been brought to the bar of the House. The first interrogatory he desired to propound to the witness was as follows:

"Are you unwilling to appear before the select committee of this House, of which the honorable Henry A. Wise is chairman?"

If this interrogatory was answered in the affirmative, he then desired to put to him the following:

"Do you believe the select committee, or any member thereof, will do you personal violence, during your attendance before the committee, or in your coming thereto or returning therefrom?"

Mr. VANDERPOEL inquired if the interrogatories had been settled upon by the committee as proper ones to be propounded.

Mr. HARDIN replied, that the committee had not. As he understood the rule adopted by the House, the committee, or any member of it, might propound interrogatories.

Mr. VANDERPOEL said he must object to this course of proceeding.

The CHAIR said the rule adopted the other day granted the accused the privilege of first examining witnesses touching his alleged contempt of the House.

Mr. HARDIN moved that Mr. Whitney be now sworn, for the purpose of answering such interrogatories as might be propounded to him. Mr. H. said he made this motion for the purpose of avoiding a very unpleasant—

Mr. VANDERPOEL called the gentleman to order. By the order of the House, the accused was granted leave to proceed and take testimony touching his alleged contempt of the House. He would therefore submit to the Chair whether the gentleman from Kentucky was in order.

The CHAIR read the order of the House, as follows:

"*Resolved*, That Reuben M. Whitney be now permitted to examine witnesses before this House, in relation to his alleged contempt; and that a committee of five be appointed by the Speaker, to examine such witnesses on the part of the House. That the questions put shall be reduced to writing before proposed to the witnesses, and that the answers be also reduced to writing. Every question put by any other than a member of the committee shall be reduced to writing by such member, and be propounded to the witness by the Speaker, if not objected to; but if any question shall be objected to, or any testimony offered shall be objected to, by any member, the member so objecting, and the accused or his counsel, shall be heard; after which, the question shall be decided without further debate. If parole evidence is offered, the witnesses shall be sworn by the Speaker, and be examined at the bar, unless they are members of the House, in which case they may be examined in their places."

The order of the House was peremptory that "Reuben M. Whitney be now permitted to examine witnesses." He therefore felt constrained to decide against the motion of the gentleman from Kentucky.

Mr. VANDERPOEL moved that the House then proceed to carry into effect its order of a former day; which was agreed to.

The SPEAKER then addressed the respondent, and informed him that, by an order of the House, he was then permitted to examine witnesses before the House, in relation to the alleged contempt against him, and that he could then proceed to do so. The Speaker further informed him that the witnesses he had named had been summoned.

Mr. Key, one of the counsel of the accused, asked that the witnesses be now sworn.

Mr. SUTHERLAND objected to the swearing of Mr. Lewis and Mr. Sullivan at that time, because he understood they would be brought forward to testify as to the character of the accused, and that question had not yet come up.

The witnesses who were members of the House, as before stated, were then sworn, and the swearing of the other gentlemen deferred for the present.

The honorable Mr. FAIRFIELD was then called, and the following question propounded to him by Mr. Key:

Please state all the circumstances attending the dispute and disorder that occurred before the select committee, whereof Mr. GARLAND is chairman, on Wednesday, the 25th of January, and state particularly all that was said and done by, and the whole demeanor and conduct of, R. M. Whitney, as a witness attending the committee, and Messrs. WISE and PEYTON, as members of that committee, and all that occurred on that occasion.

Mr. CALHOON, of Kentucky, took an exception to this question; and, after an argument of some length by that gentleman, and a reply by Mr. Key, of counsel for the accused, and the decision of a point of order, raised by Mr. BELL, the House decided that the interrogatory should be propounded to the witness: Yeas 131, nays 52, as follows:

YEAS—Messrs. Heman Allen, Ash, Barton, Bean, Beaumont, Black, Bockee, Boon, Borden, Bover, Boyd, Briggs, Brown, Buchanan, Burns, Bynum, Cambreleng, Casey, George Chambers, Chaney, Chapin, John F. H. Claiborne, Cleveland, Coles, Connor, Craig, Cramer, Crary, Cushman, Denny, Doubleday, Dromgoole, Efner, Farlin, Fowler, French, Fry, Galbraith, Gholson, Gillet, Glascock, Graham, Grantland, Haley, Joseph Hall, Hardin, Hawkins, Haynes, Henderson, Holsey, Holt, Hopkins, Howard, Hubley, Huntington, Huntsman, Ingham, Janes, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Kennon, Kilgore, Klingensmith, Lane, Lansing, Lawrence, Gideon Lee, Thomas Lee, Leonard, Logan, Loyall, Lucas, Abijah Mann, Job Mann, Martin, William Mason, Moses Mason, May, McKay, McKeon, McKim, McLene, Montgomery, Moore, Morgan, Morris, Muhlenberg, Owens, Page, Parker, Parks, Patterson, Dutee J. Pearce, Phelps, Phillips, Pinckney, Potts, Rencher, John Reynolds, Joseph Reynolds, Richardson, Ripley, Rogers, Schenck, Seymour, Shinn, Sickles, Slade, Spangler, Sprague, Sutherland, Taylor, Thomas, John Thomson, Toucey, Turner, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Webster, Weeks, White, Thomas T. Whittlesey, Sherrod Williams, Yell—131.

NAYS—Messrs. Bell, Bond, Bunch, John Calhoon, William B. Calhoun, Campbell, Carter, John Chambers, Chetwood, Childs, Nathaniel H. Claiborne, Clark, Crane, Darlington, Dawson, Deberry, Dunlap, Elmore, Forester, Rice Garland, Griffin, Harlan, Harper, Hazeltine, Hoar, Howell, Ingersoll, Lawler, Luke Lea, Lewis, Lincoln, Love, Lyon, Samson Mason, Maury, McCarty, McComas, Mercer, Milligan, James A. Pearce, Pearson, Pettigrew, Pickens, Reed, Russell, Shields, Sloane, Standefer, Steele, Storer, Underwood, Lewis Williams—52.

Messrs. PEYTON, GARLAND of Virginia, FAIRFIELD, JOHNSON of Louisiana, HAMER, PIERCE of New Hampshire, HANNEGAN, and MARTIN, were severally, on their own motions, excused from voting on any subject affecting this inquiry.

Mr. CHAMBERS, of Kentucky, then sent to the Chair the following resolution:

Resolved, That the further examination of witnesses be suspended until the accused be examined on oath, touching his alleged contempt of this House, and that the committee appointed to examine witnesses proceed to examine him accordingly.

The CHAIR decided that this resolution was not in order at this time; and read the order of the House in support of his decision.

Mr. CHAMBERS, of Kentucky, appealed from this decision.

The CHAIR suggested that the gentleman might obtain his object by moving to suspend the rules of the House.

Mr. CHAMBERS said he had no desire to move to suspend the rules of the House, but he wished to suspend the present mode of proceeding. By the decision

of the Chair, he contended that the House had lost the command of its own action on this subject; and he was not willing to submit to a decision of that kind. They were, to be sure, examining witnesses by an order of the House, but he contended they could suspend that course of proceeding by a majority of the House; and the resolution he had submitted presented the question as to whether the House would examine the accused on oath or not. He was aware that he was to be told that they had adopted for their government a rule that they would examine witnesses on the part of the accused, touching his alleged contempt; but he had not understood, and he thought there were but few of the intelligent members of the House who had understood, that by adopting this rule, declaring they would hear evidence on the part of the accused, they had deprived themselves of the right to examine him. He did not believe there was a member on that floor who, if Mr. Whitney would purge himself of the alleged contempt, would say he was in contempt. The matter of contempt rested in his own bosom, and no man could tell whether he had committed a contempt or not, so that it was useless to examine witnesses on this subject. The object of the resolution was not to rescind any rule of the House. He did not ask to rescind the rule, but only to suspend it for the purpose which he had stated above.

The SPEAKER stated the grounds of his decision, and read the order of the House which applied to the case; when

Mr. BOON moved to lay the appeal on the table.

Mr. CHAMBERS, of Kentucky, called for the yeas and nays; which were ordered.

Mr. LEWIS wished to know if, by this decision of the Chair, the accused was not to be called upon to answer as to the fact, whether it was fear which prevented him from appearing before the select committee.

The CHAIR said that would be for the House to determine, after the order of the House had been complied with.

Mr. LEWIS. Then, as the accused will not say he is afraid to appear before the committee, is the House to call witnesses to prove that fact?

The CHAIR said this question was not debatable.

Mr. LEWIS. Then the effect of the decision of the Chair is, that Mr. Whitney is not to be called upon to give evidence.

The CHAIR said the gentleman was not in order. Debate could not be entertained when a motion was made to lay on the table.

The question was then taken, and decided in the affirmative: Yeas 104, nays 66, as follows:

YEAS—Messrs. Anthony, Barton, Beale, Bean, Beaumont, Black, Bockee, Boon, Borden, Bouldin, Bovee, Boyd, Brown, Buchanan, Burns, Bynum, Cambreleng, Casey, Chapin, John F. H. Claiborne, Cleveland, Coles, Connor, Craig, Cramer, Crary, Cushman, Doubleday, Dromgoole, Efner, Farlin, Fowler, French, Galbraith, Gholson, Glascock, Grantland, Haley, Joseph Hall, Samuel S. Harrison, Hawkins, Haynes, Henderson, Holsey, Holt, Hopkins, Howard, Hubley, Huntington, Ingham, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, John W. Jones, Kennon, Kilgore, Lane, Lansing, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Loyall, Lucas, Abijah Mann, Job Mann, Moses Mason, May, McKay, McKim, McLene, Montgomery, Moore, Morgan, Muhlenberg, Owens, Page, Parker, Parks, Patterson, Dutee J. Pearce, Phelps, Pinckney, John Reynolds, Joseph Reynolds, Schenck, Seymour, Shinn, Sickles, Sprague, Sutherland, Taylor, Thomas, John Thomson, Toucey, Turrill, Vanderpoel, Wagener, Ward, Webster, Weeks, Thomas T. Whittlesey, Yell—104.

NAYS—Messrs. Chilton Allan, Bailey, Bell, Bond, John Calhoon, William B. Calhoun, Carter, John Chambers, Chetwood, Childs, Nathaniel H. Claiborne, Clark, Corwin, Crane, Darlington, Dawson, Deberry, Denny, Dunlap, Elmore, Evans, Forester, Graham, Granger, Graves, Grennell, Griffin, Hardin, Harper, Hazeltine, Hoar, Howell, Huntsman, Ingersoll, Lawrence, Luke Lea, Lewis, Lincoln, Love, Lyon, Samson Mason, Maury, McComas, McKennan, Mercer, Milligan, James A. Pearce, Pearson, Pettigrew, Phillips, Pickens, Potts, Reed, Rencher, Russell, William B. Shepard, Augustine H. Shepperd, Shields, Sloane, Spangler, Standefer, Steele, Waddy Thompson, Underwood, White, Lewis Williams—66.

So the appeal was laid upon the table.

Mr. LEWIS said he believed, as well as he could recollect, that he had voted for this rule, which had been adopted by the House; but, at the time he gave that vote, he very little expected that such a decision as this would have been given by the Speaker, and that, too, adopted by the House. He had then risen to know of the Speaker whether it was in order to move to suspend the examination of witnesses in this case.

The CHAIR said it would be in order to do so by a vote of two thirds. He would state to the gentleman from Alabama, that he had made the decision alluded to in strict conformity with the order of the House.

Mr. LEWIS had not intended to make any impeachment of the Chair, but he wanted to know if it was not competent for the House to set aside this examination.

The CHAIR said, not at this time, unless by a vote of two thirds. A witness was now on the stand, and an interrogatory propounded to him; and the House could not, by a bare majority, set aside this examination.

Mr. LEWIS would then take an appeal from the decision of the Chair, for the purpose of getting at this question.

The CHAIR said he had made no decision on which an appeal could be taken. The only motion the gentleman could make would be to suspend the rules.

Mr. LEWIS supposed that a vote of two thirds was the only way by which it could be done; and he believed he could get a vote of two thirds, if the House understood the question rightly. He desired to be in order, and the House would bear him witness that he seldom trespassed on their patience with long speeches.

Mr. CLAIBORNE, of Mississippi, inquired if the gentleman from Alabama was in order. If the rule prohibited debate, he must protest against it.

The CHAIR decided that debate was not then in order.

Mr. LEWIS. Is it in order to rescind this rule?

The CHAIR said a proposition identical with this had just been negatived.

Mr. LEWIS. Then the House has got itself in this singular predicament—

Mr. CLAIBORNE, of Mississippi, called the gentleman from Alabama to order.

The CHAIR decided that the gentleman from Alabama was not in order. The witness [Mr. FAIRFIELD] would proceed and give in his testimony.

Mr. FAIRFIELD then sent to the Clerk's table the following answer to the first interrogatory.

At the commencement of the affair alluded to in the question, the different members of the committee were situated as follows, as near as I can recollect: Mr. Whitney sat at a small table in a corner of the room, near the fireplace; Mr. Peyton, Mr. Garland, Mr. Hamer, and Mr. Gillet, sat at a long table, placed transversely in front of the fire, Mr. Hamer at the end nearest Mr. Whitney, Mr. Gillet at the opposite end, and Mr. Garland and Mr. Peyton in front, the latter nearest to Mr. Whitney, and with his back turned, or partially so, towards him—one proposing interrogatories, and the other

answering, in writing; the questions and answers being handed to the chairman, and by him read to the committee. Mr. Wise, Mr. Martin, and myself, were sitting upon a sofa at the side of the fireplace opposite Mr. Whitney. Mr. Pierce and Mr. Johnson were not present.

When the chairman read the answer of Mr. Whitney to the interrogatory of Mr. Peyton, both of which have been published, the latter turned towards Mr. Garland, without arising from his seat, and said, "Mr. Chairman, I wish you to inform this witness that he is not to insult me in his answers; if he does, God damn him, I will take his life upon the spot." He then rose and turned towards Mr. Whitney, and said, "I want you to understand, sir, that I claim no protection from the constitution; and if you insult me, you damned dog, I will take your life." Mr. Wise rose, and advanced to the side of Mr. Peyton, and, addressing himself to Mr. Whitney, said, "Yes, this damned insolence is insufferable." Mr. Garland and other members of the committee were, during this time, endeavoring to preserve order and to prevent an affray. Mr. Peyton turned from Mr. Whitney, and, standing with his back to the fire, said, by way of soliloquy, or without addressing himself to any one in particular, "Hitherto, I have treated him with marked respect—damn him—I have treated him just as if he had been a gentleman; to be thus insulted by a damned thief and robber! damn him, he shan't do it." While uttering the last words of this sentence, he became, apparently, more excited, and turned towards Mr. Whitney, who rose and said he claimed the protection of the committee while he was before it, when Mr. Peyton said, "God damn you, you shan't speak—you shan't say a word while you are in this room; if you do I will put you to death," and made towards him, at the same time time putting his hand in his bosom. Mr. Wise, who had previously gone round the long table, and placed himself near Mr. Whitney, here interposed; and he, with Mr. Garland, who was standing between Mr. Peyton and Mr. Whitney, and Mr. Martin, who was by his side, endeavored to calm him, and to prevent his going towards Mr. Whitney. Mr. Wise said, "Don't, Peyton; damn him, he is not worth your notice," or words to that effect. Judge Martin here moved that the examination of the witness be suspended. Mr. Hamer opposed it; and, addressing himself to the chairman, went on to make some remarks, but I do not distinctly recollect them.

Mr. Peyton then resumed his seat, but soon turned towards Mr. Whitney, and said, "Damn him, his eyes are on me. God damn him, he is looking at me—he shan't do it—damn him, he shan't look at me." Mr. Hamer made some further remarks, when Mr. Garland suggested that the witness should retire to another room; which he did. Mr. Peyton then apologized to the committee, and Mr. Hamer offered the resolution which has been published; on the passage of which, Mr. Whitney was recalled, and the resolution was communicated to him by the chairman. Mr. Whitney said, that if he had done any thing which the committee considered disrespectful, he regretted it, and apologized for it. Another interrogatory was proposed to him, which he answered; and then the committee rose.

Second question by Counsel. What was Mr. Whitney's general demeanor as a witness before the committee; was any indecorum or disrespect on his part towards the committee, or any member of it, observed or complained of, or in any manner censured by the committee?

Answer. With the exception of the answer in writing of Mr. Whitney, which was the subject of a resolution introduced by Mr. Hamer, and adopted by the committee, I saw nothing of any indecorum or disrespect, on his part, to the committee, or any member of it; nor did I, at any time, except as above, and prior to the affair alluded to, hear any complaint on the part of any member of the committee.

Third question by Counsel. Please state whether the conduct of Mr. Whitney, throughout the whole of the unhappy scene in question, was or was not cool, collected, and forbearing; whether he did or did not manifest, by deed, word, or gesture, or by what word, deed, or gesture, any disposition to assault Mr. Peyton. Please describe such circumstances of his posture and manner as may go to show whether he meditated assault, or stood on the defensive merely.

Mr. MASON, of Ohio, objected to this interrogatory, and went on to state the grounds of his objections at length.

Mr. Walter Jones, one of the counsel for Mr. Whitney, replied at some length to the objections raised by Mr. MASON.

Mr. MASON called for the yeas and nays on the question; which were not ordered; and the House decided that the question should be put, without a division.

Mr. FAIRFIELD then returned the following:

Answer to the third interrogatory. So far as I saw or heard, upon the occasion alluded to, the conduct of Mr. Whitney was cool, collected, and forbearing. I heard him say nothing but what I have stated in my answer to the first interrogatory. In regard to the extent of what I saw, it is proper to add that, during nearly the whole time, several gentlemen were standing or moving between myself and Mr. Whitney. My attention, also, was principally confined to Mr. Peyton. I cannot say that Mr. Whitney did not assume any attitude of assault towards Mr. Peyton; but I can say that, if he did, I did not see it.

First question by Mr. CALHOON, of Kentucky. Did or did not Mr. Wise endeavor to prevent any collision between Mr. Peyton and R. M. Whitney, by stepping in between them, and laying his hands upon Mr. Peyton, and pushing him back from his position?

Answer. Mr. Wise did interfere, as I have stated in my first answer; he laid his hand upon Mr. Peyton's breast, and endeavored to prevent any collision between him and Mr. Whitney. I do not, however, recollect that he pushed him back.

Second question by Mr. CALHOON, of Kentucky. Did or did not Mr. Wise privately request the members of the committee not to rise until after a sufficient time was allowed after the examination of R. M. Whitney was closed to enable him (Whitney) to withdraw from the committee room, so as to prevent the witness and Mr. Peyton being thrown together, without the presence of the committee to restrain them? And did not Mr. Wise, at the same time, declare that his object was to prevent collision between the parties?

Answer. I answer affirmatively to the whole question.

Third question by Mr. CALHOON, of Kentucky. Did Mr. Wise do more than denounce the insolence of R. M. Whitney to the committee? And, in attempting to pacify Mr. Peyton, did he do more than say to him that R. M. Whitney was not worth his notice?

Answer. Mr. Wise did no more than what I have described in my first answer. His object in going round the long table, and taking his stand near Mr. Whitney, I only know from his (Mr. Wise's) statement made in this House. I did not, at the time, regard it as assuming an attitude of attack upon Mr. Whitney.

Fourth question by Mr. CALHOON, of Kentucky. Did or did not Mr. Wise and Mr. Peyton treat R. M. Whitney with perfect respect in his examination before the committee, both before and after the difficulty between

him and Mr. Peyton had occurred? And did not his examination occupy much more time; and were not most of the questions propounded by Mr. Peyton after the difficulty occurred?

Answer. I answer affirmatively to the whole question, except as to the order of time in which the questions were proposed to Mr. Whitney. In regard to that I do not recollect distinctly.

Fifth question by Mr. CALHOON, of Kentucky. Had you or had you not seen Mr. Whitney's card in the Globe of the 5th of January last, which is as follows:

"A Card.—During the last session of Congress, it became necessary for me to expose H. A. Wise of having stated, in the hall of the House, a base falsehood in relation to myself.

"In the Globe of this morning it is reported that Balie Peyton, the Siamese companion of Wise, for twelve months past, in uttering falsehood and slander, said that, 'in consequence of the character of the agent alluded to, Mr. Taney, the former Secretary of the Treasury, would not recommend him as an agent of the deposite banks.' No one can mistake that it is myself alluded to by Mr. P.

"I challenge Mr. Peyton to adduce a single particle of proof to sustain the above assertion; and, for having made it without proof, I pronounce him a calumniator, and guilty of uttering a base falsehood; this, too, like Wise, while shielded by his constitutional privilege.

"If any one who does not know me wishes to ascertain my character, I refer them to citizens of those places in which I have passed many years of my life.

"R. M. WHITNEY.

"*Wednesday, 4th January*, 1837."

And do you not know or believe that Mr. Peyton had seen said card, or was informed of its contents? And did not the answer to the question which preceded the difficulty involve the truth of the charges which the card of Mr. Whitney pronounced to be false, and for the uttering of which he pronounced Mr. Peyton a calumniator?

Answer. I had seen the card of Mr. Whitney, alluded to, and believe, from a remark I heard Mr. Peyton make in the committee room, that he also had seen it. The question referred to, as proposed by Mr. Peyton, I did regard as involving the truth of the charges which called out the card of Mr. Whitney.

First question by Mr. INGERSOLL. What language did R. M. Whitney use immediately before the interposition of Mr. Peyton?

Answer. I do not know that Mr. Peyton interposed at all, as I understand that word. I cannot, therefore, answer the question as to the language used by Mr. Whitney.

Second question by Mr. INGERSOLL. What language did R. M. Whitney use immediately before the witness says "Mr. Peyton rose and addressed the chairman?"

Answer. If the question refers to what was said, my answer is, that Mr. Whitney said nothing that I recollect. If it refers to the written answer of Mr. Whitney, I cannot answer it without referring to the journal of the committee. It has, however, been correctly published.

Question by Mr. BELL. When Mr. Peyton was called to order by the chairman of the committee for the first remark made by him in reference to Mr. Whitney, did he not take his seat, and continue sitting until Mr. Whitney rose and commenced speaking?

Answer. I recollect that Mr. Peyton took his seat, but cannot say whether it was when called to order by the chairman. I do not recollect of Mr. Whitney's rising but once prior to his withdrawing; and that, according to my present recollection, was before the time alluded to in this question.

First question by Committee. Was or was not the deportment of Mr. Peyton that of a man who did not intend to make an attack, but desired to deter another, and make him desist from insulting remarks and conduct?

Answer. Mr. Peyton, as I have before stated, treated Mr. Whitney with respect prior to the time of this difficulty. After the answer of Mr. Whitney was read by the chairman, Mr. Peyton was very much excited, and at one time, certainly, appeared to be disposed to punish Mr. Whitney for his alleged insult.

Second question by Committee. What was the question put to Mr. Whitney, and his answer thereto, to which you refer in your answer to the first interrogatory; and what was the vote of the committee, also referred to by you in your answer to the same interrogatory; and will you now set them forth, to be received in connexion with, and as part of, your answer to said interrogatory?

[Time given to witness to answer the foregoing second question of Committee.]

Second question of Mr. BELL. When Mr. Peyton rose the second time, did he advance across a line drawn from his chair towards the fireplace, cutting him off from Reuben M. Whitney? Could you, at the instant of time when Mr. Peyton put his hand to his bosom, see the right hand of Mr. Whitney? If yes, was it not thrust into his pocket, with his left foot advanced?

Answer. I do not recollect when Mr. Peyton rose the second time, but think it was not until Mr. Whitney retired, or about that time. When Mr. Peyton put his hand to his bosom, he had just turned from a standing posture, as I have described in my answer to the first interrogatory. I doubt whether at that time I could see Mr. Whitney's right hand; but if I could, I do not recollect of seeing it in the position described by the question. My answer is the same with regard to Mr. Whitney's left foot.

Third question of Mr. BELL. Did you occupy a position which enabled you to see the offensive look or scowl of the witness, R. M. Whitney, which he cast upon Mr. Peyton, if any, at the time of handing his answer to the chairman?

Answer. At the time the answer of Mr. Whitney was handed to the chairman, I sat nearly opposite Mr. Whitney, with nothing interposing. My attention, however, was fastened almost entirely upon Mr. Peyton.

Fourth question of Mr. BELL. Did not Mr. Peyton complain that the witness, R. M. Whitney, had insulted him by his look at the time?

Answer. I do not recollect that he did.

Fifth question of Mr. BELL. If it had been Mr. Peyton's intention to draw a weapon upon Mr. Whitney, had he not ample time to do so?

Answer. He had.

Sixth question of Mr. BELL. What number of interrogatories were propounded by Mr. Peyton to the witness, R. M. Whitney? How many before, and how many after, the question and answer which gave rise to the altercation alluded to? Did you apprehend danger of insult or personal violence to said witness, when he reappeared before the said committee, on the part of either Mr. Wise or Mr. Peyton? State whether they, and each of them, did not treat him with the courtesy due a witness, as well after as before that occurrence.

Answer. That part of the question relating to the number of interrogatories, and the time when they were proposed, I will answer after I have had an opportunity to refer to the journal of the committee. I did not apprehend insult or personal violence to Mr. Whitney, on the part of Mr. Peyton or Mr. Wise, when the former reappeared in the committee room. Mr. Peyton's ex

citement had then subsided. I have already stated that, prior and subsequent to this occurrence, Mr. Wise and Mr. Peyton treated Mr. Whitney respectfully in the committee room.

Seventh question of Mr. BELL. Was there not a rule of the committee that all questions should be reduced to writing, and propounded through the chairman to witness, if not objected to by a member of the committee; and that all answers of witness should be returned in writing through the same channel? And was it not remarked by Mr. Peyton, that the witness must answer in writing, and that he should not address the committee in any other way?

Answer. There is such a rule; but I do not recollect the remark of Mr. Peyton supposed in the question.

Eighth question of Mr. BELL. Had or had not said witness refused to answer several questions put to him by Mr. Peyton, before the one above alluded to, characterizing them as inquisitorial, which questions had been decided by the committee as proper to be propounded?

Answer. Mr. Whitney had refused to answer many questions proposed by Mr. Peyton, characterizing them as inquisitorial. Though the committee permitted these questions to be put, I understood that the committee reserved the question as to the obligation of the witness to answer them, in case he did not choose voluntarily to do so.

Mr. THOMAS, with permission of the House, would submit a proposition which had met the approbation of all the members of the committee appointed to conduct the examination, together with the counsel of the accused, and several other gentlemen engaged in propounding questions, which would expedite the business. It was, in substance, ordering that, in future, the proceedings in the case of Reuben M. Whitney be postponed till 12 o'clock to-morrow, and that the Clerk of the House be directed to furnish each witness, to be thereafter examined, with a copy of the interrogatories already propounded to Mr. Fairfield.

Mr. CHAMBERS, of Kentucky, would object to it, if its effect would be to cut off entirely the resolution he designed to offer.

The CHAIR said the adoption of this order would have no effect upon the gentleman's proposition.

This order was then adopted, *nem. diss.*

The Sergeant-at-arms was then directed to conduct Mr. Whitney from the bar; and,

On motion of Mr. CALHOON, of Kentucky,

The House adjourned.

THURSDAY, FEBRUARY 16.

CASE OF R. M. WHITNEY.

Mr. Whitney being placed at the bar of the House, the examination of the honorable Mr. FAIRFIELD was continued.

Sixth question of Mr. BELL. What number of interrogatories were propounded by Mr. Peyton to the witness, R. M. Whitney? How many before and how many after the question and answer which gave rise to the altercation alluded to? Did you apprehend danger of insult or personal violence to said witness, when he reappeared before said committee, on the part of either Mr. Wise or Mr. Peyton? State whether they, and each of them, did not treat him with the courtesy due a witness, as well after as before that occurrence.

Answer. Prior to the difficulty alluded to in the question, Mr. Whitney had appeared before the committee, January 12th, 13th, and 14th, when fourteen interrogatories were propounded to him, principally by Mr. Peyton. On the 25th, ten interrogatories were propounded, the eighth being the one which called forth the offensive answer. He appeared before the committee again on the 26th of January, when thirty-eight interrogatories were propounded, all by Mr. Peyton but one.

Mr. GHOLSON'S second question in behalf of the committee. What was the question put to Mr. Whitney, and his answer thereto, to which you refer in your answer to the first interrogatory; and what was the vote of the committee, also referred to by you in your answer to the same interrogatory; and will you now set this forth, to be received in connexion with, and as part of, your answer to said interrogatory?

Answer. The question and answer alluded to were as follows, viz: "Did you receive any letter of recommendation from R. B. Taney, or did he in any manner countenance or encourage you in applying for the agency contemplated; or did he positively refuse to recommend, receive, or countenance you in that capacity, while he was at the head of the Treasury Department?"

"Answer. I decline answering this interrogatory, more particularly as the individual propounding it has asserted, positively and publicly, that the substance of the latter part of it is true, beginning with 'or did he,' &c. therefore, being the party accused, I am not a proper witness. I think, in justice, that the individual who has made the allegation should be called to produce his proof."

The vote of the committee was, "that the foregoing answer to the 15th question be returned to the witness, being no reply to the interrogatory, and disrespectful to a member of the committee."

Ninth question of Mr. BELL. Did not the resolution of the committee, returning the answer of the witness (Whitney) as disrespectful to a member of the committee, pass without a dissenting voice?

Answer. It did.

Tenth question of Mr. BELL. Look upon the journal of the committee, at page 84, and say on what day the 15th interrogatory was propounded. Did not said witness (Whitney) return and continue his examination, as has been stated in your answer just given? Look upon the journal, at page 103, and state whether said witness did not voluntarily return and file written communications, as set forth in pages from 99 to 102, inclusive, as follows, namely: [Here follows a correspondence between R. M. Whitney, J. C. Wilkins, J. D. Beers, and John Tillson, jr.] State whether Mr. Peyton did not propound to said witness two other interrogatories at page 103, and receive answers as therein set forth, in addition to the questions and answers alluded to in your last answers.

Answer. The fifteenth interrogatory was propounded January 25th. Mr. Whitney returned, and the examination was continued, as I have before stated. Mr. Whitney also voluntarily returned and filed the communications, as set forth in pages from 99 to 102, inclusive, as supposed in the question. Two other questions were proposed at this time by Mr. Peyton, as set forth in page 103 of the journal of the committee. They were accidentally omitted by me in my former answer, not having received the printed journal beyond the 96th page.

Eleventh question of Mr. BELL. Did Mr. Peyton take any exception to that part of his answer which alleges an insinuation in interrogatories Nos. 40 and 42, propounded by him?

Answer. Not to my recollection.

Twelfth question of Mr. BELL. Please examine the interrogatories propounded by Mr. Peyton to the witness, (Whitney,) and the answers thereto, commencing with No. 1, and including the following numbers, designated by a cross on the copy of the journal of the committee herewith furnished, and say if the course of the witness was not considered disrespectful to the committee, and especially to Mr. Peyton.

Answer. I did not consider the answers of Mr. Whitney, alluded to, as disrespectful either to the committee or Mr. Peyton, inasmuch as my opinion has been, from the beginning, that he was under no legal obligation to answer the interrogatories, or most of them; and as I consider the term "inquisitorial" to be used in a technical sense, and not with a disposition to be uncourteous to the committee, or any member of it.

Thirteenth question of Mr. BELL. Did not Chief Justice Taney, in his evidence before the committee, disprove the allegation of the witness in his letter to Mr. Duane, late Secretary of the Treasury, so far as relates to his having, at any time, recommended him (Whitney) as a fit person to be an agent of the deposite banks or of the Treasury?

Answer. Chief Justice Taney's evidence is not before me, and, if it were, it might perhaps be questioned whether it was competent for me to say what degree of evidence amounts to proof. For a further answer of the question, I refer to the letter of Mr. Whitney, and the answers of Mr. Taney, alluded to in the question, both of which are in the possession of the committee.

Fourteenth question of Mr. BELL. How far was Mr. Peyton sitting from the witness (Whitney) at the time of the commencement of the occurrence to which you have alluded? State, also, whether Mr. Peyton was not sitting nearer to the witness than any other member of the committee. State, also, whether Mr. Peyton was not standing still at the time he had his hand in his bosom, and when Mr. Wise approached him.

Answer. At the commencement of the occurrence alluded to, Mr. Peyton was sitting within a few feet of Mr. Whitney, say three to six feet, and was nearer Mr. Whitney than any other member of the committee. I think Mr. Peyton was not standing still at the time named in the question, but was endeavoring to advance, and was resisted in so doing principally by Mr. Wise.

Fifteenth question of Mr. BELL. Have you, or any other person, to your knowledge, had any conversation with the said R. M. Whitney since the occurrence in the committee? If so, did he inform you then that he was alarmed, and that his fears had induced him to take the course which he has done in this matter? State all he said in relation to his fears, or the motives which induced his course upon this occasion.

Answer. I do not know what conversation others have had with Mr. Whitney upon this subject. I have had none. I had no acquaintance with Mr. Whitney prior to being appointed on the select committee, and have since carefully abstained from conversation with him. Upon one occasion, however, since the occurrence of the 25th of January, I was in the company of Mr. Whitney a few minutes, who made some remarks upon the subject, not addressed to me particularly. So far as I can recollect them, they were, in substance, that he was not afraid of Mr. Peyton at the time alluded to; that he (Whitney) was not armed at the time, but intended, if Mr. Peyton had drawn a weapon, to have sprung forward, caught his arm, and flung him into the fireplace. This was before he had sent a petition to the House, and before his arrest for an alleged contempt.

First question of Mr. RENCHER. In the subsequent examinations before the committee to which R. M. Whitney was pleased to submit, after the occurrence between him and Mr. Peyton, did he exhibit fears of personal violence from Mr. Wise, or from any other member of the committee?

Answer. I have seen no indications of fear on the part of Mr. Whitney.

Second question of Mr. RENCHER. Was the conduct of Mr. Wise, or any other member of the committee, calculated to create such fears?

Answer. Excepting the time of the occurrence of the 25th of January, I answer negatively.

Fourth question by Counsel. Did Mr. Wise at any time, and when and where, state what was his purpose in going round the table, and placing himself near the accused, as stated in your answer to the first interrogatory? If yes, what did he say was his purpose? And was the statement of Mr. Wise, as to his purpose in that movement, before or after the accused's testimony before the committee had been closed?

Answer. I was not present when Mr. Wise made the statement alluded to, in this House, on I think Saturday, the 4th of February. My information was derived from conversation with members who were present, and from the report of his remarks in the Globe and Intelligencer of this city. I think the testimony of Mr. Whitney had closed prior to that time.

Fifth question by Counsel. In your foregoing answers, touching the interrogatories propounded to Mr. Whitney before the committee, do you refer to any questions put to Mr. Whitney by Mr. Peyton, or by others of the committee, or to any of his answers or refusals to answer, but what are recorded in the journal of the committee, and found in the printed copy of that journal referred to in the foregoing interrogatories; and is that a copy printed by order of the committee? If so, annex the whole of it to your answer.

Answer. I have referred to the questions and answers, and refusals to answer, which have been published by the committee, and to them alone. I annex the journal, so far as it has been printed by order of the committee:

[Here follow from pages 1 to 112, inclusive, of printed journal of the select committee.]

Sixth question by Counsel. Is not the evidence of Chief Justice Taney, and also that of Mr. Duane, recorded in the journal of the committee?

Answer. I presume it is; but I have run my eye rapidly over the printed journal, and do not find the evidence there.

Seventh question by Counsel. Was Mr. Whitney present at, or ever apprized of, the examination of Chief Justice Taney or Mr. Duane, or of the nature of their evidence, or ever afforded an opportunity to put questions to either, in explanation of their evidence, or to adduce any corroboration of his own, in case any discrepancy should appear?

Answer. He was not present, nor was he apprized of the examination of Mr. Taney and Mr. Duane, to my knowledge.

Mr. Hamer's Testimony.

First question by the Counsel for the accused. Please state all the circumstances attending the dispute and disorder that occurred before the select committee whereof Mr. Garland is chairman, on Wednesday, the 25th of January; and state particularly all that was said and done by, and the whole demeanor and conduct of, R. M. Whitney, as a witness attending the committee, and Messrs. Wise and Peyton, as members of that committee, and all that occurred on that occasion.

Mr. HAMER'S answer to the first interrogatory of the Counsel. The following statement is copied in part from one made out some days ago, and shown to me by the Hon. Mr. Fairfield, a member of the committee, who was present at the affair described. It is so far altered as to make it accord with my own recollection of the facts, and is substantially true as they occurred. I cannot be precise as to the very words used by the parties, nor as to the exact order of time in which all the events transpired; nor can I pretend to relate every thing that was said and done during the excitement.

The position of the several persons in the room was as described by Mr. Fairfield. The chairman and Mr. Peyton between the long table and the fire; Messrs. Martin, Gillet, Fairfield, and Wise, at the end of the table, either upon or beside the sofa, which stands at the

left side of the fireplace; and myself at the other end of the table, close to Mr. Peyton. The witness sat beside a small table in the corner, on the right of the fireplace.

When Mr. Peyton heard the answer to this interogatory read, he turned towards the chairman, and said: "Mr. Chairman, I wish you to inform this witness that he is not to insult me in his answers; if he does, God damn him, I will take his life upon the spot." About this time Mr. Wise rose from the sofa, and said: "Yes; the damned insulence of this witness is insufferable." Mr. Peyton said to Mr. Wise, "Never mind, this is my business;" and rising, and turning towards Mr. Whitney, said: "I want you to understand, sir, that I claim no protection from the constitution; and if you insult me to my face, you damned dog, I will take your life." During this time, the chairman and others were vainly endeavoring to restore order.

Mr. Peyton turned from the witness, and presently said: "Hitherto I have treated him with marked respect; damn him, I have treated him as if he had been a gentleman; to be insulted in this way by a damned thief and robber! Damn him, he shan't do it." About this time Mr. Whitney (who, I think, had not said a word before) said: "Mr. Chairman, I am here as a witness, and I claim the protection of the committee." Mr. Peyton said: "God damn you, you shan't speak—you shan't say a word while you are in this room; if you do, I will put you to death. You shall make your statements in writing." Previous to this, Mr. Wise had gone around the table, and was standing near the witness; and immediately after this declaration of Mr. Peyton, Mr. Wise passed between the witness and Mr. Peyton, and seized the latter, saying, "Don't, Peyton; damn him, he is not worth your notice." Mr. Peyton endeavored to disengage himself, and replied: "Yes he is, when he insults me to my face; if he were a dog I would notice him." I did not see Mr. Peyton put his hand in his bosom, nor did I see arms of any kind during the affair.

About this time Mr. Martin moved to suspend the examination, to which I objected, and proceeded to address the Chair, amidst frequent interruptions. Mr. Peyton resumed his seat, but soon, turning towards the witness, said: "Damn him, his eyes are on me; God damn him, he is looking at me. He shan't do it; damn him, he shan't look at me." The chairman directed the witness to retire from the room, and he did so. I concluded my remarks, and then offered the resolution, which was adopted by the committee. Mr. Peyton apologized to the committee for the course he had pursued. The witness was called in, and the resolution read to him, when he also apologized, as is stated upon the journal of the committee. The examination then proceeded, and, after a short time, the committee adjourned until the next morning.

Previous to this time I had seen nothing in the conduct of either Mr. Peyton or Mr. Wise, towards the witness, which was at all indecorous or disrespectful, nor was there any thing afterwards, during the course of his examination.

On the part of Mr. Whitney, I saw nothing disrespectful towards either of those gentlemen, either before or subsequent to this transaction. I did not see the frowns or scowling looks attributed to the witness, though I distinctly recollect that Mr. Peyton complained of them at the time. Nor did I see Mr. Whitney's hand in his pocket during the affair, though I did not watch him narrowly; for believing that he assumed a defensive attitude, and would not rush upon Mr. Peyton, my attention was rather directed to him; intending, if he attempted, in the excitement of the moment, to move upon Mr. Whitney, to step between them, and endeavor to prevent a conflict. Mr. Wise interposed, and saved me the necessity of doing so.

As to Mr. Wise's intention of shooting or killing the witness, I neither saw nor heard any thing of it that evening; but heard him avow it afterwards, in a public conversation, as well as in the House, and in language similar to that used on the floor. With the exception of his first movement, his course seemed to me, at the time, to be rather peaceful than otherwise, and dictated by a desire to prevent a personal rencounter between Mr. Peyton and the witness. I do not recollect any other material circumstance; but, after what has been said, both in the House and in the publications of the day, it is but an act of justice to myself to add a few words in regard to the proceedings of the committee.

Before this period we had received and read Mr. Whitney's protest, in which he assigns his reasons, at large, for not answering certain classes of questions. His examination progressed with this protest before us; and when he declined answering questions, as he often did, it was, of course, for reasons set forth in that paper; and it was deemed unnecessary and improper for him to give reasons for declining, in each case where he did not choose to answer an interrogatory.

Again: It was well known that Mr. Peyton had, more than once, denounced the witness in very strong terms, on the floor of the House of Representatives; and that the latter had, but a few days prior to this affair, published a "card," in relation to Mr. Peyton, which was couched in very offensive language. They were not on speaking terms. All the questions, answers, and suggestions, which passed between them, were transmitted through the chairman. Under such circumstances, it was believed to be not only an obvious violation of the rules of propriety, but "disrespectful," for the witness, after refusing to answer an interrogatory, to proceed to give reasons for his refusal, which reflected personally upon the member who, by the permission of the committee, had propounded the question. It was calculated to provoke a quarrel, and it was this offence, on the part of the witness, which the resolution was intended to rebuke. If witnesses, under the pretext of giving reasons for not answering questions, could be allowed to retort upon the members of a committee, or of a court, they might thus heap upon them, individually and collectively, whatever odium happened to suit their interests or inclination. Such a practice could not be tolerated before any tribunal; and, in this case, it was resolved to check it at once.

Whether, as between parties who were not personally unfriendly, the reply would have been considered disrespectful; or whether the provocation was sufficient to justify all the scenes which followed, were other and very different questions, and as to which the committee did not feel called upon to express an opinion. Such, at least, were my sentiments; and, so far as I conversed with the members, I understood them to be theirs also.

I understand it has been said that we ought to have brought this affair immediately before the House. It would have been strange if we had. Scenes not unlike it have occurred on several occasions during the last three years, and the uniform practice of the House has been to resort to every means in its power necessary to produce a reconciliation and restore harmony, sometimes remaining in session for hours to accomplish the object. We but followed the example of the honorable body whose committee we were, and effected a restoration of order and harmony, which enabled us to proceed with our business.

In submitting a statement, which is to be recorded and published, it is due to the occasion, and to the part I bore in the proceedings, to add these explanatory remarks to the narrative of facts which I have given as testimony.

Second question by Counsel. What was Mr. Whit-

ney's general demeanor as a witness before the committee; was any indecorum or disrespect on his part towards the committee, or any member of it, observed or complained of, or in any manner censured by the committee?

Answer. His conduct was respectful, with the exception of this affair between him and Mr. Peyton. In that case, the committee returned his answer as disrespectful.

Third question by Counsel. Please state whether the conduct of Mr. Whitney, throughout the whole of the unhappy scene in question, was or was not cool, collected, and forbearing; whether he did or did not manifest, by word, deed, or gesture, or by what word, deed, or gesture, any disposition to assault Mr. Peyton. Please describe such circumstances of his posture and manner as may go to show whether he meditated assault or stood on the defensive merely.

Answer. Mr. Whitney was apparently cool and forbearing. I saw now no disposition manifested, on his part, to become an assailant.

First question by Mr. CALHOON, of Kentucky. Did or did not Mr. Wise endeavor to prevent any collision between Mr. Peyton and R. M. Whitney, by stepping in between them, and laying his hands upon Mr. Peyton, and pushing him back from his position?

Answer. He did.

Second question by Mr. CALHOON, of Kentucky. Did or did not Mr. Wise privately request the members of the committee not to rise until after a sufficient time was allowed after the examination of R. M. Whitney was closed to enable him (Whitney) to withdraw from the committee room, so as to prevent the witness and Mr. Peyton being thrown together, without the presence of the committee to restrain them; and did not Mr. Wise, at the time, declare that his object was to prevent collision between the parties?

Answer. He expressed such sentiments to me.

Third question by Mr. CALHOON, of Kentucky. Did Mr. Wise do more than denounce the insolence of R. M. Whitney to the committee; and, in attempting to pacify Mr. Peyton, did he do more than say to him that R. M. Whitney was not worth his notice?

Answer. He made other remarks, but I do not recollect them.

Fourth question of Mr. CALHOON, of Kentucky. Did or did not Mr. Wise and Mr. Peyton treat R. M. Whitney with perfect respect in his examination before the committee, both before and after the difficulty between him and Mr. Peyton had occurred; and did not his examination occupy much time; and were not most of the questions propounded by Mr. Peyton after the difficulty occurred?

Answer. They treated him with respect both before and after. His examination occupied much tme; and I believe most of the questions were asked afterwards. The journal will answer the latter inquiry.

Fifth question by Mr. CALHOON, of Kentucky. Had you or had you not seen Mr. Whitney's card in the Globe of the 5th of January last? [This card was given in Mr. Fairfield's testimony.] And do you not know or believe that Mr. Peyton had seen said card, or was informed of its contents; and did not the answer to the question which preceded the difficulty involve the truth of the charges which the card of Mr. Whitney pronounced to be false, and for the uttering of which he pronounced Mr. Peyton a calumniator?

Answer. I had seen the "card," and so had Mr. Peyton. He took the Globe out of my hand to read the "card," and conversed with me about it in the committee room. I understand the answer of the witness as referring to that "card," or to the charge discussed and denied in that publication.

First question of Mr. INGERSOLL. What language did R. M. Whitney use immediately before the interposition of Mr. Peyton?

Answer. None that I have heard.

Second question of Mr. INGERSOLL. What language did Mr. R. M. Whitney use immediately before the witness says, "Mr. Peyton rose and addressed the chairman?"

Answer. He did nothing, immediately after Mr. Peyton rose.

Question by Mr. BELL. When Mr. Peyton was called to order by the chairman of the committee, for the first remarks made by him in reference to Mr. Whitney, did he not take his seat and continue sitting until Mr. Whitney rose and commenced speaking?

Answer. I think not. I believe he had been seated, though, before Mr. Whitney commenced speaking. At the time the witness spoke, I believe Mr. Peyton was standing.

Second question of Mr. BELL. When Mr. Peyton rose the second time, did he advance across a line drawn from his chair towards the fireplace, cutting him off from R. M. Whitney? Could you, at the instant of time when Mr. Peyton put his hand to his bosom, see the right hand of Mr. Whitney? If yes, was it not thrust into his pocket, with the left foot advanced?

Answer. He did not. I did not see his band to his bosom, nor did I see the right hand or left foot.

Third question of Mr. BELL. Did you occupy a position which enabled you to see the offensive look or scowl of the witness, R. M. Whitney, which he cast upon Mr. Peyton, if any, at the time of handing his answer to the chairman?

Answer. I did not see his face at that moment.

Fourth question of Mr. BELL. Did not Mr. Peyton complain that the witness, R. M. Whitney, had insulted him by his look at the time?

Answer. He did.

Fifth question of Mr. BELL. If it had been Mr. Peyton's intention to draw a weapon upon Mr. Whitney, had he not ample time to do so?

Answer. He had.

Sixth question of Mr. BELL. What number of interrogatories were propounded by Mr. Peyton to the witness, R. M. Whitney? How many before and how many after the question and answer which gave rise to the alteration alluded to? Did you apprehend danger of insult or personal violence to said witness, when he reappeared before said committee, on the part of either Mr. Wise or Mr. Peyton? State whether they, and each of them, did not treat him with the courtesy due a witness, as well after as before that occurrence?

Answer. The journal of the committee will show the number of questions propounded before and after. I apprehended no danger to the witness when he reappeared. He was treated courteously, both before and after that occurred, by all the members of the committee.

Seventh question of Mr. BELL. Was there not a rule of the committee that all questions should be reduced to writing, and propounded through the chairman to witness, if not objected to by a member of the committee; and that all answers of witness should be returned in writing, through the same channel? And was it not remarked by Mr. Peyton, that the witness must answer in writing, and that he should not address the committee in any other way?

Answer. There was such a rule; I have given Mr. Peyton's words in my answer to the first interrogatory.

Eighth question of Mr. BELL. Had or had not said witness refused to answer several questions put to him by Mr. Peyton, before the one above alluded to, characterizing them as inquisitorial, which questions had

been decided by the committee as proper to be propounded?

Answer. He had.

First question by Committee. Was or was not the deportment of Mr. Peyton that of a man who did not intend to make an attack, but desired to deter another, and make him desist from insulting remark and conduct?

Answer to Mr. GHOLSON's first interrogatory in behalf of the committee. His deportment was angry and violent. I cannot say what were his motives or intentions.

Ninth question of Mr. BELL. How far was Mr. Peyton sitting from the witness (Whitney) at the time of the commencement of the occurrence to which you have alluded? State, also, whether Mr. Peyton was not sitting nearer to the witness than any other member of the committee. State, also, whether Mr. Peyton was not standing still at the time he had his hand in his bosom, and when Mr. Wise approached him.

Answer. I cannot tell the precise distance they were apart; perhaps five or six feet. Mr. Peyton was nearer than any member except myself. I sat at the end of the table, and was quite as near the witness, I think, as he was. At the time Mr. Peyton is said to have had his hand in his bosom, I did not see him advance towards the witness by taking a step, though he was not entirely still.

Second question by Committee. What was the question put to Mr. Whitney, and his answer thereto, to which you refer in your answer to the first interrogatory; and what was the vote of the committee, also referred to by you in your answer to the same interrogatory; and will you now set them forth, to be received in connexion with, and as part of, your answer to said interrogatory?

Answer. An extract from the journal of the committee will show the question, answer, and vote.

Fourth question of the Counsel. In your answer to the first question of the accused, you speak of Mr. Peyton's complaining of Mr. Whitney's scowl or looks, at the time. Do you refer to any other time or to any other complaint of Mr. Peyton, but what had been stated in the former part of your same answer, as uttered by Mr. Peyton just before the chairman directed Mr. Whitney to retire, to wit: "Mr. Peyton resumed his seat, but soon turning towards the witness, said, damn him, his eyes are on me; God damn him, he is looking at me; damn him, he shan't look."

Answer. I do not refer to the complaint of Mr. Peyton that the witness's eyes were upon him, &c. Before the committee resumed the examination, Mr. Peyton mentioned that at the time the witness handed his answer to the chairman he frowned or scowled upon him, (Mr. Peyton.) I think his remarks upon this point were made at the time he (Mr. P.) was apologizing for his conduct.

First question of Mr. OWENS. Was the propriety or pertinency of the answer of Mr. Whitney to the question propounded by Mr. Peyton discussed by the committee, or any member of it, before or after Mr. Whitney returned from the room, or was there any dissenting opinion on the subject?

Answer. The propriety of the answer was discussed in the committee by myself, and opinions expressed in regard to it, I think, by others. There was no dissenting opinion, that I heard, from the vote of the committee declaring the answer to be an improper one.

Tenth question of Mr. BELL. Have you read in the daily Intelligencer of the 7th instant the statement of Messrs. Peyton and Wise, in relation to the occurrence in the committee on the 25th of January? If yes, please state whether their statements are substantially correct; if you have not read the statements in the Intelligencer, please read them, and state as before requested.

Answer. I read these statements some days ago. A comparison of them with the narrative which I have just given will show how far I think them correct. I do not know any thing further I could add, unless I should give an opinion as to their general agreement with my own statement.

Eleventh question by Mr. BELL. Did any member of this House complain to you of the conduct of the committee in failing to report the proceedings in the committee on the 25th of January to the House? And, also, whether any member of this House has avowed to you that his object in supporting the proposition to bring Mr. Whitney before the House was to go into the examination of the conduct of Messrs. Peyton and Wise upon the occasion referred to.

Answer. Several members of the committee have declared to me that the committee ought to have reported the affair to the House. I do not recollect that any one has said that his motive in voting for the investigation was to examine the conduct of Messrs. Peyton and Wise. Some gentlemen have expressed the opinion to me, that, after all that had been said in relation to this matter, it was due to the House and to the country that the facts should be made known as they really transpired.

First question by Mr. PEYTON. Do you understand, from your knowledge of the sentiments of the members of this House, that their chief object in supporting and bringing Mr. Whitney before the House, for an alleged contempt of its authority, was to lay the circumstances of the occurrence in the committee room before the world; and, from all you know on that subject, do you believe that such was the object of any portion of the members of this House? If yea, state all the facts and circumstances upon which that understanding and belief rests.

Mr. McKEON remarked that he objected to the question, on the ground that it proposed to ask the witness his opinions on a certain subject. He made opposition with clean hands. The gentleman from Tennessee [Mr. PEYTON] might be assured that he (Mr. McK.) had no wish to extend this investigation beyond the limits of the issue made by the accused. He (Mr. McK.) had nothing to do with bringing the accused to the bar. He had, from the commencement, arrayed himself against the arrest of that individual. The great mass of his political friends were to be found in the minority on that question. If Mr. Whitney's contempt, however, was to be made the foundation of an examination into the opinions of members of this House, it would establish a principle opening new issues in the present controversy, and leading to interminable debates on questions which would inevitably follow that now proposed. He wished the matter brought to a close. He appealed to the gentleman who offered it to consider the consequence of making inquiry into the private, confidential conversations of gentlemen upon this floor. He appealed to him whether it would not be calculated to excite feelings any other than pleasant between those where none but those of a friendly nature should exist. Whether it would not be converting this House into an inquisitorial tribunal, employing the torture to extort opinions from its victims.

Mr. PEYTON said: The gentleman from New York [Mr. McKEON] objects to the question propounded by me to the witness, on the ground of form, and as calculated to elicit hearsay evidence. I wish, in the first instance, to set the gentleman right in that regard. The question is intended to bring out facts and circumstances within the knowledge of the witness. Facts and circumstances going to establish what? Why, whether this investigation has been entered into *bona fide*, or whether it is not rather a shameless fraud, attempted to be perpetrated by the ostensible accused, but real prosecutor, aided and abetted by members of this House, to

affect the reputation of my friend from Virginia and myself. That, sir, is the scope and meaning of the question. And here I take occasion to say, in justice to my own feelings, no less than to those of the honorable gentleman to whom it is propounded, that I know him to be utterly incapable of having any thing to do with this transaction; nor do I know whether he is in possession of any facts or circumstances which I could almost say I know to exist, tending to prove a combination between certain members of this body, acting in concert with others out of it, to put my friend and myself on trial, instead of the accused, as he is technically called. Sir, I wish that I could point them out, but I cannot; and that is the reason why I seek evidence to establish the fact of a conspiracy, so unjust in its objects, so insidious in its means to attain them, and so disgraceful to the parties concerned.

The CHAIR said that it was not in order to indulge in reflections upon members of the House.

Mr. YELL said he would thank the gentleman to name the members.

Mr. CLAIBORNE, of Mississippi, united in that wish.

Mr. PEYTON resumed. I unite with both these gentlemen, Mr. Speaker, in the wish which they have expressed. I, too, want names, and I mean to have them, if it be possible. Gentlemen have heretofore clamored for proof, and, so far as I am concerned, they shall have it. The gentleman from Arkansas [Mr. Yell] need not have assumed a sensitiveness, for which I am sure there is no occasion, and call on me for names, which he must have known, for I had just said, that I could not give.

But gentlemen need not expect to get off so soon and so easily as they have probably hoped; for if this House, or rather the majority of it, do not shrink and back out from the position which they have taken, (and I do trust that they will not—I dare them to stand up to it,) we will, I doubt not, have names, and facts too, amply sufficient to bear me out in what I have said. If there be witnesses to prove that secret conclaves have been held with the accused, and that this "unfortunate affair," as it has been pathetically called, has been thrust into this hall, not for the purpose of affecting him, but of putting two members of this House upon their trial—

Mr. CUSHMAN called the gentleman to order.

The CHAIR. The gentleman from Tennessee is reminded that he must not reflect upon the members of this House, or any individual member of it.

Mr. PEYTON. I did not allude to any individual member, for I have repeatedly said that it was out of my power to do so.

The CHAIR again reminded the gentleman that he must not reflect upon the House as a body, or upon any of its members.

Mr. PEYTON. Why, sir, it is all conjecture on my part, though there are circumstances strong enough to produce conviction on my mind, that the conduct in this matter, I will not say of whom, but of gentlemen, is in an attitude as suspicious as the most damning proof could place it. This is my conviction. But I want the proof to satisfy others. I propose and expect—indeed, have no doubt of being able—to prove by witnesses, if we can be permitted to examine them, that there was an understanding—whether proper or improper I will not say—between the said R. M. Whitney and divers honorable members of this House.

Mr. YELL begged leave just to ask the gentleman—

The CHAIR, interposing, said that it was out of order for any other member to address the House.

Mr. PEYTON. I give way, sir, with great pleasure.

The CHAIR said that it could only be done by general consent.

No member objecting,

Mr. YELL would then ask the gentleman from Tennessee whether, in any part of this transaction, from beginning to end, he intended to allude to him, (Mr. Y.,) either in the vote which he had given to bring the accused to the bar, or for any other part he had taken in the matter.

Mr. PEYTON. I will do the gentleman the justice to say that I never thought of him at all; and if he had not interrupted me by his frequent calls for information, I should not have recollected that he was in the House.

Mr. YELL was glad that the gentleman had informed the House that no intimacy existed between them.

Mr. PEYTON. I expect to prove, Mr. Speaker, that this whole proceeding is a contrivance to give Whitney the eclat and triumph of bringing my friend and myself to the bar of this House, for the purpose of holding us up, so far as that object could be effected, to the indignation of this House and of the country. Sir, there never has been any design, other than this, in getting up and carrying out this prosecution; and all those patriotic appeals, those beautiful apostrophes to liberty, those moving pictures of a citizen *in vinculis*, or in the shambles, which, for several days past, have been addressed to our sympathies, do not in fact apply to the accused, as he is called, but, if to any one, are applicable to my friend from Virginia and myself. Possibly I may not be able to prove this; but I want, at least, the opportunity to try. And it is my purpose, if permitted by the House, to examine every gentleman whom I may believe to possess any information in relation to it. If I fail, then, in establishing the facts, it will be in consequence of a want of knowledge on the part of the witnesses.

It seems to me, Mr. Speaker, that there can be no question now in regard to the real object of this investigation; that it is intended to affect my friend from Virginia and myself. And how does it happen that we are thus arraigned before the Congress of the United States, and before the American people, for a contempt of R. M. Whitney? By what indirection has it been made to take this direction? This is what I desire to know, sir. And, if the House permit me, I will adduce evidence so irresistible that gentlemen who now hold their heads high will be made to shrink and cower before the public indignation. Sir, shall I not be permitted to do this? If attacks be made upon honest men, in or out of this House, are they to be denied the poor privilege of demonstrating their falsehood?

Will those gentlemen who seem to take so deep and sensitive an interest in the feelings and character and honor—yes, sir, the honor—of their friend, deny us this privilege? Will they, can they, withhold it from us, honorably and compatibly with their sense of justice as men and as members? No, sir; they will not, cannot. My purpose is to hold them up to the issue which themselves have made. I am ready to go on, and go through with my trial—to submit to any ordeal of investigation, however searching, which may be forced upon me. But I want justice dealt out with an even hand. We who are on trial cannot be supposed to know all the black and disgraceful circumstances which belong to this transaction; but we wish to prove them by witnesses, and we will prove them, if possible, be the consequences what they may.

In conclusion, sir, I repeat that I make no accusations against individuals, because I am in possession of no fact implicating individuals by name. If I were, I would make it known. But I reiterate, again and again, my call for the proof; and if it be such as I believe it will be—nay, almost know it must be—then let gentlemen, if they can, draw the distinction between themselves and their friend, R. M. Whitney.

On motion, the House then adjourned.

FRIDAY, FEBRUARY 17.

CASE OF R. M. WHITNEY.

After transacting some morning business,

The House resumed the examination of witnesses in the case of R. M. Whitney, for an alleged contempt of the House in not appearing before a select committee of the House, of which H. A. WISE is chairman.

The following interrogatory to Mr. HAMER was pending when the House last adjourned; Mr. MCKEON had objected to it, and briefly stated the grounds of his objection; and Mr. PEYTON had replied at some length.

First question by Mr. PEYTON. Do you understand, from your knowledge of the sentiments of the members of this House, that their chief object in supporting and bringing Mr. Whitney before the House, for an alleged contempt of its authority, was to lay the circumstances of the occurrence in the committee room before the world; and, from all you know on that subject, do you believe that such was the object of any portion of the members of this House? If yes, state all the facts and circumstances upon which that understanding and belief rests.

Mr. PEYTON now withdrew this interrogatory, and substituted the following in its place:

First question by Mr. PEYTON. Have you heard any member of this House declare that any proceeding should be adopted or prosecuted to bring the occurrences in the committee, on the 25th of January, to the notice of the House? And if yes, state whether you have heard such an opinion expressed by many of the members of the House; and, also, whether any of them suggested that proceedings against R. M. Whitney, for a contempt, would be a proper mode of effecting that object.

Mr. TURRILL said he was under the necessity of objecting to this interrogatory, as he considered it a very improper inquiry to make.

Mr. PEYTON rose to a question of order. He desired to know whether it was in order to object to an interrogatory after the witness had returned his answer.

The CHAIR said it was in order to object at any time before the answer was received and recorded.

Mr. TURRILL said he was not now prepared to discuss this question; and if he was prepared to argue the point, he should consider it would be trespassing upon the patience of the House to adduce a single argument to show that a question making an inquiry into the views and intentions of members of that House was not a proper one to be put to the witness. Every gentleman must see what such questions as this must lead to. It was too plain a proposition to need any argument to make a large majority of the members of that House vote against it.

Mr. PEYTON said he had not heard the objections made to this interrogatory by the gentleman from New York, [Mr. TURRILL.] He considered the interrogatory a proper one, as the object of it was to ascertain whether this investigation was brought before the House because the witness was alarmed, and whether, from fear and alarm, he dare not make his appearance before the committee; or whether this investigation, so far as the witness was concerned, had been got up with a view to harass members of that House; and whether such a course had not been taken by the witness in concert with, and aided and abetted by, members of that House. Now, if they establish the fact that the witness was not afraid, and that that was not his motive in coming before the House, but that his object was a very different one, and that he and all concerned had only got up this farce for the purpose of operating on certain members of that House, he asked if it would not add to the contempt of this witness. He considered it a proposition too plain to be argued; and as he had given his views on this subject last evening, he did not desire to repeat them.

Mr. BOND called for the yeas and nays; which were ordered, and were: Yeas 89, nays 84, as follows:

YEAS—Messrs. Alford, Chilton Allan, Ash, Ashley, Bailey, Bean, Beaumont, Bell, Bond, Bouldin, Bunch, John Calhoon, William B. Calhoun, Campbell, Carter, George Chambers, John Chambers, Chetwood, Childs, Nathaniel H. Claiborne, Corwin, Craig, Crane, Cushing, Darlington, Dawson, Deberry, Dunlap, Forester, Granger, Grantland, Graves, Grennell, Hiland Hall, Hard, Harper, Samuel S. Harrison, Albert G. Harrison, Haynes, Hazeltine, Henderson, Herod, Howell, Hunt, Huntsman, Ingersoll, William Jackson, Janes, Jenifer, John W. Jones, Lawler, Lawrence, Luke Lea, Lyon, Samson Mason, Maury, McComas, McKennan, Mercer, Milligan, Montgomery, Morris, Pearson, Pettigrew, Phillips, Pickens, Potts, Reed, Robertson, Rogers, Russell, William B. Shepard, Augustine H. Shepperd, Shields, Sloane, Spangler, Standefer, Steele, Storer, Taliaferro, Waddy Thompson, Turner, Underwood, Vinton, White, Lewis Williams, Sherrod Williams, Yell, Young—89.

NAYS—Messrs. Anthony, Barton, Beale, Black, Bockee, Boon, Borden, Bovee, Boyd, Briggs, Buchanan, Burns, Cambreleng, Carr, Casey, Chaney, Chapin, John F. H. Claiborne, Cleveland, Coles, Connor, Cramer, Crary, Cushman, Doubleday, Dromgoole, Efner, Farlin, French, Fry, Galbraith, Gholson, Haley, Joseph Hall, Hawkins, Hoar, Holt, Hopkins, Howard, Hubley, Huntington, Ingham, Joseph Johnson, Benjamin Jones, Kennon, Kilgore, Klingensmith, Lane, Lansing, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Logan, Loyall, Abijah Mann, Job Mann, William Mason, Moses Mason, May, McKeon, McKim, McLene, Miller, Moore, Morgan, Page, Parker, Patterson, Phelps, John Reynolds, Joseph Reynolds, Seymour, Shinn, Sprague, Sutherland, Taylor, John Thomson, Toucey, Turrill, Vanderpoel, Webster, Weeks, Thomas T. Whittlesey—84.

So the House determined the interrogatory should be put.

Mr. HAMER then sent to the Chair the following:

Answer. I have heard some members say that the proceedings alluded to ought to be brought before the House; that opinion has not been expressed to me by many members. I have not heard any one say, so far as I now recollect, that proceedings against R. M. Whitney, for a contempt, would be a proper mode of effecting that object.

First interrogatory by Mr. WISE. From the facts within your knowledge, or from remarks made to you, or in your presence, by members of this House, or by R. M. Whitney, have you a doubt of the fact that this investigation was and is intended, by said members and said Whitney, to affect Messrs. Wise and Peyton? State all the facts and circumstances, the conversations and meetings, the remarks of members, or of said Whitney, which go to show that such is the object of those concerned in the same.

Mr. BOON said he objected to this interrogatory, and said he would state his reasons in a single sentence. Mr. Whitney was not brought before that House by the friends of the administration, but he was brought there by the action of the chairman of the select committee [Mr. WISE] himself.

Mr. WISE said he had the same reason for putting this inquiry that his friend from Tennessee had; for he felt, equally with that gentleman, that he was there on his trial. Yes, sir, (said Mr. W.,) it is I who am on trial, and not Reuben M. Whitney; and I cannot ask you, or this House, to excuse me from voting upon any question. And for that very reason, that the issue is made, as I understand it, by this House, whether I am

so much of an assassin that a peaceful man dare not come into a committee room where I am. Sir, I have not a doubt of the contrivance, no more than my friend has, to make this issue before the country. Sir, I propose this as an inducing inquiry, first as to the members of this House; and I intend, by subsequent questions, to go further. I wish to know, sir, if there are not other officers of this Government who have issued the order that the power of this House, and the executive power of the country, are both to be brought to bear upon two humble and inexperienced members of the House of the representative body. Sir, I have felt it. I have felt that I was to be killed off before the country, for being what has been designated "a troublesome fellow." And these, yes, these very parties, who are now defending Whitney with such strict adherence to every principle of justice, that while he is arraigned and informed of the nature of the accusation against him, and has the privilege of examining witnesses, these very parties, I say, have violated every principle of justice towards us they have contended for in regard to this individual, by trying me without accusation, without a definite charge, without notice of trial, without arraigning, or without my being asked whether I am guilty or not guilty. Sir, this is of the very essence of the transaction; and I must confess, and I do it boldly, that, at the same time gentlemen thus attempt and desire to try me indirectly, they shall submit to the same ordeal themselves of being tried indirectly. Is it true that the great champions of justice in this House are about to try a man without accusation or notice of it; without the power of summoning his witnesses and confronting his accuser? Is it possible that those who are being tried are to be denied the rights of the veriest criminal? Shall not I and my friend be permitted to stand upon an equal footing of justice? Sir, I wish to know who are my accusers. I wish it for various reasons that are unnecessary now to be named. For one thing, in particular, I want to know it. I want to know if there are among the representatives of the people those who have become such abject, superserviceable slaves as to obey the mandate of the President. I want to know, too, who are the brave champions of justice here, who make accusations, and urge them on in this indirect manner, and to see if they will take upon themselves the high honor of standing forth openly as accusers. This, sir, is my object. I say then, in conclusion, carry it out. Let us try all. Yes, if any are to be tried, let us try all who are or may be guilty, and ascertain their guilt according to its extent and magnitude.

Mr. ANTHONY rose and commenced saying: Mr. Speaker, it is evident to my mind—when he was interrupted by loud cries of "order!" and the Chair intimated to the gentleman from Pennsylvania, that, under the order adopted by the House, only two speeches could be heard on each interrogatory.

Mr. TURRILL called for the yeas and nays; which were ordered, and were: Yeas 73, nays 99, as follows:

Yeas—Messrs. Alford, C. Allan, Ashley, Bailey, Bell, Bond, Bouldin, Buchanan, Bunch, J. Calhoon, W. B. Calhoun, Campbell, Carter, J. Chambers, N. H. Claiborne, Crane, Cushing, Darlington, Dawson, Deberry, Denny, Dunlap, Evans, Gholson, Glascock, Graham, Granger, Graves, Griffin, Hard, Harper, S. S. Harrison, A. G. Harrison, Hawkins, Haynes, Hazeltine, Henderson, Howell, Huntsman, Janes, Jenifer, Lawler, Lawrence, L. Lea, Love, Lyon, Maury, McKennan, Milligan, Montgomery, Morris, Pettigrew, Phillips, Pickens, Reed, Richardson, Rogers, W. B. Shepard, A. H. Shepperd, Shields, Sloane, Spangler, Standefer, Steele, Storer, Taliaferro, Underwood, Washington, White, L. Williams, S. Williams, Yell, Young—73.

Nays—Messrs. H. Allen, Anthony, Ash, Beale, Bean, Beaumont, Black, Bockee, Boon, Borden, Bovee, Boyd, Briggs, Brown, Burns, Cambreleng, Carr, Casey, G. Chambers, Chapman, Chapin, Chetwood, Cleveland, Coles, Connor, Craig, Cramer, Crary, Cushman, Doubleday, Dromgoole, Efner, Farlin, French, Fry, Galbraith, Grantland, Haley, J. Hall, Hoar, Holt, Hopkins, Howard, Hubley, Huntington, Ingham, J. Johnson, J. W. Jones, B. Jones, Kennon, Kilgore, Klingensmith, Lane, Lansing, G. Lee, J. Lee, T. Lee, Leonard, Logan, Loyall, A. Mann, J. Mann, W. Mason, M. Mason, S. Mason, May, McKeon, McKim, McLene, Miller, Moore, Morgan, Page, Parker, Patterson, Pearson, Phelps, Potts, John Reynolds, Joseph Reynolds, Robertson, Schenck, Seymour, Shinn, Sickles, Sprague, Sutherland, Taylor, J. Thomson, Toucey, Turrill, Vanderpoel, Vinton, Wagener, Ward, Wardwell, Webster, Weeks, T. T. Whittlesey—99.

So the House determined the interrogatory should not be put.

Second interrogatory by Mr. WISE. Do you know, of your own knowledge, or from information derived from the President himself, or any member or members with whom he may have consulted or advised, or to whom he may have suggested an opinion, as to the proceedings upon the report of the select committee, whether he (the President of the United States) has not advised and recommended to members the course which has been pursued by the House in this matter of alleged contempt; and whether he did or did not, directly or indirectly, assign as a reason for that course, that it would try the conduct of Messrs. Peyton and Wise in the committee of which Mr. Garland is chairman, urging that it was necessary to condemn that conduct.

Mr. VANDERPOEL objected to this interrogatory, and briefly gave his grounds. He did not know that the President of the United States was then on trial there, but believed the only person at the bar of the House was Mr. Whitney. Indeed, Mr. V. doubted very much whether, if they were to go into any conversations of the President, they would throw any light upon the main point in this case; which was, what were the merits or demerits of Reuben M. Whitney, and whether he is actually in contempt or not towards the House. If, however, the gentleman who propounded that question could satisfy Mr. V. that the answer to it would probably throw any light upon the point at issue, he might then be prevailed upon to withdraw his objection; but, unless the gentleman succeeded in doing that, Mr. V. must respectfully adhere to it.

Mr. WISE, in reply, said he knew, as well as the gentleman, that the President of the United States is not at the bar of this House; nor am I, sir, at the bar of this House. But yet, sir, I am, to all intents and purposes, as much under trial as (and for a much more heinous offence, too, than) the accused, as he is called, who sits at the bar of the House. He is to be tried for a mere petty misdemeanor. I am to be tried, as I understand, for the motives of an assassin.

Mr. Speaker, I am, sir, under trial now before this House and before the country. I know it, I feel it; and all I ask of gentlemen is, to let me know who is my accuser. Where is he? High or low, base or honored, a mere tool and minion of power, or a tyrant himself, I call for him; I call for my accuser. In a land of civil liberty, to those who preach this very doctrine, that an accused shall have an accuser, and an accusation, and a witness to confront him, I appeal for the production of my accuser. Where is he? Gentlemen tell me, Ah! the President is not on his trial. All I ask of gentlemen is, that they let me know, not whether the President be on his trial, but whether he has put me upon my trial. Whether he has called some young and gallant gentleman of this House to his aid, and shed tears to him, and said he had not a friend to protect his reputation or his

gray hairs. That there are two bullies in this House, who are continually trampling upon his reputation, and denouncing his administration, and that

"There are none so poor as do him reverence."

He once had friends; but now—now he is about retiring from office—it is necessary to kill off these two men; yes, Mr. Speaker, "kill off" is the word.

And how is this to be done? Why, they are to be indirectly tried as assassins, and indirectly condemned as assassins by the verdict of this House.

Sir, I cannot speak as I feel I have a right to speak to this House as a jury trying me, but I want to know and find out how many base-born tools of a tyrant will do his bidding and obey his mandates. Sir, have I not a right to speak thus? Have I not a right to make this demand? Is tyranny thus to be wielded? Are the willing slaves to such tyranny to set at defiance an inquiring committee of this House? Have we arrived at this stage of worse than Turkish despotism? Sir, I submit it to this House, to its sense of justice, and I appeal to every sentiment of love for freedom and right, to award me what I ask. The people of this country know not the mammoth power at work against their liberties; how secret and insidious, and sometimes bold and open, is the tyrannical power which is now sapping the very first principles of free government. If, however, I can merely put the public mind upon inquiry, upon search, upon investigation, I shall be content. I shall have done a patriot's work, and shall meet a patriot's reward—not office, sir, not loaves and fishes, not the spoils of your Treasury, but the spontaneous approval of a free people. Mr. Speaker, before this transaction is ended, I expect it will be your painful duty to reprimand the humble individual now addressing you, to send me back to my constituents with a reprimand; but I can say for them that they will send me back here to speak proudly and independently, freely as I do, and as I feel it is my duty to do.

Mr. VANDERPOEL asked for the yeas and nays; which were ordered, and were: Yeas 66, nays 112, as follows:

YEAS—Messrs. Alford, Ashley, Bailey, Bell, Bond, J. Calhoon, W. B. Calhoun, Campbell, Carter, J. Chambers, Chetwood, Childs, N. H. Claiborne, Clark, Crane, Cushing, Darlington, Dawson, Deberry, Denny, Dunlap, Gholson, Glascock, Graves, Grennell, Griffin, Hard, Harper, Hazeltine, Henderson, Howell, Hunt, Huntsman, Ingersoll, Janes, Jenifer, L. Lea, Love, S. Mason, Maury, McKennan, Mercer, Milligan, Montgomery, Pearson, Pettigrew, Phillips, Pickens, Potts, Reed, Russell, W. B. Shepard, Shields, Sloane, Spangler, Standefer, Steele, Storer, Taliaferro, W. Thompson, Underwood, Vinton, White, L. Williams, S. Williams, Young—66.

NAYS—Messrs. H. Allen, Anthony, Barton, Beale, Bean, Black, Bockee, Boon, Bouldin, Bovee, Boyd, Briggs, Brown, Buchanan, Burns, Cambreleng, Carr, Casey, Chapman, Chapin, J. F. H. Claiborne, Cleveland, Coles, Connor, Corwin, Craig, Cramer, Crary, Cushman, Doubleday, Dromgoole, Efner, Farlin, Fowler, French, Fry, Galbraith, Graham, Grantland, Haley, J. Hall, Hawkins, Haynes, Herod, Hoar, Holt, Hopkins, Howard, Hubley, Huntington, Ingham, W. Jackson, J. Johnson, C. Johnson, J. W. Jones, B. Jones, Kennon, Kilgore, Klingensmith, Lane, Lansing, Laporte, Lawrence, G. Lee, J. Lee, T. Lee, Leonard, Logan, Loyall, Lucas, Lyon, A. Mann, J. Mann, W. Mason, M. Mason, May, McKay, McKeon, McKim, McLene, Miller, Moore, Morgan, Page, Parks, Patterson, D. J. Pearce, John Reynolds, Joseph Reynolds, Richardson, Ripley, Robertson, Rogers, Schenck, Seymour, Shinn, Sickles, Sprague, Sutherland, Taylor, Thomas, J. Thomson, Toucey, Turner, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Webster, T. T. Whittlesey, Yell—112.

So the House determined that the interrogatory be not propounded to the witness.

Second interrogatory by Mr. PEYTON. Have you heard any members of this House, and if yea, who, state that they hoped or wished Whitney would refuse to appear before the committee, so as to give an opportunity to examine into the transaction before the committee, or any word or expression to that effect; and have you known any members of this House, and if yea, who, state that they had counselled with Whitney as to the course he should pursue; or have you known any member of this House counsel with said Whitney as to the course to be pursued by him, either before the House or the committee? State fully all you know on this subject.

Mr. TURRILL objected to this interrogatory.

Mr. ROBERTSON called for the yeas and nays; which were ordered, and were: Yeas 75, nays 91.

So the House determined that this interrogatory should not be put.

Third interrogatory by Mr. PEYTON. Have you heard any members of this House, and if yea, who, state that, by commencing this proceeding against Whitney in the House, the whole conduct and declarations of Messrs. Wise and Peyton would be proven, and thereby bring them, as far as possible, into disgrace before the nation; or any expressions or declarations to that effect; and that they would vote for the investigation with a view to that object?

Mr. ANTHONY objected to this question. He did so, he said, because the same objection applied to it as applied to two or three other questions of the same character, which the House had as frequently sustained, viz: whether the declarations of a member of the House should be given in evidence in this investigation. On this ground, he objected to all such questions. If any member had made a declaration, his testimony would be the best in relation to it, but hearsay testimony was not evidence; and he should insist upon his objection to it. He added that, in his opinion, it was unnecessary to go into any discussion upon it at that time, and should content himself with raising the point.

Mr. PEYTON replied, that if the statement of a judge or a juror could be proven for the purpose of disqualifying him for a seat upon the trial, if any one of the judges or jurors had disqualified himself, he had an undoubted right to prove, and then, he hoped, the House at least would silence that juror or judge. The gentleman says it is "hearsay testimony." Sir, (said Mr. P.,) I ask from whom? Why, from the very party I wish and expect to show has disqualified himself from acting in the high capacity of my trier. What, sir! shall members of this body sit in judgment, in a high court of impeachment, as the House of Representatives has now resolved itself, and have among it unworthy triers, who have, as triers, disqualified themselves? And, if such be the fact, have they not disgraced themselves before the House and the nation, from having acted as prosecutors in the case? Why, sir, was it ever heard of before that a prosecutor could be also a witness, a judge, and a trier, in a case? Now, if I can show that such is the condition of any gentleman in this body, I claim the right to do it, and to move that he at least shall be set aside for want of competency to try the case.

Mr. INGERSOLL then asked for the yeas and nays; which were ordered, and were: Yeas 69, nays 85, as follows:

YEAS—Messrs. Alford, Bailey, Bell, Bond, Bunch, J. Calhoon, W. B. Calhoun, Campbell, Carter, G. Chambers, J. Chambers, Chetwood, Childs, Clark, Crane, Darlington, Dunlap, Evans, Forester, Gholson,

Glascock, Graham, Grantland, Grennell, Griffin, Harper, S. S. Harrison, A. G. Harrison, Haynes, Hazeltine, Henderson, Hiester, Howell, Huntsman, Ingersoll, Jenifer, Lawler, Lay, L. Lea, Love, Lyon, S. Mason, Maury, Mercer, J. A. Pearce, Pearson, Pettigrew, Pickens, Potts, Reed, Richardson, Robertson, Rogers, Russell, A. H. Shepperd, Shields, Sloane, Spangler, Standefer, Steele, Storer, Taliaferro, Underwood, Vinton, Washington, White, L. Williams, S. Williams, Young—69.

NAYS—Messrs. Anthony, Barton, Beale, Bean, Black, Bockee, Boon, Borden, Boyd, Brown, Burns, Cambreleng, Carr, Casey, Chaney, Chapman, Chapin, Cleveland, Coles, Connor, Craig, Cramer, Crary, Cushman, Doubleday, Dromgoole, Farlin, French, Fry, Haley, J. Hall, Hawkins, Hoar, Holt, Hopkins, Howard, Hubley, Huntington, Ingham, J. Johnson, C. Johnson, J. W. Jones, B. Jones, Kennon, Kilgore, Lane, Lansing, Lawrence, G. Lee, J. Lee, T. Lee, Leonard, Loyall, A. Mann, J. Mann, W. Mason, M. Mason, May, McKay, McKim, McLene, Miller, Moore, Page, Parks, Patterson, D. J. Pearce, Phelps, Phillips, John Reynolds, Joseph Reynolds, Ripley, Seymour, Shinn, Sickles, Sutherland, Taylor, J. Thomson, Toucey, Turrill, Vanderpoel, Wardwell, Webster, T. T. Whittlesey, Yell—85.

So the House determined that the interrogatory be not put.

Fourth interrogatory by Mr. PEYTON. When did you first see the written statement of Mr. Fairfield, which he presented to this House, in answer to the first interrogatory propounded to him, or the substance of the same?

Answer. Several days before he was examined as a witness in this House; but the exact date I do not remember. I believe the one shown to me then to be substantially the one presented here when he was examined.

Interrogatory by Mr. GHOLSON. Suppose the majority of this House had refused all inquiry into the matter of R. M. Whitney's alleged contempt, or to bring him to the bar on the charge of such contempt, in the report of the committee whereof the Hon. Mr. Wise is chairman, "Do you understand, or believe, from your knowledge of the sentiments of any of the members of this House," that the Hon. Messrs. Wise and Peyton, and other members of this House, would have charged the majority with being "coadjutors of the accused," or with having "assumed the position of associates of R. M. Whitney," by the direction of the President of the United States?

Mr. VANDERPOEL objected to this question.

Mr. STORER said he hoped the gentleman from New York would withdraw his objection. Surely one of the majority of this House ought not to object to a question coming from the quarter this did.

Mr. GHOLSON said, in propounding this interrogatory, he begged leave to state to the House that he had objected to bringing the accused before the House, and he had been opposed to the institution of this inquiry; but as the matter was now before the House, and as the gentleman from Tennessee and the gentleman from Virginia insisted that they were on their trial, he considered it was due to them to have the whole matter investigated. The honorable gentlemen had charged that there was a conspiracy formed with the accused; and, for one, he was willing that they should have all the facts, so far as they related to him; he was willing to take his share of the responsibility. He did not believe that the charge which had been made could be proven on that floor; but, as these honorable gentlemen insisted that they were upon their trial, he was willing that they should know who it was that brought them into this predicament; whether it was the dominant party or the one opposed to it that brought about this state of things. He wished to know whether it was the Van Buren or the anti-Van Buren party who had instituted this proceeding against Mr. Whitney. If, however, these gentlemen wished to change the issue, and to put themselves upon trial, he was unwilling that this charge should apply to him or his friends. He was amongst the youngest members on that floor, and he had heard the insidious assertion, made by honorable gentlemen, that the President had issued his orders to some young and gallant spirit in that House to defend him from the aspersions of two members, who were bullies, in the House. Now, so far as this related to himself, he could truly say that, since his childhood, he had spoken to the President but once. He truly had the sin to answer for of having been the friend of the President from his boyhood, and he would here say he was not ashamed of such a leader.

It seemed to him that gentlemen were taking advantage of their situation on that floor to make assertions of this kind, of which they had no proof; assertions that honorable gentlemen should not make, and would not make in any other situation. He repelled such charges, and was unwilling to permit gentlemen to shield themselves behind such assertions, when they had not a single particle of proof to sustain them; it was sometimes very convenient for gentlemen, after they had fully committed themselves by a set of broad assertions, to sustain which they had not a single particle of testimony, to shield themselves by offering to prove what they well knew the good sense of the House would not permit them to prove, and which they could not prove if they were permitted to try. He repelled such charges, and challenged gentlemen to an investigation of the matter, so far as he was concerned. He denied that he had had any consultation or combination, either with the President or any other human being, as to the course he should pursue on this subject; neither had he consulted the party in power, nor the party who had brought this investigation into the House. Who was it that placed the honorable gentleman from Tennessee and the honorable gentleman from Virginia upon their trial, as they would have it they were upon their trial? He did not understand that they were on their trial; but as they were actors in a scene which had occurred in connexion with the accused, it was necessary the truth of that occurrence should come to light, and an investigation must be made into the conduct of the whole of the select committee on that occasion. Then, he did not think these gentlemen could be presumed to be on their trial, further than was necessary to show whether Whitney had been guilty of a contempt of the House in refusing to appear before that committee. Who was it that had instituted this proceeding? It had been brought about by the means of the honorable gentleman from Tennessee and the honorable gentleman from Virginia. Had the President consulted with his political friends in relation to it? He would tell gentlemen that, so far as a young member was concerned, he was perfectly willing to meet the charge; but as far as the gentleman had alluded to him in his remark that the President had issued his orders to defend him from bullies on that floor, the insinuation was gratuitious and unfounded, come from whom it might. They were there trying the conduct of Mr. Whitney; and if the conduct of honorable gentlemen was brought in in connexion with that, it could not be helped. If their conduct had been proper, they certainly would have no objection to its being made public; and if improper, it was necessary it should be investigated. He scorned the idea that the President or the dominant party in that House had entered into a conspiracy against the honorable gentlemen from Tennessee and Virginia. He believed that the gentlemen were

assuming an importance for themselves, on this subject, to which they were not entitled. He denied that the opposition of any two individuals, however respectable they might be in themselves, or honorable in their office, were of so much importance that it was necessary they should be killed off.

Mr. DROMGOOLE asked for the yeas and nays; which were ordered, and were: Yeas 50, nays 96, as follows:

YEAS—Messrs. Alford, Bell, Bond, Bunch, J. Calhoon, Carter, J. Chambers, Chetwood, J. F. H. Claiborne, Clark, Darlington, Dawson, Denny, Evans, Forester, Gholson, Glascock, Granger, Graves, Grennell, Harper, S. S. Harrison, A. G. Harrison, Hazeltine, Henderson, Hester, Howell, Lawler, L. Lea, Love, S. Mason, Maury, Mercer, Montgomery, J. A. Pearce, Pearson, Pettigrew, Reed, Richardson, Rogers, Shields, Sloane, Spangler, Standefer, Steele, Storer, Underwood, White, S. Williams, Yell—50.

NAYS—Messrs. Bailey, Beale, Beaumont, Black, Bockee, Boon, Borden, Boyd, Brown, Buchanan, Cambreleng, Carr, Casey, Chaney, Chapman, Chapin, Cleveland, Coles, Connor, Corwin, Craig, Cramer, Cushman, Doubleday, Dromgoole, Dunlap, Efner, Farlin, Fowler, French, Fry, Graham, Grantland, Haley, J. Hall, Hawkins, Hoar, Holt, Hopkins, Hubley, Huntington, Huntsman, Ingersoll, Ingham, J. Johnson, C. Johnson, J. W. Jones, B. Jones, Kennon, Kilgore, Klingensmith, Lane, Lansing, Lawrence, G. Lee, T. Lee, Leonard, Logan, Loyall, A. Mann, J. Mann, W. Mason, M. Mason, May, McKay, McKim, McLene, Miller, Moore, Morgan, Page, Patterson, D. J. Pearce, Phelps, Phillips, Potts, John Reynolds, Joseph Reynolds, Robertson, Schenck, Seymour, Shinn, Sickles, Sprague, Sutherland, Taylor, J. Thomson, Toucey, Turrill, Vanderpoel, Wagener, Wardwell, Webster, Weeks, Thomas T. Whittlesey, Young—96.

So the House determined that the interrogatory be not put.

Interrogatory by Mr. GLASCOCK. Do you or not know of any members of this House having formed and expressed an opinion in relation to the guilt or innocence of the accused? If yea, please state them.

Mr. CRAIG objected to this question, on the ground that it fell within the principle which had been decided by the House, over and over again, by yeas and nays.

Mr. GLASCOCK said, whatever might have or had been the decision of the House in relation to a question of this kind, so well satisfied was he that it was a proper one, that he felt it his duty to make some remarks in support of it.

Mr. G. looked upon it as a settled principle in this country, and before all tribunals, that wherever there is or has been an expression of opinion, by any trier, before any tribunal, that trier renders himself incompetent, at least not competent, to decide a question of such importance as would bring an accused before any tribunal. Now, so far as this question is concerned, continued he, whatever may be its fate, whether sustained or rejected by the House, he believed that if there had been expressions, or any expression, of opinion on the part of members, or of any members of that House, in relation to the guilt or innocence of the accused, it would at least be a warning to individuals in that body, under such circumstances, to abstain from doing so in future. He looked upon it as highly improper for any individual member of the House, from the very moment an investigation is ordered into the conduct of a citizen, to form or express any opinion until the whole of the facts were fairly elicited, both sides fairly heard, and the case left for judgment upon the facts brought out in evidence; and even then that opinion should be made up, and made up alone, upon the testimony that may have been adduced. Whenever an individual proceeded to do otherwise than this, Mr. G. himself looked upon it as highly improper. It might be that, in responding to this question, there would be found some who had expressed an opinion, as well of the guilt as of the innocence of the accused. If, however, there were any such persons in that assembly, the fact should be made known to the House, in order that it might place itself in a situation to judge fairly in deciding the case.

In looking (said Mr. G.) to the history of all judicial proceedings, and all proceedings of the kind under consideration, it would be found that one of the rights secured to the citizen and to the prosecutor, and always guarantied to him, was the preliminary question, "Have you formed and expressed any opinion in relation to the guilt or innocence of the accused?" This was a sacred right, secured to the prosecutor and to the citizen, in order that, in all trials of such a character as were criminal in their nature, they might have a fair, unbiased, and impartial trial. It was well known by every gentleman familiar with these transactions that, in criminal prosecutions, it had been decided that this question was a proper one, and either party had the right to resort to it. The answer decided always the competency of the juror or trier. Mr. G. then would respectfully ask, if that principle ought not to be carried out there. Ought they not to try the accused with their minds unbiased and unprejudiced? If so, and who could gainsay it, was not the question a proper one?

Mr. G. would candidly state that he did not himself know that any one had either formed or expressed such opinion, whether in private conversation or elsewhere, in relation to the guilt or innocence of the accused; but if there was any one who had, he wished it made known; nay, he should be willing himself, if gentlemen thought proper, that every member of the House should be called upon the stand, and asked the question as to whether he stood indifferent between the parties. This was the course that ought to be pursued, in order that the country might not charge every opinion and every vote given by the representatives of the people as being swayed by party feelings or motives. This was the course he, for himself, would be glad to see adopted before that tribunal, consistent, as it would be, with the practice before all other tribunals. He hoped, however, that, be the fate of the question he had propounded what it might, it would have the effect of preventing members thereafter from expressing their opinions in relation to cases of this importance when on trial.

Mr. G. would also take that occasion to remark, that the wide range this investigation had taken had induced him to vote for numerous questions put by the two gentlemen from Virginia and Tennessee, [Mr. WISE and Mr. PEYTON.] He must, however, be permitted to say that, so far as related to the gentleman from Tennessee, he hesitated not to declare that the investigation was in strict opposition to all former practice on such occasions. So far as related to the conduct of that gentleman, they had nothing whatever to do; though he was free to admit that the conduct of the gentleman from Virginia was properly before the House, but was only so because it furnished part of the defence of the accused, and because the issue was whether that gentleman's conduct was such as to justify the contents of Mr. Whitney's letter. The letter makes that issue; and, so far as the gentleman from Virginia was connected with it, this investigation, as to him, might be proper; but he disclaimed the right of that House to go into an investigation of the conduct of the member from Tennessee, for that gentleman was in no way connected with this transaction. It had been justly and properly observed, that so far as related to these transactions before the select committee, they should have been reported, all the facts as they occurred, to the House; yet, instead of doing that, they

were making wrong issues. Instead of trying Mr. Whitney for contempt, they were, to all intents and purposes, from the latitude already taken, trying the conduct of Messrs. Wise and Peyton.

[The CHAIR reminded the gentleman from Georgia that members must be designated by their States.]

Mr. G. begged pardon, and would only add a few words in conclusion. He would simply state that he did believe, so far as precedent was concerned, it would be a good precedent to establish to decide in favor of putting the question he had proposed. Good precedents were of great value, both to that House and to the country, and they could not do better than by establishing one then. It never could be commenced too soon. Whether it would make against or in favor of the accused, was a matter of indifference to Mr. G.; all he desired to see was, that they would establish the precedent that no person should be compelled to vote, or, if compelled, his decision should be taken with great caution, before the whole of the evidence was heard. He was confident much good would result from it, and it would furnish another Congress with the necessity of being cautious in the expression of opinion, before the testimony on both sides was heard, if any such had been expressed on the present occasion. It was not for him to say there had; and he hoped, for the honor and character of the House, it had not; but, if it had been done, he, for one, whether it came from one against the administration or in favor of it, would wish to know it.

Mr. WILLIAMS, of Kentucky, wished to ask the gentleman from Georgia, which of the accused he meant.

Mr. GLASCOCK. Of course, I referred to Mr. Whitney as the accused.

The question was then lost, without a division; and the House accordingly determined that the interrogatory be not put.

Third interrogatory by Mr. DAWSON. Do you not consider this investigation, from the direction given it by the House, entirely irrelevant, and well calculated to bring into disrepute this branch of the Congress of the United States?

Mr. BOON said, I object to that interrogatory, Mr. Speaker, on the ground of its laying open the whole conduct of the House, and has nothing to do with the pending issue.

Mr. DAWSON said: Mr. Speaker, I have propounded this question to the House, not out of any disrespect to the body generally, or to any gentleman in it; but, sir, it is, it must be, apparent to every member who composes this branch of the Congress of the United States, that this whole proceeding is well calculated to bring this House into disrepute. Sir, let me respectfully ask, where is the member upon this floor who does not feel himself lessened, in his own estimation, by the position he is driven to occupy before the American people? If, however, this procedure is to be carried out in the way it has been commenced, I wish it to be placed on the records of this House, that, if it should go forth to the people I have the honor in part to represent, it should be seen that I have taken the bold, fearless, and independent stand, in the presence of the House, to announce this my private and individual opinion. Sir, it seems, as it were, that by common consent we are led on, from question to question, that never can by possibility lead to the public good, nor to any other result than that of impugning the character of members of this House, and finally to bring the body itself into a state of excitement and feeling that may end, if not in disgrace, at least in a manner to be deplored by all.

Sir, I beg this House not to misunderstand me. I intend no imputation upon the body to which I belong, but I feel myself impelled, by self-respect, to announce to this body that I consider this whole proceeding well calculated to bring us to the consequences and deductions which that question propounds. Sir, let me ask, through you, what object have they in going into collateral matters, affecting the conduct of members of this body? What action is proposed or intended by it? What direction is designed to be given to it? Sir, I hesitate not to aver that, when our proceedings go forth to them, the American people will pronounce us as mere chess-players, striving to checkmate particular members of this body, in order to place them in an attitude before the country by which they may either fall or rise. Sir, when a body like this thus suffers itself to be led astray, it is high time that some one should rise and endeavor to arrest or check it. Let me ask, where is the man within those galleries, or who is now lounging in your lobbies, that will not proclaim it immediately to our constituents, and inquire, in the name of the character of this republic, what kind of a farce is this we are now playing? What must be my reply, sir? Why, that it is a farce derogating in its character, and almost contemptible, if I may, without disrespect, make use of such an expression. We are looked upon here as what? As mere tools or puppets, I was almost going to say, but as mere individuals, marching backwards and forwards, answering to our names, and taking directions for political effect. That is the sum total, the plain matter of fact.

Mr. Speaker, I dislike making these observations; they are painfully wrung from me, but they are my true opinions. I have waited, hoping that some one of the older members with whom I have conversed, and who have not only avowed the same opinions to me, but have assured me they looked upon this scene with feelings not only of disgust, but with feelings calculated even to degrade them in their own estimation. Sir, it is time this matter should be arrested, and I sincerely trust it may be.

Mr. Speaker, I ask pardon of the House, if they think the question I propound contains an insinuation, for it is far from my intention. In due time, if permitted to do so, I shall follow it up with another, for the purpose of endeavoring to bring this House from an issue with two of its worthy members, and ask the witness whether he knows of any act or cause calculated to place Mr. Whitney in a condition that he ought not to appear before that committee. That is the question, and the only question, before this body, or that ought to be before this body. Yet what have you been doing? You have been to the White House, you have been to the committee, and for what purpose? Why, merely to gain an advantage over two worthy gentlemen not on their trial, spread it before this community, and through it to the country at large, thereby bringing the whole Union into contempt and disgrace; and we are to be not only the aiders and abettors, but the sole cause of this! We, the selected representatives of the sovereign people of this country, taking into our own hands this mean, petty, dirty work! Surely, if the House can be brought to consider the subject seriously and gravely, they cannot fail to become convinced of the unpleasant attitude in which we are placed.

The people, sir, will see it, and I will lay it before them, and ask them to say to this body that, if its proceedings continue to be of a similar character to the present, the time is not far distant when to have a seat on this floor will be but little gratification.

For the purposes thus briefly stated, Mr. Speaker, I wish to propound this question; but if any member can give me a good reason against it, I will withdraw it.

Mr. PEYTON. Oh! take a vote on it.

Mr. DAWSON. Very well; it is in the possession of the House; I will take a vote.

Mr. BOON. I would like to ask the gentleman one question. Did he vote for or against bringing Reuben

M. Whitney to this House? Because the responsibility of this proceeding must rest with those who—

The CHAIR interposed, and said the gentleman from Indiana was out of order.

Mr. DAWSON. I will answer the gentleman's question, sir, if I may be permitted to do so.

The CHAIR. Both gentlemen are out of order.

The question was then lost, without a division; and accordingly the House determined that the interrogatory be not propounded.

Interrogatory of Mr. HARRISON, of Missouri. Do you know of any arrangement or understanding, made by any member of this House, that R. M. Whitney should be brought before the House, in order that the conduct of the Hon. Mr. Wise and the Hon. Mr. Peyton, as members of the investigating committee, should be brought into the investigation, and exposed to the country? And if so, state what that arrangement or understanding was, and who they are that concerted it.

Mr. VANDERPOEL must object to this interrogatory, inasmuch as questions of a similar character had been several times decided by the House to be improper. He had no doubt the gentleman who propounded this interrogatory had done so for good purposes; but he would submit to the House whether they had not better proceed with the trial of Mr. Whitney, and not run off into another question.

Mr. HARRISON, in reply, and in support of the question he had put, remarked:

Mr. Speaker: I know that questions having a similar bearing have been propounded by the gentleman from Tennessee, [Mr. PEYTON.] I was aware of that when I rose to offer the question I have submitted. But those questions did not directly embrace the point which is the object of the one I have offered. I cannot, therefore, withdraw it. I am desirous that the question should be answered. In every point of view in which the subject can be brought to the mind, it is proper that it should be answered. A grave and serious charge has been made, and in my opinion it should be met. It has been roundly asserted, the charge has been broadly made, by two members of this body, that Mr. Whitney was to be brought here, not for the purpose of trying the contempt alleged against him, but for giving to the investigation which was to grow out of it a particular direction that was to involve and expose the conduct of certain gentlemen of the investigating committee. Sir, it has been charged that a conspiracy was formed by members of this House, to carry on this trial in a way that was, in fact, to make two gentlemen of this House defendants in the case. It has been said, backed by the assertion too, that proof of it could be adduced; that a combination for this purpose has been entered into by members on this floor. Sir, this is a heavy charge, coming from members of this body; it is one that should not be disregarded. I am for inquiring into it. We owe it to those who make it; for, being members of this House, however exceptionable their conduct may appear, I assert it is due to them that the inquiry should be made. I maintain that upon principles of justice, at all times applicable, and upon the rights which belong to each and every member of this body. What is their case to-day, may be ours to-morrow. If we fail to extend that justice which, as members, they have a right to look for, what may we expect when the case becomes ours?

But, sir, the charge involves considerations of still greater moment than those I have mentioned. It involves the honor and character of this House. Are gentlemen prepared to sit here, and listen tamely and quietly to such charges, coming from a portion of their own body? Is there an honorable man on this floor willing to rest under such imputations? For one, I am not. Let the inquiry be made. I do not fear the investigation; my hands are clean. If there be guilt, let the guilty suffer; and if the charges are unfounded, those who have made them will stand condemned and rebuked in the eyes of every candid man for their rash and imprudent course. Sir, we owe it to ourselves to have this matter inquired into. We owe it to the dignity of this body. What! a conspiracy entered into by gentlemen on this floor against a portion of their fellow-members! A combination formed, by which the ostensible object of this trial is converted into an engine to operate on others! And all this, too, concocted in secret meetings! Is this nothing? If this be nothing, what is it that will rouse the sensibility of honorable gentlemen on this floor? As a member of the House, I want the inquiry made. I wish to know who, if any, have been engaged in not only thus abusing the powers of the House, but trifling with the business of the country. And if the charge be unfounded, let those that have made it suffer the punishment to which they have justly exposed themselves.

Sir, it is due to the people of this country that the inquiry should be made. They have a right to know not only those who are ready to abuse the powers of this House, and treat its authority with contempt, but especially those who, at this period of the session, when all the important business of the country is matured and ripened for action, will sport with the great interests of this nation in thus blocking up all its business, for the unworthy purpose of gratifying their private feelings.

Is it possible that this body has been made, by any understanding or arrangement, the instrument of such a purpose? Sir, if there be any such understanding, I again repeat, let the inquiry be made, that the people of this country may know it, and inflict upon the guilty the sentence of their just indignation.

Sir, I am now proud that I made the motion to reconsider the vote on the resolution under which we are conducting this trial. I was induced to do it to economize time. I thought then that I foresaw the difficulties which we have already met at every step of the trial, and that we could not progress and go through with it, without probably consuming the remainder of the session. Had my motion carried, we might have ended this business in ten minutes, and avoided that shameful consumption of time, at this late hour of the session, which the trial must necessarily take. But, when my motion failed, I then entered into the trial with my mind directed to the guilt or innocence of Mr. Whitney, and with a determination of carrying it on for the purpose of ascertaining that fact. But, sir, is it not an inexcusable perversion of the ostensible object of this trial, if there has been any arrangement or understanding, among the members of this House, to give it a direction never contemplated by those who regarded it as a question involving the highest considerations? I am unwilling to believe that there are any here so totally regardless of the public interests, and of the dignity of this body, as to be guilty of such an act. But the charge has been made, and we should meet it. It is for this purpose that I have propounded this question, and I hope the House will permit it to be answered.

Mr. BOND called for the yeas and nays; which the House refused to order; and it was decided that the interrogatory should not be put, without a division.

Interrogatory of Mr. McKEON. Will you examine the list of the yeas and nays, taken on the question of issuing a warrant against R. M. Whitney for an alleged contempt? Will you state the number of those friendly to the administration who voted for the arrest, and the number of those who voted against the arrest?

Mr. VANDERPOEL objected to this interrogatory. He was in hopes that, after deciding eight or nine times

that interrogatories of this kind should not be propounded, they would proceed with the trial of Mr. Whitney, and would cease to try the judges instead of trying the accused.

Mr. McKEON said that his colleague [Mr. VANDERPOEL] need not have any apprehension that he (Mr. McK.) wished in any way to investigate motives. He wished to get at a few facts that might be useful in the inquiry now before the House. He had heard charges made that there was a conspiracy in this matter, and he wanted to know who the conspirators were who brought up this investigation. He wished the whole story to be told. He believed that the resolution, which was the foundation of this proceeding, did not proceed from an administration member. It was offered by the gentleman from Massachusetts, [Mr. LINCOLN.] The arrest was not made by the mass of the administration members. He had not examined the journals of the House, but he had understood that but fourteen of the administration members voted for the resolution; and that, in the minority on that question, would be found but few opposition members. We have heard intimations thrown out that the President has been concerned in bringing about this proceeding. Well, sir, if he has been in the conspiracy, it must have been with his political opponents; and if so, it will be somewhat a matter of astonishment to the country. The motives for voting, by gentlemen on both sides, were various. Some voted against it because it would consume time; others, because we had no jurisdiction. He would impugn the motives of no person, either on one side or the other. He was anxious to get at the facts, but he would not insist on his question if, in any way, it would retard the business before them.

The question was then taken, and it was decided that the interrogatory should not be put to the witness, without a division.

First interrogatory of Mr. BOND. Will you be good enough to examine the journal of this House, showing the vote on the motion of the member from Missouri, (Mr. Harrison,) to reconsider the vote allowing R. M. Whitney to examine witnesses, and state, if you can, how many members of this House favorable to the present administration voted for it, and how many against?

Mr. CUSHMAN objected to this interrogatory, on the ground that it was trifling with the House.

Mr. BOND said the gentleman from New Hampshire [Mr. CUSHMAN] objected to the question as trifling with the House. It would have been better for that gentleman to have thought of the manner in which, and by whom, this whole proceeding had been made to trifle away the time of this House. The gentleman from New York [Mr. McKEON] had just offered and advocated a question by which he intended to show that the administration party were opposed to the proceeding against Reuben M. Whitney. Mr. B. said he did not doubt this; for he saw, by the direction which had been given to this case, that that party were not only disinclined to bring Whitney here, but had lost sight of the object for which he was arrested. This was a proceeding for an alleged contempt committed by Whitney, in refusing to appear and give testimony before a select committee of this House, when summoned for that purpose under the order of the House. The party, being brought to the House, offered in writing his reasons for refusing to go before the committee. Mr. B. appealed to the House to know if any member of it entertained any doubt as to the manner in which such a case would be disposed of in the courts of the country, whether of superior or inferior jurisdiction. All would agree that the first and most important step would be, either to require the accused to verify his excuse by his oath, or submit to interrogatories, with a view to purge himself of his contempt, if he could. The accused knew (and he was the only one who could know) whether he meant to commit a contempt; and if he would, under oath, say he designed none, Mr. B. did not suppose any member of the House wished to punish him. If this had been done, the case would, in all probability, have been disposed of in ten minutes. And whether the precedents in cases of contempt be regarded, or the time of the House (now more precious than ever, from the late period of the session) be of any value, the case should have been disposed of in the shortest possible time consistent with justice. Why was it not done so? Upon whom did the responsibility rest for the extraordinary direction given to this case, and the consequent consumption of time? Gentlemen say they did not vote to bring Whitney here. That, Mr. Speaker, is not the true question.

Mr. B. maintained that the accused was rightly and properly brought before the House. It had, by a solemn vote, been determined that a select committee should inquire into the condition of some of the public departments, and for that purpose might call witnesses before them. That committee reported to the House that they believed it necessary, and had summoned the accused, but he refused to appear. Mr. B. said he would not detain the House to prove the propriety of arresting the witness, in order to inquire into the alleged contempt; it was self-evident.

Whatever error had been committed might be traced to the vote of the House on the motion of the gentleman from Missouri, [Mr. HARRISON,] to reconsider the resolution allowing the examination of witnesses. The vote upon these resolutions had been hastily given; and it was not at first discovered that they were susceptible of the construction which has been put on them. The gentleman from Missouri, before alluded to, fearing the state of things which has followed, moved the reconsideration, with a view, as he expressly urged, to follow the uniform precedents in such cases, and at the same time economize the time of the House. Mr. B. said that motion had been deliberately voted down by that same majority in this House, which possesses a resistless power; and on them should rest the responsibility of an utter disregard of all order and precedent in such cases, as well as a waste of time. The question which he propounded would show that vote, and was a fair set-off to the interrogatory of the gentleman from New York, [Mr. McKEON,] which Mr. B. said he considered as evading, if not, in fact, dodging, the merits of this part of the controversy.

And, as a further evidence of the fixed determination of that same majority to disregard the established usages of all courts in cases of contempt, Mr. B. said he would remind the House that an honorable gentleman from Kentucky [Mr. CHAMBERS] had, at the very instant when the accused appeared, after the adoption of the extraordinary resolution referred to, moved to put him under his oath, with a view to his immediate discharge, if he disclaimed all contempt; and this proposition was voted down! It is, then, Mr. Speaker, perfectly plain that the administration party of this House have lost sight of the contempt charged against the accused, and have put it into his power not only to evade pursuit, but to waste our time.

Gentlemen may flatter themselves that they can escape all obloquy, by alleging that they did not vote to bring Whitney before the House. Mr. B. wished to remind them of a certain fable, in which one of the actors did not take the meat and the other had it not. They were equally culpable. And, though gentlemen had been unwilling to bring Whitney here, they cannot deny the public necessity of this House using such authority. He appeared; they have, by giving his case its new and strange direction, committed a greater error than if

they had voted for his arrest, and will shield him from his examination as a witness.

Mr. B. concluded by expressing a hope that he might be indulged in putting the question.

The question was then taken, and it was decided that the interrogatory should not be put to the witness, without a division.

Fifth interrogatory by Counsel. Please state particularly whether Mr. Peyton's complaint of Mr. Whitney's frown or scowl, mentioned in your preceding evidence, was made before or after Mr. Whitney had left the committee room, by direction of the chairman, and in the course of Mr. Peyton's apology to the committee for his violence; and whether that be not the point of time referred to in that part of your evidence where you say "Mr. Peyton complained of it at the time."

Answer. In my preceding answer to an interrogatory, where I mentioned Mr. Peyton's complaint "at the time," I mean by that phrase to include "the time" occupied with this affair in the committee room. I think the complaint was made after Mr. Whitney left the room, and whilst Mr. Peyton was apologizing to the committee; but I am confident he referred to a scowl or frown which was given at the time the witness handed his answer to the chairman.

Sixth interrogatory by Counsel. Did you see such scowl or frown as you have just mentioned?

Answer. I did not, and have so stated in my answer to the first interrogatory.

Seventh interrogatory by Counsel. Please state particularly whether, at the time Mr. Peyton first broke out in a passion against Mr. Whitney, or at the time when Mr. Wise first denounced the insolence of Mr. Whitney, in the terms before stated by you, there was any cause apparent in the manner or language of either of those gentlemen, for their irritation, except Mr. Whitney's written answer to Mr. Peyton's question; and whether you did, at that time, suspect, or had any reason, and what reason, to suspect, either that Mr. Peyton had then received any provocation but that same written answer, or that Mr. Wise was then moved to denounce Mr. Whitney's insolence upon any other ground than the same answer.

Answer. At the time when those gentlemen first rose and manifested excitement, I knew of no cause for it, except what was to be found in the written answer of the witness; neither did I suspect, at that time, that any additional cause of provocation had been given by the manner of Mr. Whitney.

Eighth interrogatory by Counsel. Did Mr. Wise, at any time, and when and where, state what was his purpose in going around the table, and placing himself near the accused, as stated in your answer to the first interrogatory; if yea, what did he say was his purpose; and was the statement of Mr. Wise, as to his purpose in that movement, before or after the accused's testimony before the committee had been closed?

Answer. I have said, in my answer to the first interrogatory, that I heard Mr. Wise speak of this subject in a public conversation. It was in the committee room, and took place some days after the affair with Mr. Whitney. His statement was similar to that made in this House. I do not remember the exact words, but the tenor of it was, that he would have killed the witness, if the latter had attempted to draw his hand out of his breeches pocket. Mr. Wise expressed a belief that the witness had a pistol in that hand, and that his object in drawing it out would have been to shoot Mr. Peyton; and, under such circumstances, he (Mr. Wise) would have killed Mr. Whitney to save Mr. Peyton. I am not certain whether Mr. Whitney's testimony was then closed; but I know that he was not present at this conversation.

Third interrogatory by Mr. WISE. Did you understand from Mr. Wise, at any time, that he would have shot or killed Whitney, unless he (Wise) had thought it necessary to protect the life of his friend, Mr. Peyton; and did not Mr. Wise express his gratification, at every time you have heard him converse on the subject, that there was no necessity for any other interposition on his part than that which was pacific?

Answer. To the first inquiry, I answer that he did not. To the second, I answer in the affirmative.

Fourth interrogatory by Mr. WISE. Did you hear Mr. Wise utter or make any threat whatever against the life or person of Whitney at the time of the occurrence between him and Mr. Peyton; and did Mr. Wise intimate any disposition to take any unfair advantage of Whitney?

Answer. I heard no such threat from Mr. Wise; and saw nothing during the affair which indicated an intention on his part to assault Mr. Whitney, or to use personal violence towards him of any kind.

Fifth interrogatory by Mr. WISE. After Mr. Wise went round the table, and got near to the side of Mr. Whitney, did he (Wise) wait more than a second or two before he interposed by taking hold of his friend, Mr. Peyton?

Answer. I cannot tell how long Mr. Wise remained at the point indicated in the question. I think it could not have been a quarter of a minute, though it may have been more or less.

Sixth interrogatory by Mr. WISE. Did not Mr. Peyton stand in such a position, with his right arm in the left side of his waistcoat, that his right arm might have been seized by Whitney's left hand, whilst his (Whitney's) right arm would have been free to use a pistol or dirk, if he had drawn one?

Mr. GHOLSON objected to this interrogatory, not so much that he had objection to its being answered, as for the purpose of establishing some rule of proceeding in this investigation. If this question was admitted, the counsel for the accused must ask similar questions; and if they should continue the examination in this way, it never could be brought to a termination. He could see no possible benefit to be derived from questions of this kind; and, for the bare purpose of establishing some stopping point, he objected to this interrogatory.

Mr. WISE said this was a kind of objection he had not expected to be raised by any gentleman on that floor, especially as the gentleman from Mississippi had admitted that the question was not an improper one. He wished to examine this witness, especially as to the position of the parties at the time of the difficulty in the committee room, in his own vindication for the sentiment he had uttered on that floor, and which he would then repeat in the presence of the world, that when he thought he saw his friend in danger he would interfere in his behalf. This he asked in his own vindication, that he might be permitted to examine this witness, as the answer to the question might be of importance to him.

Mr. GHOLSON then said he would withdraw the objection. He had objected to it, because of the time it might consume if they went into an examination of this kind.

Mr. WISE believed the answer to this interrogatory would prove that the parties were standing very near to each other, in the highest state of excitement. He knew his friend [Mr. PEYTON] was in the highest state of excitement, and the other party was in a doubtful state; but whether he was wound up like a serpent in his coil, or whether he was confounded, Mr. W. could not tell; there was a difference of opinion as to that. Whitney was standing with his right hand in his right pantaloons pocket, and his foot advanced, and his friend was

standing with his right foot advanced, and his right hand in his bosom under his vest, in which position the other party might have seized his right arm with his left hand, and riddled him with a dirk, or shot him, which Mr. W. expected at the moment would have taken place. He wished the answer to be precise as to the position of his friend at the moment of the difficulty, and whether he was not in a situation in which he might have been disarmed and shot, or dirked, by the other party.

Mr. GHOLSON then repeated that he had withdrawn his objection some time before.

Mr. HAMER then returned the following:

Answer. I have before stated that I did not see Mr. Peyton's hand in his bosom. At the time it was said to have been there, the parties were not in reach of each other; though Mr. Whitney might, by springing forward, have seized Mr. Peyton, in the manner supposed by the interrogatory.

Mr. Jones, one of the counsel for the accused, informed the House that, for the purpose of saving the time of the House, the accused proposed to discharge two of the witnesses which he had summoned, Mr. W. D. Lewis, Esq., and John T. Sullivan, Esq., and they were accordingly discharged.

Mr. ALFORD moved that the House adjourn. Lost: Yeas 63, nays 78.

Mr. HAMER, the witness under examination, was then discharged from the stand, and the testimony of the Hon. Mr. MARTIN, of Alabama, was proceeded in.

Testimony of the Hon. J. L. Martin.

First question by Counsel for the accused. Please state all the circumstances attending the dispute and disorder that occurred before the select committee whereof Mr. Garland is chairman, on Wednesday, the 25th of January; and state particularly all that was said and done by, and the whole demeanor and conduct of, R. M. Whitney, as a witness attending the committee, and Messrs. Wise and Peyton, as members of that committee, and all that occurred on that occasion.

Answer. During the evening session of the committee mentioned in this interrogatory, held on the 25th day of January last, a difficulty arose between Mr. Peyton, a member of the committee, and Mr. R. M. Whitney, who had been called before them as a witness, and who was then under examination.

To make myself clearly understood, it may be important here to give the situation of the different members of the committee, and of Mr. Whitney, at the moment of the commencement of the quarrel. Mr. Whitney, being under examination, was sitting near a small table, upon which he wrote his answers to the interrogatories propounded to him, in the corner of the committee room, on the right of the fireplace; Mr. Garland, Mr. Peyton, Mr. Hamer, and Mr. Gillet, were sitting at a long table which sat in front of the fire; Mr. Hamer at the end nearest to Mr. Whitney; Mr. Gillet at the opposite end; Mr. Peyton and Mr. Garland in front of the fire; Mr. Peyton nearest to Mr. Whitney, with his face turned toward Mr. Garland; Mr. Wise, Mr. Fairfield, and myself, were sitting upon a sofa on the opposite side of the fire from Mr. Whitney. The examination of the witness was conducted by Mr. Peyton, who had propounded to him question No. 15, a copy of which I append hereto; to which the witness returned the answer, a copy of which I also append hereto. Mr. Pierce and Mr. Johnson were absent. When Mr. Garland, the chairman, had read aloud the answer of Mr. Whitney, Mr. Peyton addressed the Chair, and said: "I wish you to inform this witness that he is not to insult me in his answers; if he does, God damn him, I will take his life upon the spot." As he uttered the latter part of this sentence he rose, and turned towards Mr. Whitney, and, addressing him, said something like this, the precise words I do not recollect: "You have said that I am shielded by the constitution; now, sir, I wish you to understand that I claim no such protection; and if you insult me, you damned dog, I will take your life." Mr. Wise at this moment arose, and advanced to the side of Mr. Peyton, and in front of Mr. Whitney, and said: "Yes; this damned insolence, or your damned insolence, is insufferable." Mr. Garland, who was endeavoring to keep order, spoke to Mr. Wise; but what he said is not recollected, if it was heard. Mr. Wise made no other remark, but stepped a few feet back, or toward the opposite side of the room from that at which Mr. Whitney was, and stood. Mr. Peyton turned from Mr. Whitney, and remarked: "Hitherto I have treated him with marked respect; damn him, I have treated him as if he had been a gentleman; and to be thus insulted by a damned thief and robber; damn him, he shan't do it." While uttering the latter part of this sentence, he discovered more excitement, and turned toward Mr. Whitney, (but if he said any thing, I do not recollect what it was,) who rose, and, addressing himself to the chair, claimed the protection of the committee; when Mr. Peyton said to him, "God damn you, hush, or be silent; you shan't speak; all your communications are to be made in writing. You shan't say a word while in this room; if you do I'll put you to death," advancing toward him, and putting his hand into his bosom, and also ordered him to take his seat.

Mr. Garland, at this moment, stepped between Mr. Peyton and Mr. Whitney, remonstrating with the former. Mr. Wise, who had remained silent and stationary, looking at the parties, suddenly turned, and walked briskly around the table, at the end opposite to the one at which the parties were, pausing a few seconds, opposite to the left side of Mr. Whitney, and some few feet from him; and then advanced in front of Mr. Peyton, and between him and Mr. Whitney, and, putting his hand upon his breast, remarked: "Don't, Peyton; damn him, he is not worth your notice; or the damned scoundrel is not worth your notice," followed by some other remarks which I do not recollect, but which I thought at the time were intended to induce Mr. Peyton to desist. While Mr. Wise was passing around the table, I advanced to the side of Mr. Peyton, and placed my hand upon his right arm, and at the same time remonstrated against any violence, and endeavored to calm his feelings.

Mr. Peyton then sat down, but soon turned toward Mr. Whitney, and said: "Damn him, his eyes are on me; God damn him, he is looking at me; he shan't do it; damn him, he shan't look at me." At this time I moved that the examination of Mr. Whitney should be suspended; when Mr. Hamer rose and objected, and said that the witness must understand that he was not to treat any member of the committee with disrespect. Mr. Garland, I think, remarked that the witness might retire to another room; which he did. Mr. Hamer then offered the resolution which has been published, a copy of which I append hereto, which was adopted by the committee without objection. At this time a proposition was made that the committee rise, which was objected to by Mr. Wise, to the members of the committee, apart from Mr. Peyton, who gave as his reasons that he wished to retain Mr. Peyton there in committee until he should become cool; that he apprehended danger if, in the state of feeling in which he (Mr. P.) then was, the committee should rise. Mr. Whitney was recalled, and one or two questions propounded to him. I should have mentioned that when Mr. Whitney returned, and was informed of the resolution which the committee had adopted, he remarked, "that if he had done any thing which the committee considered disrespectful, he regretted it, and apologized."

I think it proper that I should state here that Mr. Whitney, in returning his answer to the interrogatory to the chairman of the committee, had, from their situation, necessarily to pass by Mr. Peyton; that, in doing so, he threw his eyes upon him, with a scowl upon his countenance, which I thought at the time was intended to indicate that his feelings were excited. My attention was drawn to Mr. Whitney at this time, the more particularly, from the fact that I knew the answer to this interrogatory involved the truth of the remarks made by Mr. Peyton in the House, and contradicted in the card of Mr. Whitney, both of which I had read in the newspapers. I heard no remark made by Mr. Whitney when the answer was handed in. I thought Mr. Whitney's countenance indicated some excitement when he first read the interrogatory, and while he was writing his answer. I heard no expression from him, however, by word.

This is my best recollection of the unpleasant transaction. I have doubtless omitted many circumstances of minor importance that happened, for I do not profess to be able to give them all. I have given all, however, that I have a recollection of at this moment.

[The following is the question and answer referred to in the above.

"Question fifteenth. Did you receive any letter of recommendation from R. B. Taney, or did he in any manner countenance you in applying for the agency contemplated; or did he positively refuse to recommend, receive, or countenance you in that capacity, while he was at the head of the Treasury Department?

"Answer. I decline answering this interrogatory, more particularly as the individual propounding it has asserted, positively and publicly, that the substance of the latter part of it is true, beginning with 'or did he,' &c.; therefore, being the party accused, I am not a proper witness. I think, in justice, that the individual who has made the allegation should be called to produce his proof.

"The witness was desired to withdraw.

"Mr. HAMER moved that the foregoing answer to the fifteenth question be returned to the witness, being no reply to the interrogatory, and disrespectful to a member of the committee.

"The witness being called in, the chairman informed him of the decision of the committee, and returned him his answer. The witness assured the chairman that, if he had been in any manner disrespectful to the committee, he very much regretted it, and apologized for it."

Second question by Counsel. What was Mr. Whitney's general demeanor as a witness before the committee; was any indecorum or disrespect on his part towards the committee, or any member of it, observed or complained of, or in any manner censured by the committee?

Answer. I do not feel prepared to say that, at all times during the examination of Mr. Whitney before the committee, his demeanor was entirely unexceptionable.

On the 13th of January last, while the committee had under consideration the application of Mr. Whitney, who had appeared before them as a witness, for further time to prepare for his examination, several questions were propounded to him, the object of which was to enable the committee to decide upon his application, his reply to one of which I thought disrespectful to the committee; in which opinion, at the time, from the expressions of the members present, I thought they unanimously concurred. Instead of responding to the interrogatory, Mr. Whitney replied that he declined to answer any further interrogatories until his application for further time was acted upon by the committee; and this was done, too, after he had been informed expressly of the object of the interrogatories. For a full understanding of this occurrence, I refer to the printed journal of the committee of that day, beginning at page 23, and herewith sent.

This course of Mr. Whitney was excepted to in the committee. No decision, however, was made, and consequently no notice taken of the exception upon the journal of that day. The necessity of his answer was, by the subsequent determination of the committee, granting the time asked, obviated. And when afterwards the subject of reporting this conduct to the House was brought to the notice of the committee, it was decided to be unnecessary. I recollect of no other conduct of Mr. Whitney to which the attention of the committee was called, except his reply to the interrogatory out of which the difficulty mentioned in my answer to the first interrogatory grew.

Third question by Counsel. Please state whether the conduct of Mr. Whitney, throughout the whole of the unhappy scene in question, was or was not cool, collected, and forbearing; whether he did or did not manifest, by word, deed, or gesture, or by what word, deed, or gesture, any disposition to assault Mr. Peyton. Please describe such circumstances of his posture and manner as may go to show whether he meditated assault, or stood on the defensive merely.

Answer. I do not remember to have seen any act, upon the part of Mr. Whitney, except his reply to the interrogatory, and the scowl of countenance mentioned in my answer to the first interrogatory, which I thought indicated any disposition to produce a difficulty upon the occasion alluded to. I saw no effort upon his part to do any act of violence; my view of him, however, during part of the time, was intercepted by individuals, in standing and passing between us, so that I cannot say he did no act of the sort.

First question by Mr. CALHOON, of Kentucky. Did or did not Mr. Wise endeavor to prevent any collision between Mr. Peyton and R. M. Whitney, by stepping in between them, and laying his hands upon Mr. Peyton, and pushing him back from his position?

Answer. Mr. Wise did interpose, and I thought his interposition very efficient in preventing violence upon the occasion alluded to in this interrogatory; and with the exception of the part which he first took upon the excitement of the moment, and which I have described in my answer to the first interrogatory, and except, too, the act of taking his station on the left of Mr. Whitney, he acted the part of a peacemaker. The taking his station on the left of Mr. Whitney, I thought, at the moment, was intended for the security of Mr. Peyton, whom, from the sudden manner of Mr. Wise's movement in doing so, he considered in danger. This was the impression upon my mind at the moment. I did not myself apprehend any such danger. I had seen nothing to indicate it, but, as I have remarked, I was not in a situation to see every act that was done, or might have been done, by Mr. Whitney; for, at the instant when Mr. Wise started round the table, Mr. Peyton and Mr. Wise, and probably some other person, were between Mr. Whitney and myself.

Second question by Mr. CALHOON, of Kentucky. Did or did not Mr. Wise privately request the members of the committee not to rise until after a sufficient time was allowed, after the examination of R. M. Whitney was closed, to enable him (Whitney) to withdraw from the committee room, so as to prevent the witness and Mr. Peyton being thrown together, without the presence of the committee to restrain them? And did not Mr. Wise, at the time, declare that his object was to prevent collision between the parties?

Answer. I answer in the affirmative throughout, and refer to my answer to the first interrogatory propounded, for a full response to this.

Third question by Mr. CALHOON, of Kentucky. Did Mr. Wise do more than denounce the insolence of R. M. Whitney to the committee? And, in attempting to pacify Mr. Peyton, did he do more than say to him that R. M. Whitney was not worth his notice?

Answer. For answer to this interrogatory, I refer to my answer to the first interrogatory.

Fourth question of Mr. CALHOON, of Kentucky. Did or did not Mr. Wise and Mr. Peyton treat R. M. Whitney with perfect respect, in his examination before the committee, both before and after the difficulty between him and Mr. Peyton had occurred; and did not his examination occupy much time, and were not most of the questions propounded by Mr. Peyton after the difficulty occurred?

Answer. I thought the course of Mr. Wise and Mr. Peyton, both before and after the difficulty mentioned, entirely respectful. Mr. Whitney's examination occupied some time after the difficulty, but how long precisely I do not remember. The question, to the answer to which exception was taken, and out of which this unfortunate occurrence grew, was No. 15; and questions to the number of fifty-three or more were propounded to the witness in his whole examination.

Fifth question by Mr. CALHOON, of Kentucky. Had you or had you not seen Mr. Whitney's card in the Globe of the 5th of January last, which is as follows:

[This card is given in Mr. Fairfield's testimony.]

And do you not know or believe that Mr. Peyton had seen said card, or was informed of its contents? And did not the answer to the question which preceded the difficulty involve the truth of the charges which the card of Mr. Whitney pronounced to be false, and for the uttering of which he pronounced Mr. Peyton a calumniator?

Answer. This interrogatory I answer in the affirmative throughout.

First question of Mr. INGERSOLL. What language did R. M. Whitney use immediately before the interposition of Mr. Peyton?

Answer. I do not understand what is meant by the "interpositon of Mr. Peyton," in reference to this transaction. I have stated, in my answer to the first interrogatory, all of the language used by Mr. Whitney, that I now remember, and the circumstances under which the same was expressed.

Second question by Mr. INGERSOLL. What language did R. M. Whitney use immediately after the witness says "Mr. Peyton rose and addressed the chairman?"

Answer. I do not recollect that any language was used by Mr. Whitney at the time mentioned. Indeed, I recollect of no other language used by Mr. Whitney during the difficulty, than what I have stated in my answer to the first interrogatory.

Question by Mr. BELL. When Mr. Peyton was called to order by the chairman of the committee, for the first remarks made by him in reference to Mr. Whitney, did he not take his seat, and continue sitting until Mr. Whitney rose and commenced speaking?

Answer. For a full answer to this interrogatory, I refer to my answer to the first interrogatory propounded to me, in which I have spoken as particularly on this point as I recollect the occurrence.

Second question by Mr. BELL. When Mr. Peyton rose the second time, did he advance across a line drawn from his chair towards the fireplace, cutting him off from R. M. Whitney? Could you, at the instant of time when Mr. Peyton put his hand to his bosom, see the right hand of Mr. Whitney? If yes, was it not thrust into his pocket, with his left foot advanced?

Answer. My impression is that he did. My situation, however, was such that I could not correctly determine as to the fact. I was at the time sitting on the sofa, in the rear of Mr. Peyton. I did not see Mr. Whitney at the moment when Mr. Peyton put his hand in his bosom. Mr. Peyton himself, and others, intercepted my view of Mr. Whitney.

Third question of Mr. BELL. Did you occupy a position which enabled you to see the offensive look or scowl of the witness, R. M. Whitney, which he cast upon Mr. Peyton, if any, at the time of handing his answer to the chairman?

Answer. I did; and refer to my answer to the first interrogatory for my answer to this.

Fourth question of Mr. BELL. Did not Mr. Peyton complain that the witness, R. M. Whitney, had insulted him by his look at the time?

Answer. He did, during some part of his remarks; but at what point of time I do not recollect.

Fifth question of Mr. BELL. If it had been Mr. Peyton's intention to draw a weapon upon Mr. Whitney, had he not ample time to do so?

Answer. I think he had.

Sixth question of Mr. BELL. What number of interrogatories were propounded by Mr. Peyton to the witness, R. M. Whitney? How many before and how many after the question and answer which gave rise to the altercation alluded to? Did you apprehend danger of insult or personal violence to said witness, when he reappeared before said committee, on the part of either Mr. Wise or Mr. Peyton? State whether they, and each of them, did not treat him with the courtesy due a witness, as well after as before that occurrence.

Answer. For answer to the first branch of this interrogatory, I refer to my answer to the sixth interrogatory propounded to me by Mr. Calhoon. I did not apprehend danger to Mr. Whitney, from any quarter, upon his return to the committee room. The treatment of Mr. Whitney, by Mr. Wise and Mr. Peyton, both before and after this difference, was respectful, so far as I observed.

Seventh question of Mr. BELL. Was there not a rule of the committee that all questions should be reduced to writing, and propounded through the chairman to witness, if not objected to by a member of the committee; and that all answers of witness should be returned in writing, through the same channel? And was it not remarked by Mr. Peyton, that the witness must answer in writing, and that he should not address the committee in any other way?

Answer. There is such a rule as referred to in this interrogatory; and, for my reply to the balance of the question, I refer to my answer to the first interrogatory.

Eighth question of Mr. BELL. Had or had not said witness refused to answer several questions put to him by Mr. Peyton, before the one above alluded to, characterizing them as inquisitorial, which questions had been decided by the committee as proper to be propounded?

Answer. He had refused to answer several questions, characterizing them as inquisitorial, which were permitted to be put by the committee. The question of compelling an answer was reserved for the future consideration of the committee, as I understood, if the witness should object to answering it.

First question by Committee. Was or was not the deportment of Mr. Peyton that of a man who did not intend to make an attack, but desired to deter another, and make him desist from insulting remark and conduct?

Answer. I am unable to say what the intention of Mr. Peyton was upon the occasion alluded to in this interrogatory. I have described, as fully as I am able to do, the acts of Mr. Peyton, in my answer to the first interrogatory propounded to me.

Second question by Committee. What was the ques-

tion put to Mr. Whitney, and his answer thereto, to which you refer in your answer to the first interrogatory; and what was the vote of the committee, also referred to by you in your answer to the same interrogatory; and will you now set this forth, to be received in connexion with, and as part of, your answer to said interrogatory?

Answer. I have appended to my answer to the first interrogatory a copy, which I believe to be correct, of the question and answer referred to; and, also, a copy, from the journal of the committee, of the motion made and adopted by the committee; and here state that there was no objection made in committee to its adoption.

There being no further questions to be propounded to this witness, the Hon. RANSOM H. GILLET, of New York, was called on the stand.

Mr. Gillet's Testimony.

First question by the Counsel for the accused. Please state all the circumstances attending the dispute and disorder that occurred before the select committee whereof Mr. Garland is chairman, on Wednesday, the 25th of January; and state particularly all that was said and done by, and the whole demeanor and conduct of, R. M. Whitney, as a witness attending the committee, and Messrs. Wise and Peyton, as members of that committee, and all that occurred on that occasion.

Answer. I have heard the answer of Mr. Fairfield to this interrogatory, and recollect the facts stated by him, and think they are truly stated; and I adopt his answer thereto as a part of my own. I think other words reflecting upon Mr. Whitney were used by both Mr. Wise and Mr. Peyton, but I cannot call to mind any that I am certain were spoken before Mr. Whitney retired from the committee room.

[The remaining portion of the witness's reply was similar to that of Mr. Fairfield to the same query.]

Second question by Counsel. What was Mr. Whitney's general demeanor as a witness before the committee? Was any indecorum or disrespect, on his part, towards the committee, or any member of it, observed or complained of, or in any manner censured by the committee?

Answer. I never saw any indecorum or disrespect, on the part of Mr. Whitney, towards the committee, or any member thereof, unless his written answer is deemed disrespectful. I never heard of any complaint, by any member of the committee, of his treating the committee, or any of its members, with indecorum or disrespect. I am not aware of his being censured by the committee, unless the returning of the answer referred to is construed to be censuring him.

Third question by Counsel. Please state whether the conduct of Mr. Whitney, throughout the whole of the unhappy scene in question, was or was not cool, collected, and forbearing; whether he did or did not manifest, by word, deed, or gesture, or by what word, deed, or gesture, any disposition to assault Mr. Peyton. Please describe such circumstances of his posture and manner as may go to show whether he meditated assault, or stood on the defensive merely.

Answer. The conduct of Mr. Whitney was, as far as I observed it, cool, collected, and forbearing. I neither saw nor heard any thing, on his part, by word, deed, or gesture, manifesting a disposition to assault Mr. Peyton.

First question by Mr. CALHOON, of Kentucky. Did or did not Mr. Wise endeavor to prevent any collision between Mr. Peyton and R. M. Whitney, by stepping in between them, and laying his hands upon Mr. Peyton, and pushing him back from his position?

Answer. Mr. Wise did endeavor to pacify Mr. Peyton, and stepped between him and Mr. Whitney, as I have heretofore mentioned, and I think put his hand on him while doing so. I did not observe that he pushed him back from his position.

Second question by Mr. CALHOON, of Kentucky. Did or did not Mr. Wise privately request the members of the committee not to rise until after a sufficient time was allowed, after the examination of R. M. Whitney was closed, to enable him (Whitney) to withdraw from the committee room, so as to prevent the witness and Mr. Peyton being thrown together, without the presence of the committee to restrain them? And did not Mr. Wise, at the time, declare that his object was to prevent collision between the parties?

Answer. I have some indistinct recollection of some person making the suggestion alluded to, but I cannot state by whom it was made, nor its exact purport.

Third question by Mr. CALHOON, of Kentucky. Did Mr. Wise do more than denounce the insolence of R. M. Whitney to the committee? And, in attempting to pacify Mr. Peyton, did he do more than say to him that R. M. Whitney was not worth his notice?

Answer. As to what Mr. Wise did or said, I refer to my answer to the first interrogatory.

Fourth question of Mr. CALHOON, of Kentucky. Did or did not Mr. Wise and Mr. Peyton treat R. M. Whitney with perfect respect, in his examination before the committee, both before and after the difficulty between him and Mr. Peyton had occurred; and did not his examination occupy much time; and were not most of the questions propounded by Mr. Peyton after the difficulty occurred?

Answer. I am unaware of Mr. Peyton or Mr. Wise treating Mr. Whitney with disrespect while he was before the committee, before or after the difficulty. His examination occupied considerable time, much of which was occupied in writing out and settling questions to be put to him. Most of the questions were put after the difficulty.

Fifth question by Mr. CALHOON, of Kentucky. Had you or had you not seen Mr. Whitney's card in the Globe of the 5th of January last, which is as follows:

[Heretofore inserted in Mr. Fairfield's testimony.]

Answer. I saw Mr. Whitney's card in the Globe of the 5th of January. I do not know that Mr. Peyton had seen it. For answer to the latter part of this interrogatory, I refer to the card quoted in it, and to the question and answer referred to, which speak for themselves.

First question of Mr. INGERSOLL. What language did R. M. Whitney use immediately before the interposition of Mr. Peyton?

Answer. I am not aware that Mr. Whitney used any language immediately before the difficulty with Mr. Peyton.

Second question by Mr. INGERSOLL. What language did Mr. R. M. Whitney use immediately after the witness says "Mr. Peyton rose and addressed the chairman?"

Answer. I do not know of any language used by Mr. Whitney, after preparing his answer, but what I have stated in my answer to the first interrogatory, wherein he claimed the protection of the committee while before it.

First question by Mr. BELL. When Mr. Peyton was called to order by the chairman of the committee for the first remarks made by him in reference to Mr. Whitney, did he not take his seat, and continue sitting until Mr. Whitney rose and commenced speaking?

Answer. I think he did not.

Second question of Mr. BELL. When Mr. Peyton rose the second time, did he advance across a line drawn from his chair towards the fireplace, cutting him off from R. M. Whitney? Could you, at the instant of time when Mr. Peyton put his hand to his bosom, see the

right hand of Mr. Whitney? If, yes, was it not thrust into his pocket, with the left foot advanced?

Answer. I think he did. At the time Mr. Peyton put his hand to his bosom, I think I could have seen Mr. Whitney, but I have no recollection of having seen his hand thrust into his pocket, or that his left foot was advanced.

Third question of Mr. BELL. Did you occupy a position which enabled you to see the offensive look or scowl of the witness, R. M. Whitney, which he cast upon Mr. Peyton, if any, at the time of handing his answer to the chairman?

Answer. I did; but noticed none.

Fourth question of Mr. BELL. Did not Mr. Peyton complain that the witness, R. M. Whitney, had insulted him by his look at the time?

Answer. I did not hear Mr. Peyton, at the time, complain that Mr. Whitney had insulted him by his look.

Fifth question of Mr. BELL. If it had been Mr. Peyton's intention to draw a weapon upon Mr. Whitney, had he not ample time to do so?

Answer. If the weapon was easily drawn, I should think he had.

Sixth question of Mr. BELL. What number of interrogatories were propounded by Mr. Peyton to the witness, R. M. Whitney? How many before and how many after the question and answer which gave rise to the altercation alluded to? Did you apprehend danger of insult or personal violence to said witness, when he reappeared before said committee, on the part of either Mr. Wise or Mr. Peyton? State whether they, and each of them, did not treat him with the courtesy due a witness, as well after as before that occurrence.

Answer. I think Mr. Peyton proposed fifty-three or more questions in his examination after his protest, and the difficulty occurred on the answer to the 15th. Both before and after the difficulty, while before the committee, both Mr. Peyton and Mr. Wise treated Mr. Whitney respectfully. After Mr. Whitney returned before the committee, I thought the excited feelings of Mr. Peyton and Mr. Wise were so much allayed that I did not apprehend danger of insult or personal violence to him.

Seventh question of Mr. BELL. Was there not a rule of the committee that all questions should be reduced to writing, and propounded through the chairman to witness, if not objected to by a member of the committee; and that all answers of witness should be returned in writing through the same channel? And was it not remarked by Mr. Peyton that the witness must answer in writing, and that he should not address the committee in any other way?

Answer. There was such a rule as is referred to. The only remark of the kind made by Mr. Peyton is given in my answer to the first interrogatory.

Eighth question of Mr. BELL. Had or had not said witness refused to answer several questions put to him by Mr. Peyton, before the one above alluded to, characterizing them as inquisitorial, which questions had been decided by the committee as proper to be propounded?

Answer. Before the difficulty, I believe Mr. Whitney had refused to answer some six or eight of the interrogatories; and a portion of them, he alleged, were of an inquisitorial character, and therefore declined to answer them. Previously to the difficulty, seven questions had been proposed that evening, three of which he answered, three he declined to answer, and to the last one he gave the response which immediately preceded the difficulty. No questions were propounded except by the consent of the committee.

First question by Committee. Was or was not the deportment of Mr. Peyton that of a man who did not intend to make an attack, but desired to deter another, and make him desist from insulting remark and conduct?

Answer. I cannot state any fact, not already given, going to show what Mr. Peyton desired to accomplish by his acts and words.

Second question by Committee. What was the question put to Mr. Whitney, and his answer thereto, to which you refer in your answer to the first interrogatory; and what was the vote of the committee, also referred to by you in your answer to the same interrogatory; and will you now set them forth, to be received in connexion with, and as part of, your answer to said interrogatory?

Answer. The question put was as follows: "Did you receive any letter of recommendation from R. B. Taney, or did he in any manner countenance or encourage you in applying for the agency contemplated; or did he positively refuse to recommend, receive, or countenance you in that capacity, while he was at the head of the Treasury Department?

"Answer. I decline answering this interrogatory, more particularly as the individual propounding it has asserted, positively and publicly, that the substance of the latter part of it is true, beginning with, 'or did he,' &c.; therefore, being the party accused, I am not a proper witness. I think, in justice, that the individual who has made the allegation should be called upon to produce his proof.

"The witness was desired to withdraw.

"Mr. Hamer moved that the foregoing answer to the 15th question be returned to the witness, being no reply to the interrogatory, and disrespectful to a member of the committee."

There being no further questions to be propounded to Mr. Gillet, and all the witnesses summoned having been examined—

Mr. GHOLSON then moved that a subpœna be issued for the Hon. James Garland, that he might be furnished with the same interrogatories which had been furnished to the other witnesses.

Mr. GARLAND replied, that it would be unnecessary to issue a subpœna, as he would be in attendance upon the House the whole time of its sessions.

Mr. Garland was then sworn, and furnished with interrogatories, so that he might have his answers prepared by the next day.

Mr. WISE would make an additional suggestion. As he understood the counsel for the accused had no other witnesses to be called and sworn, he would inquire if the committee for the House had any; if they had, he would suggest that they might be called and sworn, and these same interrogatories given to them, so that they might have their answers prepared.

Mr. GHOLSON said the committee had just called the only witness they proposed to examine.

Mr. THOMAS observed that the counsel for the accused were about making an application for other witnesses to be summoned.

Mr. WISE wished to inquire if, when the accused had done calling his witnesses, and when the witnesses which had been called by the committee on the part of the House were examined, his friend from Tennessee [Mr. Peyton] and himself would be permitted to call witnesses in their defence.

Mr. THOMAS said he might have misconstrued the duties of the committee, but he would state what he considered their duties to be. He looked upon the committee in the light of a prosecuting attorney on the part of the House; and after the counsel for the accused should have closed their testimony, it would be the duty of the committee to produce to the House oral or written evidence in support of the charge made against the accused; and the committee would take it as a favor

if the two honorable gentlemen [Mr. PEYTON and Mr. WISE] would aid them by furnishing the committee with the names of such witnesses as they might desire to have summoned, or bring to their notice such written testimony as might have a bearing upon the case.

Mr. WISE wished to say, with perfect respect to the committee of the House, and he wished to be distinctly understood when he said, with perfect respect to the committee, that he had had no part or lot in the prosecution of the accused; and he would state to the House, that he never would be caught in being a prosecutor in any case, unless called upon by the laws of the land to do so. He should neither assist, aid, abet, or counsel, in this prosecution; and he only asked, not that he might be permitted to call witnesses there to testify against any man, but that he might be permitted to call witnesses to testify to the truth touching his own conduct. He only desired to call witnesses as a defence of himself. He would despise the calling witnesses as a prosecutor; he would scorn it. He had not voted, either in the committee or in the House, in the case of this man, nor would he testify in the case. All he would ask of gentlemen would be to allow him the poor privilege of examining witnesses in his own defence; and he was willing to stand or fall by the testimony which would be given, as he knew that he could be convicted of nothing, excepting it was that he had sworn some oaths; and in extenuation of that he had only to say that he was following the example of those who were in the highest situations; he was but making use of court language; and if any gentleman wished to hear a specimen of this kind of language, all he had to do was to go to the White House and speak of the Florida campaign. He repeated that he wished to call witnesses to justify himself, not to prosecute any man.

Mr. THOMAS expressed a wish to say a very few words.

The CHAIR said the whole of this conversation was out of order.

Mr. THOMAS had but a word or two to say. Whether the gentleman from Virginia, or the gentleman from Tennessee, or any other member of that House, might wish to adduce testimony in vindication of those two gentlemen, as implicated in this investigation, or with whatever other motive they might think proper to furnish the committee with written testimony or oral testimony, it was the duty of the committee to bring that evidence in for the consideration of counsel. The House had felt itself too numerous and too unwieldy to make its argument, in the form of an issue between any parties, and thought proper that the duty should devolve on a smaller number. He again repeated, that without inquiry into the motives with which the gentlemen bring testimony forward, Mr. T., as a member of the committee, would be glad himself to concur.

The CHAIR must interpose again. There was no proposition before the House. Is the counsel for the accused prepared to proceed further?

Mr. LINCOLN said it was proper for himself that neither he nor any other member of the select committee should have any thing further to do with this prosecution. He should have availed himself, he said, of an earlier opportunity of asking to be excused from attending on the committee of examination, but that he had been almost continually occupied on the select committee. He had, however, taken no part in the management of this examination, and had not voted on that day on any one question brought before the House, in relation to the subject. Under these circumstances, he asked the House to excuse him from serving on the former committee.

Mr. SUTHERLAND. It is not worth while to discharge him now, as their duties must be nearly at an end.

Mr. L. was, however, excused by the House.

Mr. Whitney was then conducted from the bar; and,

On motion of Mr. BOND,

The House adjourned.

SATURDAY, FEBRUARY 18.

CASE OF R. M. WHITNEY.

After the reception of some resolutions of inquiry,

The House resumed the examination of evidence in the case of R. M. Whitney.

Testimony of the Hon. J. L. Martin.

Fifteenth question by Mr. BELL. Have you, or any other person, to your knowledge, had any conversation with the said R. M. Whitney since the occurrence in the committee? If so, did he inform you then that he was alarmed, and that his fears had induced him to take the course which he has done in this matter? State all he said in relation to his fears, or the motives which induced his course upon this occasion.

Answer. I have had no conversation whatever with Mr. Whitney since the time alluded to in this interrogatory, that I now remember of, and certainly none upon the subject mentioned.

Sixth question by Mr. PEYTON. When did you first see the written statement of Mr. Fairfield, which he presented to this House in answer to the first interrogatory propounded to him, or the substance of the same?

Answer. I do not recollect the day on which I first saw the statement alluded to; it was, I think, shortly after Mr. Wise and Mr. Peyton made their statements of the occurrences of the 25th of January, before the select committee mentioned in this examination, to the House, at which time I understood that they called upon the members of the committee to make their statement of the occurrence. I was not present at the time.

Seventh question of the Counsel for the accused. Did Mr. Wise, at any time, and when and where, state what was his purpose in going around the table, and placing himself near the accused, as stated in your answer to the first interrogatory? If yea, what did he say was his purpose? And was the statement of Mr. Wise, as to his purpose in that movement, before or after the accused's testimony before the committee had been closed?

Answer. I heard Mr. Wise speaking of this subject in the committee room; but, as to the day, I am unable to specify; nor am I able to say whether it was before or after the examination of Mr. Whitney was closed. I understood Mr. Wise to say that his object in going round the table, near to Mr. Whitney, was to be able, if Mr. Whitney attempted to use a weapon upon Mr. Peyton, to protect him from injury. I understood him to say, that if it had been rendered necessary for Mr. Peyton's safety, he would have taken Mr. Whitney's life. He also stated that Mr. Whitney had his hand in his pocket, for the purpose, as he supposed, of drawing a weapon, seeing which, induced him to pass round the table, as above stated.

Sixteenth question by Mr. BELL. Had you not formed and expressed the opinion that Mr. Whitney's conduct had, prior to the night of this occurrence, been contemptuous, and such as to show a disposition to trifle with the committee? Had you not been inclined to vote to report him to the House for contempt? Did you not think and say that he had reiterated the word "inquisitorial" offensively, and had unnecessarily rung every change upon it, as if it was a new word to him, of which he seemed fond; and did you not concur with Mr. Wise that night, in the expression that his insolence to the committee was no longer sufferable?

Answer. I did not consider Mr. Whitney's course respectful to the committee at all times prior to the occur-

rence alluded to, and particularly during the pendency of his application for further time to prepare for his examination, and to make his return to the call made upon him by the *subpœna duces tecum;* and, as a full answer to this part of this interrogatory, I refer to my answer to question number two, propounded to me.

I did express the opinion that I thought he made too free a use of the word "inquisitorial" in his answer to the interrogatories of the committee. I thought the word unnecessary in his answers; that his simple statement that he declined to answer the interrogatory, which I believe followed the word "inquisitorial" in every answer, was sufficient; and that, if he desired to give his reasons for declining to answer, a less offensive word might have been used, and his meaning be as well understood. I did think his conduct, upon the night alluded to, was very objectionable, and so expressed myself.

Question by Mr. ALFORD. Do you know, or have you any reason to believe, that Reuben M. Whitney premeditated an insult to the committee, or any member thereof, whenever he should be called before them; and do you know, or have you any reason to believe, that he armed himself in anticipation of that event?

Answer. I do not know any thing upon the subject of this inquiry.

Question by the Counsel. When you speak of Mr. Whitney's disrespectful conduct, in your answer to a preceding interrogatory, do you refer to matters appearing on the journal, or to any other indications of disrespect, in manner or language, except what is there to be found? If to any other, please specify them. If to matters appearing on the journal, please refer to the pages of the printed journal now in evidence, for the passages evincing such disrespect or improprieties.

Answer. In my answer to the second interrogatory propounded to me, I have pointed out the page of the journal upon which, and the one following, the objectionable part of his conduct is shown, and in that answer particularly referred to; they are pages 23 and 24. To this I mainly refer as the ground of exception, as stated in each of my answers to the interrogatories upon this subject, except as to my answer to the interrogatory propounded this morning, in which I refer to his use of the term "inquisitorial," and his reply to the interrogatory out of which the difficulty spoken of in this inquiry grew. I heard nothing from Mr. Whitney, by word, to which I took exception. I thought his deportment at times somewhat objectionable, and particularly upon the occasion of returning his answer to the fifteenth interrogatory, as mentioned in my answer to the last interrogatory.

I refer to the statement of the journal of the committee, at page 23, eight lines from the bottom, and thence the balance of the page; and from the top of page 24 down to the paragraph beginning with the words, "A letter from John P. Van Ness;" also, to page 84, from the top to the notice of the adjournment of the committee. I also refer to the answers of Mr. Whitney, in his examination before the select committee, in which the term "inquisitorial" is used. [See pages of the journal 81, 82, and 83.]

Mr. MARTIN was then discharged from the stand.

Mr. PEYTON rose, he said, to submit a proposition to the House, which he trusted would be assented to.

The CHAIR remarked that there was another witness who had been summoned, yet to be examined; after which the gentleman's proposition might be in order.

Mr. PEYTON said he had to retire to the performance of the duties of the select committee of which he was a member; and he wished first to submit his motion, because it was to facilitate the labors of that committee, and enable them to make their report. He then sent to the Chair the question and the resolution he proposed to submit, to be read for the information of the House, giving notice that if any objection were made he should move a suspension of the rules.

The resolution was then read, as follows:

Resolved, That Reuben M. Whitney be directed to answer, upon oath, before the House, or before the select committee of which the honorable James Garland is chairman, the following interrogatory:

Interrogatory. Was or was not Amos Kendall, Postmaster General, the author of the letter referred to in the following communication, made by yourself, to the President of the Bank at Burlington, Vermont, which is as follows:

"With this I forward you the copy of a letter written by a person residing here, high in the confidence of the Executive, to some friends in New York and Boston. This will explain to you more fully the object of the agency, and the duties which will appertain to it.

"I communicate this with the request that it may be considered as especially communicated to you individually, but to be read to the board, and to be treated in the same manner as all things should be connected with the transactions of the board of directors of a bank."

The letter, which was anonymous, is as follows:

"WASHINGTON, *November* 8, 1834.

"DEAR SIR: You will recollect that there is a provision in the contracts between the Treasury Department and the deposite banks, by which they undertake to pay each their due proportion of the compensation of such agent, to superintend their operations, as might be appointed by the Secretary, and that R. M. Whitney, Esq. obtained the recommendation of the deposite banks in Boston, New York, and Philadelphia, for that agency.

"The near approach of the session of Congress at that time was thought to render it inexpedient to make an appointment under such circumstances, although every one acquainted with the matter acknowledges its importance.

"This posture of affairs makes it desirable that the banks themselves should take steps to secure all the benefits to themselves, and as far as practicable to the public, which were anticipated from that arrangement. It may be done by each bank appointing its own agent, but all of them the same person, to reside at the seat of Government, and travel when necessary to interchange information, make suggestions, and produce consert in relation to the currency and domestic exchanges, as well as the fiscal operations of the Government. I am persuaded that the State banks, whether depositories for the public funds or not, would derive great benefits from such an organ of intercommunication.

"The President and Secretary of the Treasury, I know, view the subject in the same light that I do, and will be gratified if the banks will establish such an agency; and, from his talents, experience and fidelity, no appointment would be more acceptable to them than that of Mr. Whitney, who has already been recommended to the Department.

"My object in addressing you is to solicit your aid, particularly with the deposite banks in Boston, in first effecting the general object of establishing an agency, which is of primary importance, and then in selecting Mr. Whitney as their agent. I know of no man in the United States who has the capacity and disposition to serve them more efficiently."

If said Kendall is not the author of said letter, who is?

The CHAIR said it was not in order to offer this proposition while a witness was under examination.

Mr. PEYTON merely wished that the witness, Whit-

ney, might answer the interrogatory at the bar of the House or in the committee room.

The CHAIR repeated his decision, that the proposition could not be entertained at that stage of the proceedings.

Mr. PEYTON accordingly moved a suspension of the rules for the purpose of propounding the inquiry as to who was the author of that anonymous letter, and on the motion he asked for the yeas and nays; which were ordered.

Mr. WISE remarked that perhaps the idea had not struck his friend from Tennessee that this individual was then under arrest, and whilst he was in custody of the Sergeant-at-arms of the House he could not be brought before a committee as a witness.

Mr. PEYTON replied that, upon examining the rules of the House, he found that the House itself had the power to direct the examination.

The question was then taken, and decided in the negative: Yeas 63, nays 96, as follows:

YEAS—Messrs. Alford, Chilton Allan, Heman Allen, Bailey, Bell, Bond, Bunch, John Calhoon, Carter, John Chambers, Chetwood, N. H. Claiborne, John F. H. Claiborne, Clark, Dawson, Deberry, Evans, Forester, Granger, Griffin, Hiland Hall, Hard, Harper, Hazeltine, Hiester, Herod, Howell, Hunt, Huntsman, Ingersoll, Janes, Jenifer, Lawler, Lawrence, Lay, Luke Lea, Lewis, Love, Lyon, Samson Mason, Maury, McKennan, Milligan, Pearson, Pettigrew, Phillips, Pickens, Rencher, Russell, Sloane, Spangler, Standefer, Steele, Storer, Taliaferro, Waddy Thompson, Underwood, Vinton, White, L. Williams, S. Williams, Wise, Young—63.

NAYS—Messrs. Anthony, Barton, Bean, Black, Bockee, Borden, Bovee, Boyd, Briggs, Buchanan, Burns, Bynum, Cambreleng, Carr, Casey, George Chambers, Chapman, Chapin, Cleveland, Coles, Connor, Craig, Cramer, Crary, Cushman, Doubleday, Dromgoole, Efner, Farlin, French, Fry, Galbraith, Gholson, Glascock, Grantland, Haley, J. Hall, S. S. Harrison, Hawkins, Haynes, Henderson, Hoar, Hopkins, Howard, Hubley, Huntington, Ingham, William Jackson, Joseph Johnson, Cave Johnson, John W. Jones, Kennon, Klingensmith, Lane, Lansing, Gideon Lee, Thomas Lee, Leonard, Logan, Loyall, Lucas, Abijah Mann, Job Mann, William Mason, Moses Mason, May, McKim, McLene, Miller, Montgomery, Moore, Morgan, Muhlenberg, Page, Dutee J. Pearce, Phelps, John Reynolds, Joseph Reynolds, Richardson, Robertson, Rogers, Schenck, Seymour, Shinn, Sickles, Sprague, Sutherland, Taylor, John Thomson, Toucey, Turrill, Vanderpoel, Wagener, Weeks, Thomas T. Whittlesey, Yell—96.

Mr. Gillet's Cross-examination.

Question by Mr. BELL. When Mr. Peyton was called to order by the chairman of the committee, for the first remark made by him in reference to Mr. Whitney, did he not take his seat, and continue sitting until Mr. Whitney rose and commenced speaking?

Answer. I think he did not.

Question by Mr. BELL. Did you occupy a position which enabled you to see the offensive look or scowl of the witness, R. M. Whitney, which he cast upon Mr. Peyton, if any, at the time of handing his answer to the chairman.

Answer. I did, but did not observe any such scowl or look.

Question by Mr. BELL. Did not Mr. Peyton complain that the witness, R. M. Whitney, had insulted him by his look at the time?

Answer. I heard no such complaint at that time; I do not remember ever to have heard him complain of it in the committee room.

Question by Mr. BELL. Have you, or any other persons, to your knowledge, had any conversation with the said R. M. Whitney since the occurrence in the committee? If so, did he inform you then that he was alarmed, and that his fears had induced him to take the course which he has done in this matter? State all he said in relation to his fears, or the motives which induced his course upon this occasion.

Answer. I do not know what conversation "other persons" may have had with Mr. Whitney, since the occurrence. I have avoided conversation with him relative to the occurrence in the committee room. He has never informed me whether he was alarmed or not, or that his fears had induced him to take his course on this subject. I know nothing of his motives or fears, which induce his course on this occasion. I have never heard him talk of his motives on this subject. I know nothing concerning them. I do not recollect to have heard of Mr. Whitney's refusal to appear before the committee, until I heard Mr. Wise report the fact to the House. I do not remember to have heard any more concerning it, until I heard the House had ordered him to be brought before it, and had settled, as I supposed, its course of proceeding. I have an indistinct recollection of having heard him say he was not armed at the time, but when this was, or to whom addressed, I cannot state.

Question by Mr. BELL. Had or had not said witness (R. M. Whitney) refused to answer several questions put to him by Mr. Peyton, before the one alluded to, characterizing them as inquisitorial, which questions had been decided by the committee as proper to be propounded?

Answer. I think I answered this interrogatory fully in one of my previous answers, the number of which I do not recollect. I refer to that answer, as being a full one to this question.

Question by Mr. PEYTON. When did you first see the written statement of Mr. Fairfield, which he presented to this House in answer to the first interrogatory propounded to him, or the substance of the same?

Answer. I think some ten or twelve days since.

Question by the Counsel for the accused. Did Mr. Wise, at any time, and when and where, state what was his purpose in going round the table, and placing himself near the accused, as stated in your answer to the first interrogatory? If yea, what did he say was his purpose? And was the statement of Mr. Wise, as to his purpose in that movement, before or after the accused's testimony before the committee had been closed?

Answer. After Mr. Whitney's testimony was closed, and I think the day that his statement of the occurrence in the committee room appeared in the Globe, I heard Mr. Wise telling in the committee room what his object was in going round the table, as mentioned in my first answer. The conversation was not addressed to me. I was writing at the time, and did not pay attention to what he was saying, until he went to the place where he had stood, and I think showed the position he had occupied. I presume I heard but a part of what he had said. I remember this: "If he had moved his right arm, or elbow, (I am not certain which,) I would have shot him on the spot, as I would a black snake." These are the words that I heard, as nearly as I can remember. The residue of what he said I learned from a conversation with others, and therefore do not repeat it. I have an impression that I heard Mr. Wise on another occasion talking on this subject, but of this I am not certain.

The counsel for the accused then called to the stand William Elwyn Moore, one of the reporters for the Globe, who appeared and was sworn.

Testimony of Mr. Moore, Reporter for the Globe.

Question by the Counsel. Were you present when Mr. Wise and Mr. Peyton, on Saturday, 4th February,

made their statements in this House, of the occurrences in the select committee, now in question? Did you take notes at the time of what Mr. Wise said on the occasion? Was or was not the report of what Mr. Wise said on the occasion, appearing in the Globe newspaper of the 7th instant, now shown you, taken from your notes? Please say whether such printed report be a correct or incorrect report of what he said on the occasion referred to? In particular, refer to a paragraph, marked in that report, beginning with the words "During this time Whitney stood," &c., and ending with the words "wretch, on that occasion," and say whether these words were or were not uttered by Mr. Wise.

Mr. DROMGOOLE objected to this interrogatory: It seemed to him to have nothing to do with the subject before the House, and on that ground he objected to it.

Mr. WISE asked of his colleague to allow the question to be put.

Mr. DROMGOOLE said he could not withdraw his objections.

Mr. Jones, counsel for the accused, made a few remarks to show the necessity for putting the interrogatory.

The question was then put, and the interrogatory ordered to be propounded: Ayes 101, noes not counted.

Mr. Moore then returned the following answer.

Answer. I was present on the occasion referred to, but I have never seen the printed report in the Globe, till it was now shown to me, nor could I, without reference to my notes, undertake to affirm whether that printed report corresponds with them or not. The report was taken from my notes, and, on reading my transcript, I believed at the time that the manuscript copy was correct.

The paragraph beginning with "During this time," &c. to the words "wretch, on that occasion," I could not affirm to be correct, without making a reference to my notes; but the word "between" is so obviously an error, that if I had read the paragraph in the paper, I should at once have corrected it. I say it is so obviously an error, because it is inconsistent with my general recollection of the Hon. Mr. Wise's statement, and at a variance, if I recollect the report, with other parts of it. It may be an error of the press, or of the pen, for the word "with." My notes, if I had them, would show.

Second question by Counsel. Where are your notes? Please produce them. Where is your manuscript from your notes, from which the report in the Globe was printed? Please produce it.

Answer. I invariably burn my notes, page after page, as I write them out, when in my own room; when I write out in the House, they are thrown on the floor, with the waste paper. I have no knowledge of the transcripts, nor do I know what is done with the waste paper of the printing office. It is out of my power to produce either.

Third question by Counsel. Do you perceive any other error in the said paragraph, except the word "between;" and what word, according to the best of your recollection, should be in the place of that word?

Answer. I could not answer, at this distance of time, for the fidelity of any one paragraph; probably I wrote, if it be an error of the press, or intended to write, if it be a slip of the pen, the word "with." But I again respectfully refer to my first answer, and could not affirm, from memory, to the correctness of a report, after I had considered it finally disposed of by publication, and the absence of complaint for its inaccuracy. The word "between" I know to be an error.

Fourth question by Counsel. Does the general tenor of the remarks, both of Mr. Wise and Mr. Peyton, as given in said report, correspond, or not, with the best of your recollection of what they said; and can you, upon looking over the same, discover any material variance from your recollection of the original remarks of those gentlemen, or from your notes of the same?

Mr. WISE said he would beg leave to state to the learned counsel that if they desired to know what report he sanctioned he would refer them to the report of his statement in the National Intelligencer. That statement, as it there appeared, he had himself written out, from notes furnished him by one of the reporters for the Intelligencer, and from his own recollection of his statement; and there they would find his remarks as he made them, or as he intended to make them.

Mr. Jones, counsel for the accused, remarked that he was bound in candor to say to the honorable gentleman that there was a particular part of the report of his statement in the Intelligencer which did not correspond with the report in the Globe. The difference between the two reports was as to the qualification, in the words "if he (Whitney) had drawn a weapon on his friend, it would never have done its execution," &c.

Mr. WISE hoped the House would indulge him in the very few remarks he had to make in explanation of his statement. He understood the learned counsel to say that they were led to doubt whether the words they had read from the Intelligencer were actually uttered by him, (Mr. W.) Now, he would beg leave to state to the House the reasons why these words "Let me not be misunderstood," &c. were used. He had made the general statement first, that he had walked round the end of the table, where he could see the elbow of Whitney's right arm. He (Whitney) was then standing with his left foot advanced, his right hand in his pantaloons pocket, and his eyes fixed upon Mr. Peyton. Mr. W. could see the elbow of that right arm, and he said if it had moved an inch he should have died upon the spot. Well, the moment he uttered that remark, he heard a whisper to his right—and they could hear whispers sometimes in that hall—"that is enough!" and he understood this exclamation, and knew that some gentleman was watching to catch him in some unguarded expression. Then he immediately said, distinctly, "Let me not be misunderstood," &c.; and went on to state that he would only have drawn a weapon when he saw the life of his friend endangered; and that Whitney's weapon should never have done its execution, if he had drawn one. He had taken the notes of the reporter for the Intelligencer, and, with those notes and his own recollection of the statement he had made on the floor of the House, he had made out the report as it appeared in that paper. He would call upon every gentleman who heard him make the statement to testify whether he had not used the words "Let me not be misunderstood," &c.; and he had done so because of the whisper before alluded to, which had made him feel as though there were assassins more insidious than those who used the steel to lay low their victim—the assassins of men's reputation, assassins of character—who were ready for murder, for any one expression which might, at a moment when he was speaking extemporaneously and without notes, accidentally fall from his lips. He was fully aware that there were those ready, the moment such expression had been uttered, to trumpet it forth to the world that he had acknowledged himself an assassin on the floor of the House.

He put it to all honorable gentlemen, was his conduct like that of an assassin? When he had made his statement to the House, he had divulged every thing, not only what he had done, but how he had felt on that occasion; and he meant to say, and did say, he felt that the accused stood in a very doubtful position, in the position of an assassin, and Mr. W. expected that his friend would have been riddled with a dirk. This was what

he had said, and he said so still; and when he faltered on such an occasion, to draw a weapon to protect a friend, he hoped his right arm might forget its cunning; that it might wither, and be cut off. If the accused had drawn a weapon, if he had one, which Mr. W. did believe at the time, it never would have done its execution. Mr. W. said he had prevented his friend from doing violence, if he intended any; but whether he had so intended, or whether he merely intended to intimidate the accused, to repress his insolence, Mr. W. could not say; but it was he, (Mr. W.,) and he alone, who had personally interfered to prevent collision between his friend and the accused, and this the witnesses had proved satisfactorily. He then reiterated that he did utter on that floor, at the time he made his statement to the House, those very words, and in that connexion—"let me not be misunderstood, let me not be misrepresented"—as he was apprehensive, from what he had before said, that he was likely to be wholly and villanously misrepresented.

Mr. DAWSON objected to this interrogatory; and he did so because, as he understood it, there was an effort making on the part of the defence to attack what might be considered as the testimony before the House of an honorable gentleman from Virginia, [Mr. WISE,] and an honorable gentleman from Tennessee, [Mr. PEYTON.] If these two gentlemen were not upon their trial, then they were competent witnesses, and had the best right to declare on that floor what statements had and what had not been made by them; but if they were arraigned, then their declarations were not good evidence before the House. This course of proceeding was entirely new, and went to reverse the testimony of every man who might be considered as giving evidence; and this testimony which was now brought before the House, if it was not intended to put these two gentlemen before alluded to upon their trial, was useless, as those gentlemen certainly were the best witnesses as to what they had said on the subject. If the House considered these gentlemen in the light of witnesses, let them testify themselves, and receive that testimony. But if this kind of testimony was to be admitted before the House which the learned counsel had there introduced, whenever any honorable gentleman of the House should give evidence as to what he had said on a particular occasion, which was not in accordance with the opinions of others, this kind of testimony might be brought in to disprove his whole statement. The statement made by those gentlemen he contended ought to be taken from their printed remarks, as written out by themselves. He would ask of the Speaker, and, through him, of the House of Representatives, whether they would suffer printed statements procured in this way to be held up to contradict the statements of honorable gentlemen of that House. Whether they would hold up a stenographic report as true, and the statements of honorable gentlemen as false. As he had said on a preceding day, they were diverging widely from the point at issue, and he now arose for the purpose of begging of honorable gentlemen not to permit this course of proceeding to be continued. So long as he could, he would protest against this course of oppression and injustice, in putting gentlemen before that House upon their trial in this indirect manner. If it was the intention to put these two gentlemen upon trial, let it be boldly announced, so that they might prepare for their defence, but not render them incompetent witnesses at the same time that you deny that they are upon trial. Every gentleman who had common sense must see that, instead of prosecuting an examination for a contempt of the House, they were prosecuting an inquiry into the conduct of two honorable members of that House; and here was a reporter for one of the city papers brought up to disprove the statements of honorable gentlemen on that floor! Mr. D. knew this gentleman, and would as soon believe him as any gentleman on that floor; and, from the reports in the Globe, and his acquaintance with the witness, who was then on the stand, he hesitated not to say that he was as competent a reporter as any other in that House; but, at the same time, he did not think even that gentleman would say that he could take down every word and sentiment of the members of that House as they uttered them.

[Mr. WISE here put into the hands of the gentleman from Georgia a copy of the Globe, pointing out to him the very qualification he had spoken of, and which in the Globe report follows in the order of time in which it was spoken. In the speech of Mr. W., as written out by that gentleman himself, it is made immediately to follow his declaration of his intentions with regard to the accused.

It was sent to the Clerk's table, and read, as follows: "Mr. W. had told even his secret intentions; that is, they were his own private intentions at the time, and he had neither concealed nor omitted a single thought. But let him not be misunderstood as to that intention. He should only have interposed to protect his friend from imminent danger. His (Mr. W's) actual interposition spoke for itself. It was peaceful. It was to prevent any further disorder."]

Mr. DAWSON continued. Then there was the confirmation of the statement made by the gentleman from Virginia, and he would take this occasion to say that he would as soon depend upon a report of this gentleman (Mr. Moore) as upon any other in the United States; but he did not consider that it was proper to propound a question of this kind to him. Honorable gentlemen, members of that House, had made the assertion that statements published by them were as they had made them in the House; and would the House permit a question of this kind to be propounded, with the hope of proving those statements false? Did this question correspond with the feelings of honorable Representatives on that floor? He appealed to honorable members of that House to say whether they would go beyond every thing that was just and proper in the persecution of individuals who had no means of defending themselves. He asked of the House of Representatives whether they would permit questions of this kind to be introduced, to impugn the conduct of members of the body; and when they should desire to introduce testimony in their defence, would you deny them the opportunity? Every gentleman who understood this subject at all must know that it was not an investigation as to a contempt committed by Reuben M. Whitney, but as to the conduct of the honorable gentleman from Tennessee, [Mr. PEYTON,] and the honorable gentleman from Virginia, [Mr. WISE.] Every gentleman must admit this, and none could deny it.

Mr. Jones, counsel for the accused, rejoined, and argued that they had the right, and that it was entirely proper that the interrogatory should be propounded to the witness. He was understood to say, in substance, that he could not, for the life of him, see the logic of the argument of the gentleman from Virginia, nor how a speech written out by himself, after its delivery, could prove the truth or falsehood respecting the speech actually delivered. Reporters, not being omniscient, could not report what the honorable member meant to have said, but what he did say.

Mr. DAWSON then withdrew his objection; and

The witness returned the following answer:

Answer. I cannot answer this question without time being given me to read the statements alluded to in the interrogatory, for the reason that I have never seen the report of Mr. Wise's remarks, as printed, until this morning, and have not yet seen the printed remarks of Mr. Peyton at all.

[This interrogatory was returned to the witness, who, by consent, was allowed time to read the speeches referred to, and return his answer. Pending this, the following proceedings took place:]

Mr. WISE then asked the general consent of the House to call the reporter for the Intelligencer, from whose notes, aided by his own recollection, Mr. W. had written out his speech for that paper; which was agreed to.

Testimony of John Whitehead, Reporter.

Question by Mr. WISE. Will you please state whether you did not furnish Mr. Wise with your notes, as a reporter of the Intelligencer, of his remarks in the House, narrating and explaining the occurrences in the committee of which Mr. Garland is chairman, in the matter of difficulty between Mr. Peyton and R. M. Whitney; and whether you can now vouch for the general correctness of the report of these remarks in the Intelligencer, particularly the report of the paragragh or sentence commencing "Let me not be misunderstood," &c.

Answer. Yes; I did supply Mr. Wise with the report of the statement which he made to the House, narrating the occurrences in the committee of which Mr. Garland is chairman. I can and do vouch for the general correctness of the report as contained in the Intelligencer, and particularly the report of the paragraph commencing "Let me not," &c. I distinctly recollect the sentence being uttered, viz: "If he had drawn a weapon, it should not have done its execution."

Question by Mr. WISE. Did you not distinctly understand Mr. Wise to say, on the occasion of making the remarks referred to, that he would have interfered in a forcible way only to protect his friend, Mr. Peyton?

Answer. I understood Mr. Wise, in his statement, distinctly to say and to imply, that he would only have made use of violence in the event of his seeing a weapon drawn by the other party.

The witness was then discharged.

Mr. WISE then said, if gentlemen and the House would permit him, he could name, out of those members who sat around him at the time he made the statement, several gentlemen who would confirm the statement published in the Intelligencer. He would call upon the honorable Mr. Cambreleng, the honorable Mr. Calhoon, of Kentucky, and the honorable Mr. Chetwood, to say whether the statement in that paper was or was not correct, especially that part of it, "Let me not be misunderstood," &c.

Mr. Jones, counsel for the accused, said he certainly could have no objection to this. Those gentlemen might make their statements in their places as to the accuracy or inaccuracy of that report.

Mr. CAMBRELENG then said that he was in the House at the time the gentleman from Virginia had made his statement, and his recollection of that statement was similar to the statement the gentleman had made a short time since. Mr. C. had not read the printed statement in the Intelligencer; but the remarks of the gentleman on the occasion alluded to were substantially the same as those made by him to-day.

Mr. CALHOON, of Kentucky, then said that his recollection of the statement was precisely similar to that of the gentleman from New York, [Mr. CAMBRELENG.] He remembered to have heard the observations alluded to by the gentleman from Virginia, and thought he could not be mistaken.

Mr. WISE said he could call upon twenty members of the House, of different parties, to testify to this same fact, but he hoped the House and the country would now be satisfied that this statement was correct.

Mr. Jones, the counsel for the accused, then informed the House that they had got through with all the oral testimony which they proposed introducing at that time, and said he held in his hand certain documentary evidence which they intended to introduce. The evidence alluded to, he said, were extracts from the accredited speeches of the gentleman from Virginia, [Mr. WISE,] and the gentleman from Tennessee, [Mr. PEYTON;] which extracts went to show the *quo animo* of the other proceedings of those gentlemen against the accused. He considered this proposition as necessary to show the state of feeling which existed in the breasts of those gentlemen towards the accused; but in so doing it was not their intention to mutilate these speeches, and take small portions of them, but to lay them before the House *in extenso*. To save time, however, they only proposed the reading of such portions of them as bore upon the point at issue, yet the whole speeches were before the House, so that any gentleman might examine them for himself.

Mr. BELL thought this a remarkable course in the learned counsel. It was very inconvenient to encumber the journal by this kind of evidence; but if gentlemen insisted upon it, he must insist that the whole speeches be inserted on the journal. He could not consent that gentlemen should select particular passages from speeches delivered on that floor, and have them inserted on the journal as evidence, without giving the whole.

Mr. Jones, the counsel for the accused, said that the speeches were very lengthy, and upon other subjects, wholly irrelevant to the matter at issue; therefore, he did not deem it necessary to encumber the journal with those parts which had no connexion with the case of the accused.

Mr. BELL would not object, if there was an opportunity to lay the whole of these speeches on the journal, but he could not see that it would be proper to select particular extracts, and insert them separately.

Mr. PICKENS said he must object to this course of proceeding.

Mr. Jones then sent to the Clerk's table, to be read, a proposition asking to have inserted on the Journal various extracts of speeches delivered by Messrs. Peyton and Wise.

Mr. CAMBRELENG rose and said he meant to object to these extracts going upon the journal.

The CHAIR (which was temporarily filled by Mr. BRIGGS) said that the counsel at that time only asked for the reading of the motion which he had submitted.

Mr. PEYTON hoped gentlemen would not object to this testimony.

The Clerk then read the proposition, as follows:

"The accused now offers in evidence Mr. Wise's speech in this House, on the 14th April, 1836, and Mr. Peyton's on the 19th April, 1836, 1st July, 1836, and 9th January, 1837, and points to certain passages therein, referring to the accused by name, as containing evidence which he deems material to his defence, in showing the vindictive feelings of both gentlemen to the accused, and the *quo animo* with which he has been summoned, at the instance of Mr. Wise, before the select committee whereof he is chairman. The accused selects from said speeches the following passages, as having the tendency above indicated, but lays the whole of the speeches as evidence before the House, so that the House, or any member, may refer to, and read at pleasure, as a part of the evidence, the whole or any other parts of said speeches not comprised in the extracts relied on by the accused.

Extract from Mr. Wise's speech on the 14th of April, 1836, in the pamphlet form, viz:

"And who is Reuben M. Whitney, that he should be the favored man of all men, in fattening upon the spoils of the public purse, and that he should be protected by gentlemen from the scrutiny of investigation, as if in the sanctuary? Who is he who is suffered to insult a Representative by his villanous cards, in the official

organ, for daring to offer a resolution of investigation? An infamous wretch, who took the oath of allegiance to Great Britain, in Canada, during the last war, and who has since taken a false oath against his neighbor."

"This 'blasted monument' is Reuben M. Whitney! How came he in charge of the forty millions of the treasure of this land? Did not Mr. Secretary know him? Sir, I believe it can be proved that the former Secretary of the Treasury (Mr. Taney) refused, or promised to refuse, to recognise this perjured villain and traitor, as an agent of the banks, on account of his character. How comes he now in pay and employment? Who employs him? Sir, Reuben M. Whitney is nothing, but his connexion with the public Treasury is something. It is almost enough in itself to give assurance of corruption and wrong, when such a person is the selected and approved agent of the Treasury!"

Extract from Mr. Peyton's speech of the 19th April, 1836, in pamphlet form.

"Sir, why fear this investigation? Why should Whitney be screened? A cloud rests upon his name, the guilt of perjury has been fastened upon him; and yet, without any known check, without any legal responsibility, he is employed in an agency implying the very highest possible trust and confidence. He knows that he has a powerful party to rally around him; that those who employ him dare not consent to a disclosure of the object of his employment. But will honorable gentlemen here connive at such practices? Why, sir, through means of this agency, Mr. Van Buren is gathering to himself the most formidable influence that ever existed in the person of one man. The wealth of Crœsus and the military power of Pompey were once brought to bear against the people of Rome in their election of Chief Magistrate. And what was the consequence? Civil war and bloodshed. The magistrates corrupted, or dragged, wounded and bleeding, from the arena! The people hunted down, and slaughtered like wild beasts!"

Extracts of Mr. Peyton's speech of the 1st of July, 1836, published in the Nashville Republican of Aug. 30, 1836.

"Let me call the attention of the gentleman, and I allude to the subject for his special consideration, to the memorable resolution of my friend from Virginia, [Mr. WISE,] to investigate the conduct, the frauds, of your pet, Reuben M. Whitney, a dishonored, disgraced, perjured traitor as he is."

Extract from Mr. Peyton's speech of the 3d of January, 1837, published in the National Intelligencer of the 9th of January, 1837.

"Sir, during the present session of Congress I had occasion to go into the Treasury Department, and, on shoving open the front door, the first thing that met my eye, full in front, was 'R. M. Whitney,' blazing in capitals as large as the sign of a livery stable! Now, sir, if he is a private citizen, what is he doing with a sign? If he has quit business-stealing, why not take down his sign? What is he doing in the Treasury Department? How came he there? You might as well turn a horse into a new ground field, and tell him not to bite the pumpkins, as to turn Reuben M. Whitney into the Treasury, and tell him not to steal the money.

And, lastly, that he is suspected, upon evidence strong enough to send a poor man to the penitentiary, of plundering the Treasury; of being a sort of general, federal rogue, employed by a company to steal by the year for them. This closes the account. And Reuben truly has a claim to greatness—a great traitor, a great liar, and a great rogue."

Mr. PICKENS objected. He said he had been sitting by long enough, looking on this illegal and monstrous course of proceeding. He called upon the House to know whether they were prepared to open up this new field of evidence. He had understood the learned counsel to say that this evidence was proposed to be introduced to show the *quo animo* of these gentlemen towards the accused. Mr. P. said he should like to know what gentlemen meant by the *quo animo* of the speeches of gentlemen on that floor. Was this to be introduced on a question of a contempt or no contempt? If he understood the argument of gentlemen aright, this evidence was attempted to be introduced to prove that a chairman of a select committee, before whom Mr. Whitney had been summoned to appear, had exercised the right of using violent language towards Mr. Whitney, and, in consequence of this, Whitney had refused to appear before the committee. Now, illegal as this testimony was, so far as it related to the gentleman from Virginia, [Mr. WISE,] and every lawyer must know it to be so, yet how much more illegal and fallacious was it to introduce the speeches of the gentleman from Tennessee, [Mr. PEYTON,] who had nothing to do with the subpœna which had been issued, requiring the attendance of this witness before the select committee, and who was not a member of the committee at all. Under what principle of justice or law could you introduce speeches of that gentleman to justify a contempt of that House? The true question was, contempt or no contempt; a contempt for disobeying a summons duly issued and served upon him, and which, when brought to the bar of the House, the accused admitted he had disobeyed. The question, then, for the House to settle was the question of contempt or no contempt. This was not an examination of the accused, but an examination to ascertain whether the course of the gentleman from Virginia [Mr. WISE] and the gentleman from Tennessee [Mr. PEYTON] had been justifiable or not; whether the pretext and cause set up in the defence for not obeying the mandate of the committee was a good one or not. Was there any lawyer on that floor who would pretend to say that this was evidence in a case of contempt? But instead of confining the testimony to the gentleman from Virginia, who was chairman of the committee before which the accused had refused to appear, they now had the monstrous proposition before them, of bringing in as evidence the speeches of the gentleman from Tennessee, [Mr. PEYTON,] who has had nothing to do with that committee. Whitney had not urged that as a pretext for refusing to appear before the committee; and he asked gentlemen if they were to go into this monstrous field of testimony. If so, they might go back to the United States Bank investigating committee, whose reports had designated the accused as a perjured man. Mr. P., for one, protested against this proceeding. He could not longer sit silent under the monstrous course this trial had assumed, when the broad proposition was submitted to the American Congress, of going into an examination, perhaps for years back, of the speeches, not only of the gentleman from Virginia, [Mr. WISE,] but also of the gentleman from Tennessee, [Mr. PEYTON.] Now, he asked if this was legal, or if it was according to any rule which governed courts of law in such cases. He must say that this proceeding began to partake somewhat of a political aspect; and if it was intended to have those speeches laid before the country for political effect, it was a fraud upon the established usage of the House under the constitution, and a prostration of the dignity and respect of the body; and he, for one, protested against this most outrageous proceeding, and demanded the yeas and nays on ordering the testimony to be inserted on the journal.

Mr. PEYTON appealed to the gentleman from South Carolina [Mr. PICKENS] to withdraw any objection which he might conceive himself bound to make, as a Representative on that floor, to any evidence thought necessary by the counsel of the accused to introduce from the speeches that had been read. Mr. P. did not

object, and he hoped no friend of his there would object to the widest possible latitude that could be taken. Indeed, he was willing that every speech of his, there or elsewhere, should be used by the accused in his defence or in his behalf, to any and every extent that might be possible.

Mr. P. had remarked, when up before, that he could prove every word of the charges made by himself in those speeches. He would qualify it so far as to say, that he believed they could all be substantially proved, and that by witnesses who had been already before the select committee, if the majority had permitted the questions to be propounded. From private conversations with them, he had the strongest belief that many of them could have testified to the facts of the treason and of the perjury of Whitney. Sir, said Mr. P., when I propounded the question which covered the general character of this man, some dear friend of his would object to it, and it was voted down by the majority in every instance. The man shrunk from an investigation of this kind before the House and the country, though he had himself challenged it through the columns of the official organ. Sir, I wished to introduce proof of his character; and if I did not establish that he is as infamous and as base a traitor and perjurer as I have ever charged him to be, why, then, I am willing he shall have all the benefit of my failure.

Mr. GHOLSON said he would call any gentleman to order who made remarks out of order, and he insisted that this discussion was so.

Mr. PICKENS said, as an individual, he would, with great pleasure, yield to the request of the gentleman from Tennessee, but, as a Representative, he felt compelled to decline; believing, as he did, the whole proceeding to be not only irregular but disgraceful.

Mr. WISE raised the point of order, and called for the decision of the Chair upon it, whether the resolution regulating the mode of proceeding in the examination of witnesses, and raising objections to them, embraced documentary as well as oral testimony. If it did not, and he could not himself tell, for he had not read it, then this motion to object was clearly out of order.

Mr. BRIGGS informed the gentleman that the order he had referred to applied to both.

The CHAIR so ruled, and desired the Clerk to read the order; which having been done,

Mr. WISE said, I am satisfied, sir.

Mr. Key would simply reply, to what he considered the very extraordinary objections urged against this resolution, that if his learned friend (Mr. Walter Jones) and himself were unlearned in matters of parliamentary law, and as to what sort of evidence was the law of that House, they should hope to be excused. It was certainly very excusable for them to be ignorant of that of which all the world was ignorant except the honorable members of the body itself. Mr. K. and his friend had had but little experience in parliament; but, as the argument he could offer in support of this application was the authority of the House itself, he should rely upon that authority, as well also as upon the reason and justice of the application itself; and he trusted he should be able to show that there was no sort of validity in the objections, the very warm objections, that had been raised against it.

Why, sir, said Mr. K, has there not been evidence in this case produced against the accused? His card, for instance, which is said to have justified the wrath on the part of certain honorable members of the House against him? Has not that card been read before the House? Has it not been read for the purpose of showing a vindication of the insult he had met with? Has it not been read for the purpose of justifying and excusing the conduct made use of towards him? And is this House going to stop there? Is this House going to stop at that card? Sir, is it not plain, simple, manifest justice, to allow the accused person, against whom that card is brought, to produce the publications which gave rise to it, and to put in the declarations made use of against him, which very declarations had demanded from him a public disavowal, in the terms and language of that card? Will it be said, sir, that this House proceeds to allow evidence which is to show the accused is without excuse, and yet not suffer him to produce evidence of the malicious, malignant, and violent circumstances and persecutions which drew from him that card? Why, sir, it does seem to me too plain a proposition to question, and I am only surprised that the learned and honorable member who has objected to the introduction of those speeches should have forgotten that that card, or rather the introduction of that card, is the evidence upon which we predicate, as regards one of the gentlemen, [Mr. PEYTON,] the right to use his speeches before this House.

The honorable gentleman who makes the objection seems to admit that there may be some grounds for offering the speeches of the gentleman from Virginia, [Mr. WISE,] but denies that there are grounds justifying us in offering the speeches of the gentleman from Tennessee. If, however, the honorable member had remembered the card, he would have seen, by the way in which it had been introduced, and the circumstances which grew out of it, that we have the right to bring evidence justifying its publication.

As to the gentleman from Virginia, Mr. Speaker, can any thing in the world be plainer than that we have the right to show the state of feeling, the state of hostility, subsisting in his breast towards the accused, before the publication of that card. The gentleman is chairman of the committee before whom this accused man is called to give testimony; nay, more, sir: it is at the gentleman's own motion the accused is summoned; and shall we not produce his speeches, to show his state of feeling towards the individual whom he has thus called before him? Sir, shall we not show that he has denounced the accused as a perjured wretch? And is a "perjured wretch" to be called before a committee to give testimony which might charge any body else? Or, even if it be to charge himself, is it to be pretended that any gentleman can justify the calling the accused before a committee, to have interrogatories propounded for the express purpose of criminating himself?

But, sir, I need not argue upon the propriety and justice of the course we have been bound to take in regard to the accused on this occasion. In the case of Houston, he was allowed to offer, in excuse for his conduct in having actually assaulted a member out of the House, a publication of that member. It was discussed and decided that he had the right to offer the speeches of Mr. Stanberry in evidence; and, further, there was allowed to the accuser on that occasion an opportunity of proving the truth of the assertions; and so I say here, sir, let the learned and honorable gentlemen, who have made these charges against the prisoner, come forward and make them good, if they can. If they have got evidence by which they can sustain their allegations, let it come out. We, sir, will not shrink from it. We have courted inquiry, here and every where. The accused has been charged with gross and great offences; but what opportunity has he had to justify himself? None, sir. We hear it avowed by the gentleman from Tennessee that he believes those charges to be true. I do not doubt it, Mr. Speaker; I can only lament that such communications have been furnished to him as to have induced him to believe such accusations, without trial, without investigation, without the prisoner having had an opportunity any where to exhibit proof of his innocence. How is he to get a trial? Can he come forward

to disprove these accusations? The gentleman says he believes them; but upon what information? The hearsay information of witnesses called before the select committee, with whom he has had conversations! The question was asked before that committee as to the character of Mr. Whitney, though he was not present; and because gentlemen objected to the materiality or relevancy of the question to the object for which the committee was raised, hence the honorable member from Tennessee takes all this hearsay information as establishing, or going to establish, the truth of his accusations. Sir, I say here, that, acting upon the authority of Houston's case, we have an undoubted right to go behind that card, and adduce what brought it out. The admitted declarations of those gentlemen the House ought to receive. If there was no proof in the hands of those gentlemen to show that they believed the accused guilty, let it appear; at least, let him have a trial, and a fair opportunity of defence; and I here pledge myself he will never shrink from it.

Mr. PICKENS understood the learned counsel to make a distinct proposition, viz: that the gentleman from Tennessee should be allowed to prove his allegations. With that understanding, Mr. P. would withdraw his objection.

Mr. PEYTON. I am quite ready to go into it, sir.

Mr. CAMBRELENG. I will renew the objection if it be withdrawn.

Mr. KEY. Mr. Speaker, we wish it to be distinctly understood that we are ready now, or at any time, to go into it. We shall not shrink from any investigation that can be made, here or elsewhere.

In reference to the question before the House, he repeated that it was settled in the case of Houston, and stood upon the broad and immutable principle of manifest justice.

Mr. PICKENS. With the understanding before referred to, I withdraw my objection.

Mr. CAMBRELENG. I renew it, Mr. Speaker, and I will briefly state my reasons. Mr. C. was proceeding to do so, when

Mr. CLAIBORNE, of Mississippi, called the gentleman to order, on the ground that the House could not entertain reasons a second time on the same question.

Mr. MERCER. If the decision of the Chair is that the gentleman from New York has no right to speak, then I appeal from that decision.

The SPEAKER. The Chair has not uttered one word.

Mr. McKAY. Has the gentleman from South Carolina unconditionally withdrawn his objection?

Mr. PICKENS. I do withdraw it unconditionally.

Mr. CAMBRELENG. I renew it, and will proceed to give--

Mr. CLAIBORNE. I call the gentleman to order, Mr. Speaker, and insist upon the decision of the Chair whether, under the resolution prescribing the mode of proceeding, more than two speeches can be made to one question.

The CHAIR remarked that there was no difficulty upon the question of order whatever. If one member made an objection, and was heard upon it, by withdrawing the objection he certainly could not inhibit any other member from making an objection; and if he could not inhibit another from objecting, neither could he prevent him from stating the ground of his objections. The converse of this would give the member objecting the power of speaking himself, and of precluding every other member of the House from speaking, on any question.

Mr. CAMBRELENG had but a word or two to say. The gentleman from South Carolina [Mr. PICKENS] had, he said, expressed some of the strongest objections to this proposition, but Mr. C's principal objection was his. They had but a few days remaining of the session; and if this business was not finished that night, he feared the appropriation bills would be lost. He really thought every member was tired with this case, and had no desire to go further into it; nor did he think the House was about to take its business out of its own hands, and send it to the committees below stairs.

Mr. PICKENS then withdrew his call for the yeas and nays, and the proposition to introduce this testimony was lost, without a division.

Mr. GHOLSON, from the committee appointed to conduct the examination, then arose and announced that the counsel for the accused had closed, so far, their oral testimony, but desired, through him, to submit a proposition to the House. They had furnished him with a list or memorandum of certain portions of the journal of the select committee of which the Hon. Mr. GARLAND, of Virginia, was chairman, with a request that a clerk be directed to transcribe them for the use of counsel and the members. The reason of the request was this: the journal was then in the hands of the printer, and could not, without very great inconvenience, be spared from the printing office; because, if it was, it could not be printed in time for the report. He therefore moved that a clerk be appointed to make such extracts, for the purpose above mentioned.

Mr. PEYTON rose to inquire of the honorable chairman of the committee, [Mr. GHOLSON,] and the learned counsel of the accused, whether they would be unwilling that the same clerk should likewise furnish copies or extracts from the journal, showing all the questions propounded to, and the answers returned thereto by, witnesses upon the same points upon which questions had been propounded in the House. The learned counsel would understand Mr. P's meaning. It was this. Some few of the witnesses had responded to the inquiry, as to whether the accused was known to them, and that favorably or unfavorably, for capacity as well as integrity. These Mr. P. would want. He also wished extracted, from the same journal, copies of all the questions on this subject that were propounded, whether responded to or not, either before the committee or elsewhere. He could not think the counsel would object to it.

Mr. GHOLSON explained the extent the committee proposed the call should go, and the gentleman could see if it would satisfy him.

They proposed, then, to have extracts made of all the answers to the 29th interrogatory, which was in the following words:

"At the time he [i. e. the accused] was so designated, were you acquainted with him personally; and was he favorably known to you, either for capacity or integrity?"

Mr. G. supposed that would satisfy the gentleman from Tennessee.

Mr. PEYTON. If I understand the gentleman correctly, I accede to his proposition; which is, that we have extracts made of all questions and of all answers upon that subject, either before the committee or elsewhere.

Mr. GHOLSON. All that took place in and before the committee, that appears on the journal.

Mr. PEYTON. To be sure, as well the questions propounded as the answers upon that subject. I want all that appears upon the journals upon that subject.

Mr. GHOLSON. That is my understanding of what the counsel proposes; every thing connected with the 29th interrogatory.

Mr. PEYTON. But that interrogatory does not get out one half, one tenth, one fiftieth, of what is on the journal.

Mr. THOMAS. I will remind the gentleman from Tennessee that yesterday, on motion of counsel, the whole journal of the select committee was made part of

the proceedings of this House; and the entire journal will, therefore, be in possession of the House before, probably, this investigation will close. But, in any event, any member of the House, it being part of the proceedings, can designate that part of the journal he may desire to use in any discussion that may arise, and be furnished with it without any special order.

Mr. PEYTON. If so, then why do counsel call for any particular part of it?

Mr. GHOLSON. I will again explain to the gentleman. The chairman of the select committee [Mr. GARLAND] informs me that it is impossible to get that journal entire, from the fact that it will not be out of the hands of the printer before next Thursday, and surely we will get clear of Mr. Whitney before that time.

Mr. BELL. It seems to me proper to bring the entire journal.

Mr. WISE. That journal, or any portion of that journal, brought here to prove the general character of the accused for truth and veracity, or for common integrity, will be insufficient. I wish to know if gentlemen will prove, by witnesses who were introduced before that committee, the specific facts touching the integrity of this man. I will name one instance. There was introduced before that committee a gentleman of this city, of the highest respectability, to testify to the fact that this man, who is now called "the accused," was a fraudulent and dishonest man as a debtor.

Mr. BRIGGS. I call the gentleman to order, Mr. Speaker. I do conceive this is not the time for making charges.

Mr. WISE. I am making a question of the introduction of testimony, not a charge; and I think the gentleman will understand me when he hears me through. Well, questions were propounded to that witness, and also the particular question as to the specific fact, but the committee objected; and whether he could have proved it or not, was to be tested. It can be done now as well as then. If these extracts are taken to bring in that witness before this House, and simply testify here what that committee would not inquire into—if that be the object, why, then, I hope, sir, the fullest latitude will be given..

Mr. PEYTON. I think, sir, I have not been sufficiently understood. They wish the positive evidence; I wish the negative evidence. I will illustrate my idea, so that, if possible, I cannot be misunderstood. One of the witnesses who testified favorably of the accused, and whose answer they have required to be produced by the clerk, stated that the accused was known to him individually favorably, both for integrity and capacity. But to this question, and which appears on the journal, "Were you acquainted with the general character of the accused when he resided in the city of Philadelphia, and, if so, what was his character for honesty and veracity? Would you believe him upon his oath, in a court of justice, from his general character?" That question, Mr. Speaker, was not only not answered, but was voted down by the committee, a majority of whom supposed it was not proper to be put.

Another question was this: "Was it not universally understood in Philadelphia that, during the late war, he (Whitney) was a British commissary, and engaged in smuggling gold and driving cattle from the United States, to pay and feed the British soldiers?" That question, sir, stands on the journal, and they skulked from that, also.

Another question was, "Did he not maintain there the character of a common blackleg, as the keeper of a faro bank in that city?"

Another was, "Is not the accused a notorious bankrupt at this time?"

Mr. GHOLSON. Mr. Speaker, I call the gentleman to order. What is his object, sir?

Mr. GLASCOCK. I shall object to the proposition made by the gentleman from Tennessee. These are matters with which this House has nothing to do.

Mr. PEYTON. I will state my object in a few words, with this further remark. What I want from the journal is the evidence I have already stated, and the entry of the additional fact which I offered to prove by a witness, and which evidence was suppressed by the friends of the accused, viz: that he is a bankrupt to a large amount, and that he has been guilty of every dishonest practice to defraud his creditors, living at this time within the bounds in this city, in a style of princely splendor and extravagance, and that he has actually told his creditors that if they would not come to his terms he would swear—

Mr. VANDERPOEL. Mr. Speaker, I am compelled to call the gentleman to order. Here are charges of the most grave character, brought against a man now at your bar, who has not, cannot have, the opportunity of reply. I put it to the gentleman himself whether it is fair.

Mr. Key. Mr. Speaker, the counsel for the accused wish to submit a proposition to the House, which I hold in my hand.

The CHAIR said he entertained at the commencement of this matter—

Mr. PEYTON. I want the whole of the testimony!

The CHAIR. Order! The Chair said he had supposed that, by general consent, some agreement would have been come to between the committee on the part of the House, the counsel for the accused, and the members generally. Entertaining this view, the Chair had suffered the debate thus far to progress, but the whole of it was irregular on both sides. If the counsel for the accused had not finished their testimony, but had any further testimony to offer, they would proceed to do so; or if they had any request to make, they would submit their motion in writing, and then it would be regularly ascertained whether any member of the House objected to it.

Mr. McKAY. I object, sir.

Mr. GLASCOCK. I have objected.

Mr. THOMAS. I hope gentlemen will not object till they hear it!

The CHAIR stated that the examination was in the hands of the accused and his counsel, and the Chair had only entertained suggestions under the idea that some agreement would have been arrived at. Finding, however, that difficulties had arisen, he must now intimate to the counsel that they would proceed regularly till they had closed their testimony. Any request they wished to make, out of this course, must be reduced to writing.

Mr. MERCER. I wish to submit a question of order to the Speaker. A question similar to that which I am about to propound was suggested to the Chair a short time ago, the answer to which was not satisfactory to me. If the Chair will examine the language of the order of the House, in reference to the mode of proceeding in this case, and under which we are now acting, he will perceive that authority given to the respondent, by that order, is to "examine witnesses." The word "testimony" is subsequently introduced into the order. I consider, therefore, sir, the whole of the last part of our proceedings entirely irregular, inasmuch as it is a departure from that order. We have not been examining witnesses for some time; and if there be no other witness to examine, I have a resolution in my hand which I wish to submit.

Mr. GLASCOCK. Mr. Speaker, I make this point of order: that, according to the rule the House has adopted, and under which the proceedings in this case are conducted, no proposition whatever can be recognised,

other than that growing out of questions to be propounded to witnesses, and such proceedings as may grow out of them.

Mr. THOMAS asked leave to read his proposition, with a view, he said, that the House might judge of its propriety.

There being no objection, the proposition was accordingly read, in substance, as follows: Ordering that the Clerk of the House cause extracts to be made from the journal of the select committee of certain portions thereof therein indicated.

The CHAIR said there was a witness (Mr. Moore) then on the stand, who had had time to prepare his answer, and the Chair was informed that he had been ready for some time to give it in.

The answer of Mr. Moore, for which time had been given him, was then handed in, as follows:

Answer. I have read the remarks of Mr. Peyton and Mr. Wise, as printed in the Globe, and it is my opinion that, in their general tenor, the remarks of both these gentlemen, as there given, correspond essentially with my recollection of them as delivered on the floor of the House.

Cross-examination of Mr. Moore.

Question by Mr. WISE. Do you not distinctly recollect that Mr. Wise did utter the remarks commencing with the words "Let me not be misunderstood," &c.? And what did you understand him in substance to say, and to mean, in explaining his act and intention in interposing between Mr. Peyton and Mr. Whitney?

Mr. Jones, counsel for the accused, objected to this interrrogatory, and he did so because the interrogatory called upon the witness to give his understanding of the words used by the honorable gentleman, whereas, as a reporter, he should only give his language, and let every one draw their own inference from it.

Wr. WISE believed, if the learned counsel had looked more particularly into the interrogatory, he would have found that it did not call upon the witness for his construction of the language used on the occasion, but only asked him for his recollection of the words. In the first place, it asks him whether he recollects distinctly the words; and in the second place it asks him for his understanding, that is, his memory and recollection of the words which he (Mr. W.) had uttered, and the meaning which those words imported to him at the time.

He would be glad if the learned counsel would instruct him how to ask the witness this question, as he was inexperienced. What he desired to ask was, how the witness had understood him on that occasion. He wished to ask him for the words, and the meaning of those words, as he comprehended them, and what sensations they had created in his breast at the time. His object was not to accuse the accused, but to defend himself. He knew, from the course pursued by the learned counsel in this examination, that an effort was making to convict him of having made use of the expressions and entertained the feelings of an assassin. That it might be made to appear to the world he had made declarations of his sentiments and feelings, on that floor, which held out the idea that he was a character wholly unsafe for this gentleman to appear before as chairman of the committee. Mr. W. should not vote to make this witness appear before the committee, nor would he vote at all in this case; but, as far as he could, he meant to demonstrate, before the investigation was got through with, that this was not an individual matter; and if the House carried on this investigation as it should, and called upon the accused to purge himself of this contempt, he did not expect the accused himself would say, before God and the country, that he was afraid to appear before the investigating committee of which he (Mr. W.) was chairman, on account of any thing he had said on that floor.

Mr. W. hoped the learned counsel would withdraw his objections to this interrogatory, as he believed questions of a similar character had been propounded to witnesses without objection. This question did not go to prove the guilt of the accused, but it went to prove the innocence of Mr. W. himself.

The question was then put, and it was decided, without a division, that the interrogatory should be propounded to the witness.

Mr. Moore then returned the following answer:

Answer. I have a distinct recollection that the words referred to in this question were uttered by Mr. Wise, certainly in substance. The meaning which I attached to them at that time was, that Mr. Wise would only have interposed by violence to protect the life of his friend, Mr. Peyton, in case he, Mr. Wise, had seen a movement, or the indication of a movement, towards violence on the part of the accused. In that event alone, did I understand that Mr. Wise would have interfered otherwise than by conciliatory means.

Question by Mr. WISE. Was the proof sheet of the report in the Globe, within your knowledge or information, submitted to Mr. Wise for correction?

Answer. The proof sheet was not submitted to Mr. Wise, either for revision or correction.

The witness was then discharged from the stand.

The question then recurred on the proposition just read and submitted to the House by Mr. THOMAS; and it being again read from the Clerk's table, objection was made to it; when

Mr. GHOLSON moved a suspension of the rule; and the question being taken by tellers, the vote was: Ayes 67, noes 52—no quorum.

Mr. GHOLSON moved a call of the House: lost, without a division; as was also the motion to suspend the rule, (it having been ascertained, before putting the question, that a quorum was within the hall.)

Mr. Key. Mr. Speaker, I wish to say a very few words in explanation.

Mr. ALFORD. I object to those few words, sir.

Mr. BRIGGS. I rise, Mr. Speaker, to a question of order.

Mr. MERCER. I call the gentleman to order.

Mr. BRIGGS. Sir, I rise myself to a question of order. I understand that the counsel for the accused have progressed in their case until they have come so far, where there is certain written testimony upon the journals of the committee, which they cannot reach without an order of the House; and the counsel move the Speaker that the House will accordingly order that testimony, which is on the journals, to be produced before it. Now, if I am right in stating the request, I ask if the Speaker decides that this is in order, or not in order.

The CHAIR. In that form, the Chair will be compelled to say it is in order; but, nevertheless, it would still be in the power of a majority of the House to refuse it.

Mr. BRIGGS. Certainly, sir. I now ask the counsel if that be not the state of the question.

Mr. Key, (one of the counsel.) Certainly, sir.

The CHAIR. This proceeding is assimilated to a proceeding in a court of justice. The accused is at the bar, and entitled to counsel by order of the House. He has had the special privilege given to him to examine his witnesses at a particular time; he is entitled to counsel to conduct his defence, and, of course, he has the right to submit a request to the court or to the House.

Mr. GLASCOCK. Now, Mr. Speaker, I ask how far this House, without the consent of that committee, [viz: the select committee of which Mr. GARLAND, of Virginia, was chairman,] have the right to control one particle of the testimony taken before that committee, until they

report to this House. Sir, I deny that any of the proceedings in that committee can be considered as testimony before this House, in their present inchoate state, or that they can be reached by any process of the House, or in any other way, except through the committee itself.

The CHAIR. That was the point to which the Chair endeavored to arrive before this difficulty arose, viz: to have a distinct proposition, in writing, before the House.

Mr. MERCER. Mr. Speaker, if I had no other rights by staying here than my own, I would withdraw my resolution, and withdraw myself too, for I should have no business here any longer; but I am here as the representative of my constituents, and I ask that my resolution be read.

This was acceded to, and the resolution was read from the Clerk's table, as follows:

Be it resolved, That all further testimony in the case of Reuben M. Whitney be suspended, and that the committee of five members be instructed to prepare suitable interrogatories to be submitted to said Whitney, in order to enable him to purge himself of the contempt imputed to him.

The CHAIR stated to the gentleman from Virginia that his resolution would be in order, but that there was a pending motion before the House, at the instance of counsel, [viz: the one intimated by Mr. Key;] and whilst that motion was pending, another could not be received until it was disposed of. If the House negative or affirm that proposition, then the gentleman might submit his.

Mr. MERCER. That motion is withdrawn, sir.

The CHAIR inquired if the counsel had withdrawn their proposition?

Mr. Key. Not at all, sir.

The CHAIR so understood. He then inquired if the counsel had suspended their proposition, to enable the gentleman from Maryland [Mr. Thomas] to present his.

Mr. Key. The resolution presented by the gentleman from Maryland is our proposition, sir.

Mr. MERCER. That cannot be, sir. One proposition cannot be two.

The CHAIR explained that he certainly would not have entertained the motion to suspend the rule to introduce the proposition of the gentleman from Maryland, if he had understood it to be the same motion counsel intended to submit. He understood it to be a different one; and hence the Chair ruled it necessary to suspend the rule, in order to get it in. The counsel now makes his motion in writing. As counsel, he has the right to move the court. The Chair receives the motion; and it is for the House to determine whether they will grant the request or not. Pending that motion, however, none other can be received.

Mr. CALHOON, of Kentucky. I desire to ask the chairman of the committee [viz: of examination,] through the Speaker, whether the questions put by the committee, or which purported to be put by the committee, have been agreed to by the members of that committee or not; or whether they have been put by a member of the committee upon his own responsibility, but as coming from the committee.

Mr. GHOLSON (chairman of the committee) replied by stating that three of the members of the committee agreed to submit the questions, not only as coming from the committee, but with the concurrence of the counsel of the accused. This was done to get round a difficulty that appeared to prevail at the time.

The CHAIR directed the Clerk to read the proposition; which was done. The substance is given above, when it was moved by Mr. Thomas.

Mr. GLASCOCK said he should object to the adoption of that resolution, and would briefly, as he was aware the time of the House was very precious, state his reasons for doing so.

He had already intimated to the House that he did not consider it within the power of that House, or even if it were within its power, they ought not, to arrest the proceedings of that select committee of investigation, or make use of any evidence contained therein, until that committee had made their report, and that report had been finally adopted by the House. He had been given to understand that the report of that committee, as it was intended to be reported to the House, had not been finally agreed upon; and he held that it would be improper for the House to take any action upon the evidence elicited before that committee till the report was brought in and agreed upon by the House. They had constituted a committee for the purpose of examining into certain matters, as connected with the different departments of this Government, or a particular department of it; and, as was usual on such occasions, that committee had doubtless adopted for themselves rules and regulations by which they were to be governed. Now, among them, it was well known that the members of the committee were not even permitted to state what testimony had been given in before it; and that was one reason why he thought it would be premature for the House to adopt this resolution or order, until the committee itself had brought in their report, when the whole would be in the possession of the House, and such extracts could be taken as each member might require.

But, independent of this, let him ask if gentlemen did not foresee what this investigation must inevitably lead to, and what an unnecessary consumption of time would be the consequence, if this resolution be adopted. He had understood that all were disposed to bring this matter to a speedy close; yet there would seem a disposition, on the part of some, to lengthen out this investigation, for the purpose of bringing out all that had transpired before the select committee. Why, by the adoption of this resolution, he contended, they would be reassuming to themselves, and taking out of the hands of that committee, the power they had specially conferred upon it. If the proposed extracts were to be made from their report, (if it could be called a report, though no report had yet been made;) if they could go into the office of the "Globe," and take away those incipient and imperfect proceedings, he would ask whether it would not necessarily be attaching to the proceeding before the House matters wholly irrelevant to the issue, so far as that issue involved the question of contempt. And that was the only question before the House. For his own part, Mr. G. was not prepared to attach to the proceedings in this case testimony wholly unconnected and irrelevant to the present issue. What was the issue before that House and the country? The simple issue, he repeated, was, had or had not a contempt been committed by Mr. Whitney? Now, he would ask the House if every question immediately connected with that issue, so far as related to the gentleman from Virginia, had not been extracted, had not been already drawn out, from the witnesses already examined. Had not every thing which could bear upon the alleged contempt been fully attended to and investigated in their proceedings? What had the conduct of Mr. Whitney, except in relation to the particular question which gave rise to the difficulty, as connected with the investigation before the committee, to do with the present investigation? What possible bearing could such extracts as were now sought to be produced have upon the present issue, being, as they were, wholly unconnected with it? Where the necessity of making these extracts, for the purpose of accompanying the other proceedings before the House? In his opinion, he must say, it would be a reflection upon the

judgment of that House to adopt the resolution, except it could be shown that the questions counsel seek to extract were relevant to the issue then pending. What would they behold? Gentlemen would, at their own discretion, extract such questions and such answers as they, in their judgment, would think proper; of course, the two gentlemen from Virginia and Tennessee [Messrs. WISE and PATTON] would extract such as were calculated to reflect upon and expose the character of the present accused; the learned counsel would extract all such matters as were calculated to respond to the others; and the investigation never would end. Mr. G. asked if such a latitude was ever allowed before any tribunal. For himself, he was disposed to tie down the parties to the proper and legal course of proceeding, and bring them to the direct issue. Adopt this order, and what would be the consequence? Why, as had been told them by the member from Tennessee, certain questions had been answered, some in one way, favorably to the accused; others had been answered directly the reverse, totally and wholly derogatory to his character; and would the House go into this matter? Why, they would be trying Mr. Whitney on an issue not before it, and taking from the hands of the committee the power specially delegated to it, and substituting the House itself, to retry the very issue it had submitted to its committee. This was the only construction that could be given to the proposition under consideration. Let not the House interfere with the proceedings of the investigating committee, but suffer them to make their report, and let the people judge for themselves, when that report went forth to the country. Go into this now, and he hesitated not to say that another week would be consumed in the investigation, and the whole of the public business of the country be left unacted on.

Mr. KEY, of counsel for the accused, exceedingly regretted that they were under the necessity of troubling the House with this matter, but it certainly was not their fault. If the evidence they desired was in the House, they could easily obtain copies from the Clerk; but it was not in possession of the Clerk; it was in the hands of the printers of the House, and it was necessary to have an order, so that a clerk might be employed to make a copy of the extracts desired, which he conceived would take but a very short time. If the extracts could be procured in any other manner than by this order, he had no objection to withdraw it; but if there was no other means of procuring them, he must respectfully urge the adoption of the order.

The motion of the counsel was then agreed to, without a division, and the Clerk was ordered to furnish the extracts.

Mr. PATTON then submitted the following resolution.

Resolved, That it is not expedient further to prosecute the trial of Reuben M. Whitney, for the contempt of the House alleged to have been committed by him, and that he be now discharged.

Mr. PATTON said that he had from the beginning foreseen that the trial would assume the form and character which it had put on; that it would be protracted to a most unreasonable length, by the introduction of a vast mass of irrelevant testimony, and by the raising of an infinite number of questions of evidence; and that the prosecution of the inquiry must lead to heated debate, and probably angry personal collision.

I think (said Mr. P.) it must be sufficiently manifest, if we attempt to go on regularly through this trial, receiving all that kind of testimony and pursuing that mode of investigation which the decisions of the House already have authorized, that there can be no termination of the case until the whole of the residue of the session, now barely sufficient for doing the public business of absolutely indispensable necessity, shall have been consumed. If we go on through the evidence, and are called on to pronounce a judgment on the merits, we must hear debate from the counsel of the accused and from many members of the House, which it would be exceedingly difficult to restrain by the means provided for arresting debate in an ordinary case of legislation. Under these circumstances, I have been meditating for some time to propose something which would put a stop to the case without any decision on the merits. I hope I may be permitted to say, and it may, perhaps, induce gentlemen on both sides to receive more favorably the proposition, that I have studiously and purposely abstained from voting upon any of the numerous questions of evidence which have arisen in the case. I have kept myself aloof from all the excitement which I was sure the case must elicit, in some measure in the hope that, from a position of that sort, a conciliatory motion, calculated to put a stop to a trial so disastrous to the discharge of the public legislation of the country, and to avoid the necessity of any decision on the merits of the case, might be acceptably received. I do verily believe that if one single speech, such as will be made, and perhaps must be made, from the very nature of the case, shall be delivered on this floor, consequences the most deplorable will follow; scenes of violence and personal collision, such as we are not accustomed even here to witness, as well as the valuable time of the House thrown away, so far as necessary legislation is concerned, without the hope of having any calm, dispassionate, or useful determination of the case itself which is under trial. Before we got involved in this case, I made an effort to prevent it by laying the report of the committee on the table. I would now renew that proposition, but the effect of that would be to leave the prisoner in custody. I have, therefore, proposed the resolution now under consideration, for the purpose of effecting the same object: that is, to get rid of this case in the only practicable way, without coming to any decision of the House on the merits or demerits of the accused, or any body else, whose conduct is directly or indirectly implicated in the trial.

Mr. WISE inquired whether, before the counsel for the accused had concluded their examination, it was in order to move such a resolution without first moving to suspend the rules.

The CHAIR said the counsel for the accused had concluded the examination of witnesses, as he understood.

Mr. WISE submitted it to the Chair and the House whether this resolution could be in order when there were witnesses on the stand, as it were. The chairman of the committee on the part of the House had called a witness, his honorable colleague, [Mr. GARLAND,] who was sworn, and had interrogatories propounded to him which he had not yet answered, and the clerk of the committee had not yet been examined. Were these witnesses to be cut off in this way? Was this the spirit of your rule? Was this the justice of the House? And would the Speaker make this decision?

The CHAIR said that while a witness was on the stand, this resolution would not be in order; but that it would be in order when the witness was off the stand. There was certainly no witness on the stand at the time the resolution was submitted; therefore, he could not do otherwise than entertain it. He had informed the gentleman from Virginia [Mr. MERCER] that his motion would be in order so soon as the witness should be removed from the stand. At the stage of the proceeding when the gentleman from Virginia [Mr. PATTON] had made his motion, the counsel for the accused had informed the Chair that they had concluded the examination of their witnesses, and there was no motion before

the House. Then, certainly, the motion was in order. The Chair then read an extract from the order of the House in support of his decision.

Mr. WISE said he felt constrained to ask the reading of the whole of the order.

The Clerk then read the order of the House, as follows:

"*Resolved*, That Reuben M. Whitney be now permitted to examine witnesses before this House in relation to his alleged contempt; and that a committee of five be appointed by the Speaker, to examine such witnesses on the part of the House; that the questions put shall be reduced to writing before proposed to the witnesses, and that the answers be also reduced to writing. Every question put by any other than a member of the committee shall be reduced to writing by such member, and be propounded to the witness by the Speaker, if not objected to. But if any question shall be objected to, or any testimony offered shall be objected to, by any member, the member so objecting, and the accused or his counsel, shall be heard; after which, the question shall be decided without further debate. If parole evidence is offered, the witness shall be sworn by the Speaker, and be examined at the bar, unless they are members of the House, in which case they may be examined in their places."

Mr. WISE would now appeal to the House from the decision of the Chair, to say whether or not this order did not apply to the witnesses to be examined on the part of the committee. This order proposed an examination, not only on the part of the accused, but on the part of the House also.

The CHAIR would call the attention of the House to the construction of the first sentence of this order, which was in the following words: "That Reuben M. Whitney be now permitted to examine witnesses before this House in relation to his alleged contempt; and that a committee of five be appointed by the Speaker, to examine such witnesses."

Mr. WISE inquired if it was possible that the House only intended to examine such witnesses as the accused might introduce. Was it possible that the House would sanction this *ex parte* proceeding? Would the House confirm this decision of the Speaker? He would beg of his friend from Virginia, [Mr. Patton,] whom he knew intended no injustice to him, to withdraw this proposition. The defence set up for the accused was, that he (Mr. W.) was an unsafe person for this individual to appear before. The witnesses of the accused had been heard on this subject, and Mr. W. claimed the privilege of calling witnesses, and having them heard. He called upon the committee, on the part of the House, to have the honorable chairman of the select committee [Mr. Garland] called, who was, by far, the best witness, and let him testify. He witnessed every transaction; and, Mr. W. hesitated not to say, witnessed more than any of the witnesses who had testified, because his position was such that he could see more, and he could tell the facts of that scene better, than any other witness. It was but justice that the chairman of the committee should be heard; and it was but justice that the clerk of the committee should be called upon to testify in relation to the transaction, and tell what he knew about the matter. When this accused, in his defence, became an accuser, and he (Mr. W.) was put upon his defence, he would appeal to every honorable gentleman on that floor to allow him the opportunity of examining witnesses in his defence, and not justify the accused, and pronounce judgment on him (Mr. W.) by his discharge.

What will be the effect of your resolution to discharge this man? Why, it will be passing an indirect judgment on the chairman of a select committee of the House. There was no motion to call this witness before a committee, to testify on oath touching the subject-matter of his alleged contempt, but a positive unqualified motion to discharge him. The effect of it would be saying to him that he was guilty of no contempt, and was perfectly justified in the position he assumed in not appearing before a select committee, after being duly summoned to appear. Would you discharge this accused after examining his own witnesses, without hearing any on the other side? Mr. W. had witnesses he wished to examine, and he trusted he was not to be cut off in this way. He would suggest another thing to the Speaker. This accused, by the order of the House, was to go through with his testimony—not his witnesses, but his testimony. The question in relation to that testimony was the subject before the House. The counsel of the accused had made an application for certain extracts from the journal of the committee; and, whilst that application was pending and undecided, it could not be in order to entertain a resolution for the unconditional discharge of this accused. If the Chair decided in favor of entertaining this resolution, he would act inconsistently with a former decision. When a member of the committee on the part of the House had submitted a motion, the Speaker decided it to be out of order.

The CHAIR said he had so decided, because there then was another question pending before the House, and undisposed of.

Mr. WISE. What question was pending?

The CHAIR. A motion from the counsel.

Mr. WISE had understood that a member of the committee had first submitted that proposition, and asked a suspension of the rule thereon, and the House had refused to suspend the rules. Afterwards, when the Chair understood the motion to come from the counsel, he had entertained it; but until the testimony of the accused was gone through with, the Speaker had refused to entertain any proposition. Now, Mr. W. asked, if the honorable chairman of the select committee [Mr. Garland] was not on the stand, and Mr. W. had interrogatories to propound to him. Mr. W. would call upon the honorable gentleman from Maryland, [Mr. Thomas,] to say whether this was his understanding of the mode of proceeding under this rule. In all cases of contempt which he (Mr. W.) had witnessed, the accused was first called upon to purge himself of the contempt; and if he did not choose to do that, witnesses were called upon to establish the charge; then, after they were examined, witnesses for the defence were heard. Now, however, all proceedings have been reversed, and you commence first with the witnesses for the defence, and, so soon as they are got through with, all testimony is silenced.

The CHAIR explained the grounds of his decision. The question of order was one thing, and the question whether the House would agree to the resolution was quite a different one. There might be very strong reasons for not agreeing to the resolution, but that did not affect the question of order. The Chair then begged leave to call the attention of the House to the proceedings in this case, and the decisions it had become his duty to make. When the accused was first brought to the bar of the House, and before any witness was put upon the stand, the Chair entertained a motion by the gentleman from Massachusetts [Mr. Briggs] as being in order. At a subsequent stage of the proceeding, whilst a witness was on the stand, and an interrogatory propounded to him, and the witness in the act of answering it, the gentleman from Kentucky [Mr. Chambers] moved a proposition, which the Chair decided to be not then in order; for the most obvious reason, that while a witness was on the stand, and a question propounded to him, it was the same as a pending motion; and, by every principle of parliamentary law, where there is a pending motion it is not in order to entertain

another. That evening, in the confusion of the House, he had made a decision without understanding the facts of the case, as they were afterwards explained. The Chair had understood the counsel for the accused to have submitted a motion, and then the gentleman from Maryland [Mr. THOMAS] submitted his motion, which the Chair decided not to be in order, without a suspension of the rule, pending the motion of the counsel. When the gentleman from Virginia, in front of the Chair, [Mr. MERCER,] had attempted to submit a motion, the Chair decided it not then to be in order, because of the pending motion; but the Chair had distinctly informed the gentleman, that whenever the motion before the House was disposed of, his motion would be in order. That question having been disposed of, and there being no motion before the House, the gentleman from Virginia [Mr. PATTON] rose and submitted his motion. As a question of order, then, the Chair could not refuse to receive it. There might be very good reasons why the House should reject the motion; but, as a question of order, the Chair had not a doubt but that it was in order.

Mr. THOMAS said, when the committee on the part of the House held their first meeting, there was some discussion as to the course they were to pursue under the order of the House, and they came to the determination that they were to wait until after the counsel for the accused got through with their testimony. This, however, seemed to his mind an extraordinary proceeding, but it became them to reserve all action until the counsel had got through with their examination. The committee had pursued this course until yesterday, when they summoned the chairman of the select committee, [Mr. GARLAND,] and propounded to him certain interrogatories, which he understood the witness was now ready to answer. Then, to the mind of Mr. T., this witness was on the stand, and, with all due deference to the opinion of the Chair, he considered the witness now under examination. He put it to the House, whether it would be proper to interrupt this investigation at this period. He hoped the investigation might go on, so that those gentlemen whose conduct had been reflected on might have the opportunity of examining witnesses in legal form. If the committee could have foreseen that an effort of this kind would have been made, it would have been their solemn duty to have moved a resolution to permit those gentlemen whose conduct was impugned to examine witnesses. He was bound in candor to say that the committee differed with the Chair as to the construction put upon the order of the House.

Mr. WISE would call upon the gentleman from Maryland [Mr. THOMAS] expressly to state whether the gentleman from Massachusetts [Mr. LINCOLN] did not suggest to the committee that this resolution might be capable of receiving the construction the Speaker had put upon it, and whether it had not been pronounced that it was impossible that such a construction should be put upon it. Mr. W. called upon the gentleman to state whether this was not the case.

Mr. THOMAS had no recollection of such a conversation. It might possibly have taken place, but if it had he had no recollection of it. Mr. T. had taken occasion to examine the proceedings in Houston's case, and he had found that the present resolution did not conform to the rule of proceeding in that case.

Mr. LINCOLN said he had stated, in the committee, that by possibility this construction might be placed on the rule; and it was insisted by gentlemen on the committee that it was impossible such a construction should be put upon it.

Mr. WISE only wished to bring to the notice of the House that the committee had consulted on the subject of this resolution, and they considered it was utterly impossible that such a construction should be placed upon it. Mr. W. was glad that the gentleman from Maryland [Mr. THOMAS] had been candid enough to announce that this construction of the rule did not meet his views. He was was glad that the committee could not have contemplated such a course as had been taken. When the honorable chairman of the committee [Mr. GARLAND] was left off the list of witnesses, Mr. W. thought he saw then that the very moment a certain point was reached in this investigation all proceedings would be stopped. Why was not the honorable chairman on the list of witnesses for the accused? Was it because he had concurred in the statement which he, (Mr. W.) and his friend from Tennessee [Mr. PEYTON] had made on that floor? Was it because his testimony might not be of the right kind? Was it because his testimony might not be so palatable to the accused as the other witnesses which he had called? If it had been the original design to have allowed him (Mr. W.) and his friend, [Mr. PEYTON] to call witnesses in their own justification, an attempt was now made to cut it off. Such could not be the design of his colleague, [Mr. PATTON.] Mr. W. knew he was above any such intention; he would vouch for him that it was not his design to do injustice to any one. Could it be the intention of the House to wink at this injustice, by sustaining this decision of the Speaker? Mr. W. could not, he would not, believe it, until the majority of that House sanctioned the decision of the Speaker, which was thought to be impossible by a member of the committee on the part of the House. All Mr. W. could now do was to appeal to the justice and magnanimity of the House, and ask gentlemen to allow him the opportunity of calling witnesses in his own defence.

Mr. WISE and Mr. PEYTON then made very earnest appeals to Mr. PATTON to withraw his proposition, and, among other objections urged by them, referred to the fact that Mr. GARLAND, chairman of the select committee, had not been examined, although all the other members of that committee had been examined by the accused; and they claimed, as an act of justice to them, that the trial should not be arrested just when the evidence of the accused was closed.

Mr. PATTON said he had always contemplated to postpone his motion until opportunity had been afforded to obtain the testimony of the chairman of the committee, [Mr. GARLAND,] which seemed to be proper, inasmuch as the other members had been examined; and although he thought the whole proceeding wrong, and that the journal had already been encumbered with a great deal of unconsequential and improper testimony, yet, as it had been permitted to examine the other members, he had no objection to hearing the testimony of the chairman. He had not the slightest feeling of prejudice or passion towards any person implicated in the trial, and he felt himself incapable of assigning any injustice, directly or indirectly, either to the accused or to any other person, in the effort he was making to arrest this unfortunate trial.

He was actuated solely by the overruling force of considerations impelling him to save the public business from being sacrificed, in the prosecution of a trial from which no public benefit could result, however the feelings of individuals might be involved in its continuance. He was, however, willing, and thought it right, that a full account should be given of the occurrences in the select committee; and, as his honorable colleague [Mr. WISE] and the honorable gentleman from Tennessee [Mr. PEYTON] seemed to think the evidence of the chairman [Mr. GARLAND] desirable and important, he would withdraw his resolution for the present; but he gave notice that he would renew it as soon as the testimony,

going to the facts which took place in the select committee, was closed. Coming into the House a few moments ago, and finding that there was a pause in the examination of witnesses, and that some general propositions were making to give a new direction to the trial, and especially a proposition to send the case before a committee of five members, he really thought either that Mr. GARLAND had been examined, or that the intention to examine him had been abandoned. For these reasons, (said Mr. P.,) I withdraw the resolution for the present.

Mr. PEYTON. I want to make a suggestion. Sir, I merely wish to state to the House, that if it will hear the proof we will adduce, and which is necessary to show up all the transactions that have taken place—if the House will hear the truth, as we can prove it by witnesses who saw it, and by those also who were engaged in the after-transactions—if, I say, sir, the House will hear the evidence, we will sit down and not open our mouths to speak. We, sir, ask not to speak. All we want is for this House to hear the whole of the evidence, and I do hope it will not cut off that evidence. I hope gentlemen will not speak, but grant us the privilege of meeting the proof now offered by counter testimony, and we will cheerfully submit ourselves to the judgment of the House, as men and as members.

Mr. MERCER explained that he had offered his resolution with a perfect understanding between himself and his colleague. If there were any further testimony to offer, he would not then press it.

Mr. HOWELL here made a motion that the House adjourn, but withdrew it at the solicitation of

Mr. THOMAS, for the purpose of enabling that gentleman to move that a subpœna be issued for Samuel Hamilton, clerk of the select committee of which Mr. GARLAND was chairman; which was ordered.

Mr. WHITE then asked leave to offer the following resolution:

Resolved, That the Hon. HENRY A. WISE and the Hon. BALIE PEYTON be permitted to summon and examine witnesses, to give evidence in their defence in the investigation now pending before this House.

The CHAIR suggested to the gentleman, that the regular mode would be to call upon the House for an order to issue a subpœna for the attendance of witnesses.

Mr. McKAY asked why it was that the examination of other witnesses was not proceeded in. He understood that the gentleman from Virginia [Mr. GARLAND] had been subpœnaed, at the requisition of the chairman of the committee of examination, and he hoped that gentleman would be called upon the stand.

Mr. GHOLSON. Mr. Speaker, if the gentleman had made the motion instead of reflecting upon the committee, which had had arduous duties to perform, it would have been better.

Mr. McKAY disclaimed having reflected upon the committee, or having had the most distant intention of doing so.

Mr. HOWELL then renewed his motion for an adjournment.

Mr. McKEON and Mr. McKAY severally called for the yeas and nays, but the House refused to order them, as it did also to adjourn; the vote, by tellers, being: Ayes 60, noes 70.

The question then recurring upon Mr. WHITE's resolution,

Mr. VANDERPOEL inquired if it was in order.

The CHAIR said the proposition was one for the House itself to judge of, though he would again suggest that the regular mode would be to apply to the Speaker for subpœnas.

Mr. PARKS was not aware that those two gentlemen were on trial before the House.

The CHAIR remarked that he supposed the gentleman from Kentucky meant, though it was not so expressed in the resolution, that witnesses be summoned to testify on the pending trial.

Mr. WHITE then slightly modified his resolution, as follows:

Resolved, That the Hon. HENRY A. WISE and the Hon. BALIE PEYTON be permitted to summon and examine witnesses in the trial now pending before the House.

Mr. WHITE said he did not rise for the purpose of inflicting a speech upon the House at this late hour of the evening. He knew the patience of the House would not bear a lengthy debate. Were he convinced the House would tolerate protracted discussion, his own sense of duty would not permit him to consume but a very few moments of that time, which every one knew was precious. He had not intended, at the institution of this proceeding, to engage in the debate, either for or against the accused. He had allotted to himself the office of a silent, and, as far as he could control his feelings, an impartial trier. The accused (until the morning he appeared at the bar of this House) was to him personally an entire stranger. He entertained towards him neither prejudice nor enmity. He had heard much touching both his private and public character, discreditable, in a very high degree, to his reputation; yet he was not possessed of facts that would authorize him to enter up a judgment of guilt. He felt more of sympathy and pity towards the accused than of prejudice or anger.

Being one of those who voted for the resolution directing the accused to be brought to the bar of this House for an alleged contempt, in peremptorily refusing to obey a summons issued by a committee of this House, expressly empowered to send for persons and papers, owing to the reasons given by the respondent, as the ground of his refusal to appear and testify, he determined, from the beginning of the trial, to vote for any and every proposition that was at all consistent with the rules and principles that should govern trials of the kind. In discharge of this determination, he voted for the resolution giving the accused the privilege to summon witnesses, and examine evidence in his defence, before he had been sworn to answer interrogatories, to clear himself of the alleged contempt. He knew at the time this was unusual and irregular. He was well apprized that it was the invariable usage and practice of all judicial tribunals, in similar cases, to permit and require the witness in contempt of the mandate of the court to be first sworn and examined touching the matters of excuse or justification of his disobedience; but, for reasons which he will subsequently mention, he voted for a departure from this well-established rule of procedure. He went one step further: he voted for the broad and clearly irrelevant interrogatory proposed by the counsel of the respondent, inquiring into the conduct of the Hon. Henry A. Wise and the Hon. Balie Peyton, in an affair that transpired before another committee of this House, of which the gentleman from Virginia [Mr. GARLAND] was chairman. The reasons that prompted him to give these votes he will briefly state. The respondent, the gentleman from Virginia, [Mr. WISE,] and the gentleman from Tennessee, [Mr. PEYTON,] had each given their statement of the circumstances and facts attending the unfortunate occurrence before the committee of which the gentleman from Virginia [Mr. GARLAND] was chairman.

The statements of the respondent materially conflicted with the statements of the other two gentlemen. These different versions of the transaction were before the public; they were to be found in every print and journal in the whole country. The matter had excited considerable interest in the public mind.

The judgment of approval or disapproval, of acquittal or condemnation, was as variant as the different versions. This being the case, he considered it due to all the parties concerned, due to the character of this House, and due to the country, that the true history of the affair should be disclosed. Another reason, he said, that had influenced his mind in voting upon the various propositions as he had, was, that the respondent had addressed a memorial to the House, setting forth his account of the affair, complaining of outrage and violence towards his person, and an infringement of his constitutional rights as a citizen, praying an inquiry into the transaction.

Upon the score of economizing time, he deemed it expedient to admit the question, inasmuch as by so doing both matters could be tried in the same investigation. An additional reason that had prompted him to pursue the course he had taken: he desired to give the accused every privilege (either clear or doubtful) that could be claimed, under similar circumstances, by any American citizen.

But at the time he was voting to grant the accused the widest latitude of defence, he had not dreamed he was opening the door for him to introduce testimony assailing the reputation, and casting the foulest imputations upon the conduct and motives, of the gentleman from Virginia, [Mr. WISE,] and the gentleman from Tennessee, [Mr. PEYTON,] charging them with crimes which, if true, should reflect lasting infamy upon their characters; and that, so soon as he had closed his evidence, the trial should terminate, and the House proceed to pronounce judgment of guilt or acquittal, upon a partial hearing of one sided *ex parte* testimony, and that too without permitting the gentleman from Virginia and the gentleman from Tennessee to examine witnesses in their behalf. Knowing that their conduct would necessarily be involved by the admission of the question, he had supposed a like liberality would be extended to them so soon as the testimony closed upon the part of the respondent; especially as the House had, by their first movement in the progress of the trial, permitted the respondent to change his position, and become accuser instead of accused.

He did not conceive it possible there could be two opinions upon this subject in an enlightened body of men. Had he entertained the remotest doubt upon the subject, he never would have voted to admit the interrogatory, touching the conduct of the gentleman from Virginia, [Mr. WISE,] or the gentleman from Tennessee, [Mr. PEYTON,] without an express agreement, upon the journal, that those gentlemen should be permitted to introduce rebutting testimony. Whilst he was willing and anxious that every privilege that justly belongs to the citizen, under the benign laws of this country, shall be enjoyed by the respondent, he could not consent that the *ægis* of the constitution should be confined to him exclusively, and that the gentleman from Virginia, and the gentleman from Tennessee, should be denied the common and universal privilege granted to the vilest culprit of the land—the humble privilege of introducing testimony in explanation and defence of their conduct and motives—a privilege consecrated by the blood of ages, and guarantied as a sacred right to every American citizen, rich or poor, high or low, by the charter of rights, the constitution of his country.

Sir, should this resolution be rejected, peculiar injustice will be done the gentleman from Tennessee, [Mr. PEYTON.] It cannot be seriously contended, by the learned counsel of the accused, that so much of the evidence as consists of details of speeches, declarations, and conduct, of the gentleman from Tennessee, (and two thirds of the testimony received is of this character,) is relevant to the issue now properly in trial before the House.

It is not only necessary to state the facts apparent upon the record of the journal to make this position manifest. The accused, in his plea, no doubt drawn by his learned counsel, and presented by himself to the House as the grounds of his defence, states that the reasons why he refused to appear before the committee of which the gentleman from Virginia [Mr. WISE] was chairman are set forth in his letter addressed to said committee. In that letter, which is made a part of the answer or plea of the respondent, by direct reference, the accused uses the following language:

"The affair between Mr. Peyton and myself, which occurred in the presence of another committee, has nothing whatever to do with the committee to which this is addressed, and before whom I am summoned to appear."

And why is this explicit acknowledgment made by the accused, disavowing any connexion between his refusal to obey the summons issued from the committee of which the gentleman from Virginia [Mr. WISE] is chairman, and the affair between Mr. Peyton and himself before another committee? For the most obvious of all reasons—because the gentleman from Tennessee [Mr. PEYTON] was not a member of the committee before whom the respondent was summoned to appear. Yet, in the face of this clear and express disclaimer, set forth in the pleadings of the accused, without notice, without information, the very affair between Mr. Peyton and the respondent, notwithstanding the direct admission in the pleadings of its irrelevancy and illegality, is called for in the very first interrogatory propounded by the counsel for the accused, whilst there is no rule of evidence better settled than that it is not necessary to prove that which is agreed upon by the pleadings; the correlative rule is equally well settled, that you cannot disprove the admissions of the parties in the pleadings on the record.

And now is this House about solemnly to refuse the adoption of this resolution, after it has unjustly and illegally made the gentleman from Tennessee a party to this trial? After having sat day after day, and night after night, hearing testimony charging him with almost every offence known in the black catalogue of crime, shall we deny him the privilege of exculpating himself from the charges? Shall we illegally arraign the gentleman from Tennessee at the bar of this House, (for, disguise it as you will, no one who has been present can with any candor deny the fact that this proceeding, from its very outset, has been a prosecution of the gentleman from Virginia and the gentleman from Tennessee,) and listen to accusation upon accusation, charge upon charge, and proof upon proof, against them, and the moment the testimony is closed upon the part of the nominal criminal, (the true plaintiff in this trial, as it has been conducted,) terminate the investigation? Is this justice? Is it fair play? Is it not oppression and tyranny in their most odious form—a palpable denial of justice, in the very teeth of your bill of rights—a mockery of trial before this grand inquest of the nation—an act of injustice that would disgrace the pettiest court in the pettiest village in this country? And what adds insult to injustice, every word of this evidence is reduced to writing, and is to go out to the people as a fair and impartial exposé of the conduct of the relative parties implicated in the pending controversy. And is this one-sided *ex parte* proceeding what gentlemen call a fair investigation? Is this the kind of investigation from which we have been told innocence has nothing to fear? It is true that before a jury of honest, impartial triers, with liberty of proof, innocence has nothing to fear. But he has learned but little, either from observation or reading, who has not discovered that conscious innocence, though a consoling approbation to the accused, is not always a protecting shield against the unrighteous judgment of

the world, nor a safe guarantee against ignominious punishment. Daily occurrences around us furnish abundant testimony of this assertion. History, both modern and ancient, is pregnant with examples. Sydney and Emmet perished upon the scaffold, as an atonement for their love of liberty and love of country; Phocion and Socrates were doomed to drink the poisonous hemlock, as an expiation for their superior virtues—all of whom were allowed the form of trial. But in this case, if this resolution be rejected, we shall deny both the form and substance of trial to the gentleman from Tennessee and the gentleman from Virginia. But it is equally due to the gentleman from Virginia [Mr. Wise] that he should be permitted to introduce proof. His conduct and motives have been directly assailed by the testimony of the accused. The very gist of his defence is based upon the alleged mal-conduct of the gentleman from Virginia. It is essential to the fair ascertainment of the truth of the plea of the respondent, the validity of his justification, as well as an act of sheer justice to the gentleman from Virginia, that leave should be given him to rebut the testimony of the accused. The entire excuse set forth by the respondent, in his answer, is the alleged apprehension of outrage and violence from the gentleman from Virginia; and in support of the respondent's plea, and as a just and valid reason for this apprehension, proof has been received by this House, detailing the conduct of the gentleman from Virginia before the committee of which the gentleman from Virginia [Mr. Garland] is chairman; in which affair great outrage and violence is charged, and assassin-like motives imputed. And is he to be denied the privilege of meeting these charges, and of vindicating his conduct and his motives before this House and the nation, when, too, the testimony would bear directly upon the question in issue, would lead to a fair ascertainment of the truth of the defence set up in avoidance of the alleged contempt by the accused in his answer?

This House has, with great patience and unbounded liberality, heard the testimony of the accused; and is it not now due to truth, to justice, and the assailed reputation of the gentleman from Virginia, that his testimony should be heard in reply? Can we, as impartial triers in this case, come to a just conclusion, whether or not the answer of the respondent is founded in truth, unless we hear testimony upon both sides? Clearly not, to my mind. But we are told the gentleman from Virginia is not upon trial; no judgment is asked against him; no punishment is proposed to be inflicted upon him. That neither his life nor liberty is in jeopardy. True. But is not his reputation, which is infinitely dearer to him than either life or liberty, upon trial? Is not this nation anxiously looking to this investigation, and panting for a publication of the evidence in this case? And will not public opinion either approve of his conduct, from the published evidence, or consign his character to infamy? And will this House be guilty of the crying injustice of consigning him to ignominy, without the opportunity of a fair and impartial trial?

If there be any one man, above all others in the nation, who ought to feel indignant sensibility, and rise in his place, and, with uplifted hands, protest against such a course of proceeding, it is the individual at the bar of this House, (Mr. Whitney.) A blow has been inflicted upon his reputation, by a collateral investigation, before a committee of this House, upon a former occasion, in which he was denied the privilege of introducing rebutting proof, that neither time nor good conduct can ever remove. That investigation has affixed the seal of infamy upon his character, whether just or unjust, that neither the bedewing tears of pitying angels can ever wash out, nor can the fiery fingers of the fiends of hell ever erase it. There it will remain, so long as his name is held in remembrance.

Sir, I am rejoiced to hear the respondent, through his counsel, disapprobate a rejection of the resolution under consideration. Let him be what he may, this act is creditable to his heart. But it is objected, by an honorable gentleman upon my right, that the press of public business, and the short period of time from this until the adjournment, will not permit the investigation to go on. This objection comes too late; we have gone into the trial by our own action. The gentleman from Virginia [Mr. Wise] did not refer this matter to the House; he refused in committee to vote upon the matter; he has not asked nor voted for the institution of this trial; he openly disclaims having any agency in the prosecution of the accused. All he asks is the poor privilege, since he has, by your mode of trial, become the defendant, the real criminal at the bar of this House, (if there be any such character, in truth, a party to this most anomalous proceeding,) of confronting his accusers with proof; of repelling the foul imputations cast upon his conduct and his motives by the testimony of disinterested witnesses. Will you, can you, after what you have done, deny it to him? Will you, after you have arraigned him before this House as an assassin in motive, if not in deed, and heard witnesses, day after day, in support of the charge, in the presence of thousands of listening spectators, collected from all quarters of this wide-spread nation, the very instant the testimony against him is through, close the trial upon him, without the liberty of defence? Will this House be guilty of an act so pregnant with injustice, offering as an excuse that time could not be spared for further investigation? A cold excuse to a wounded soul. I ask the members who intend to vote against this resolution, what apology they expect to render, satisfactory to their constituents, for such a flagrant act of injustice? Permit me to suppose a dialogue between a member who shall vote in the negative and an honest constituent. "You voted to bring Reuben M. Whitney to the bar of the House, to be tried for an alleged contempt?" "Yes." "You voted to give him leave to summon and examine witnesses in his defence, and to be heard by counsel as well as by himself?" "Yes." "You voted to receive the question propounded by the counsel of the accused, inquiring into the conduct of Messrs. Wise and Peyton in the affair which took place in committee of which the gentleman from Virginia [Mr. Garland] was chairman?" "Yes." "You patiently sat and heard testimony charging Messrs. Wise and Peyton with using personal outrage and violence towards the accused, and motives of assassination upon the part of Mr. Wise?" "Yes." "And when the accused had examined all the witnesses he desired, you then permitted Messrs. Wise and Peyton the privilege of examining witnesses, in explanation, contradiction, and rebuttal of the testimony introduced upon the part of the accused?" "Oh! no." "And this you call a fair and impartial trial by the House of Congress—the people's House! This is what you mean by equal rights and equal privileges under the constitution! This is what you call protecting the just rights of an American citizen!" The honest constituent would grow warmer and warmer, until he would indignantly pronounce the curse, "Depart from me thou unworthy servant!" And, in my cool and deliberate judgment, if there be any district in any State in this Union that would approbate such a course, it deserves to have the vengeance of Heaven invoked upon it, and the fate of Sodom and Gomorrah should await it.

He said, before he took his seat, he would ask the yeas and nays upon this resolution. He wished it to appear now, and in all future time, how he and how others voted upon this proposition. Did he say in all future time? Yes; in all time to come, unless some political assassin of the constitution should rise in his place (backed by a

majority of pliant minions) and obliterate the journal by the modern process of expunction.

Mr. MANN, of New York, remarked, in reply, that the gentleman from Kentucky was again endeavoring to bring before the House another issue, which the House had repeatedly refused to go into. It was not the first time gentlemen had risen there, and with great solemnity, and doubtless sincerity too, insisted that there was a different issue than that of whether the accused, then standing at the bar, had been guilty of a contempt or not--a task Mr. M. looked upon as entirely gratuitous on their part. Let him ask those honorable members--let him ask the House, too--to say candidly what was the true issue. Were those two honorable members referred to in reality upon trial there? If they were, what was the accusation? What was the charge against them? Above all, let him ask the members of that House, the gentleman from Kentucky among the number, what would it be compelled to try? If the House should be called upon to try those gentlemen, it would necessarily be compelled to give a decision of some sort or other; and what decision could they arrive at? If they should be thereafter asked for what those gentlemen had been arraigned and put upon their trial, what answer could be given? None. They formed no part of the pending issue.

Mr. M. was aware, he said, that, in the necessary inquiry pending, in regard to the contempt alleged against the accused, the conduct of those two gentlemen must be more or less brought out; but in order to ascertain what? Why, in order to ascertain whether the accused had rendered such an excuse as to purge himself of the contempt of which he was charged; but he hoped the House would not suffer itself to be dragged into an examination where no one could tell where it would terminate. He hoped its good sense would reject this oft-renewed proposition.

Mr. GHOLSON wished to say a word or two on behalf of the committee of examination. He had heard, with regret, what he conceived to be insinuations thrown out against the committee, which had done every thing in its power, but had not even yet been permitted to carry out their measures. Resolution after resolution had been submitted, speech after speech had been made, all, indirectly to be sure, reflecting upon the committee. One gentleman had asked why subpœnas had not been issued. The answer was at hand; it was because gentlemen did not give them an opportunity. No longer ago than yesterday it was announced on the floor that they were ready to issue or call for subpœnas for any witnesses; and now the gentleman from Kentucky, [Mr. WHITE,] after an annunciation to him that he (Mr. G.) would have any witnesses subpœnaed whose names should be given to him, either for the member from Virginia or for the member from Tennessee, to prove their accusations against the prisoner at the bar, yet still this resolution is introduced, as if the committee had failed in the discharge of their duty, and had refused or denied any opportunity for witnesses to be summoned. The committee had not failed to do all in their power; and he hoped, before gentlemen proceeded any further, they would at least give them the opportunity of doing their duty, and not step out of their way to make inquiries why so and so had not been done. The committee had had, as yet, no opportunity to bring testimony before the House; but still they had held themselves at all times, as they still did, willing to bring in any witnesses who might be called for, if permitted to do so. The will was with them, the power with the House; but he hoped to hear no more of these indirect side-wind censures upon the committee.

Mr. BELL remarked that, after what had been said by the gentleman from Mississippi of the views of that committee, he should not delay the House one moment on that subject. But that gentleman and every other member must perceive that there was a disposition among a large portion of the House not to permit the whole of the inquiry to proceed.

They had just heard that the committee appointed to conduct the examination on the part of the House were ready to go into it; and although the resolution of the gentleman from Kentucky was not worded in the manner he preferred, yet there was no time more proper than that to settle the question definitively, whether it was the sense of the House that they should proceed any further or not. That resolution was best adapted to test the sense of the House, and therefore he hoped the question would be taken on it. If it should be voted down, it would show an indisposition to go further in the inquiry; and that question had better be settled at once.

The gentleman from New York over the way [Mr. MANN] had said that there was no issue formed with the two gentlemen referred to. Mr. B. replied that the only issue formed at all had been the issue on the part of the House against those gentlemen; or rather on the part of those gentlemen who conducted the examination on the part of the accused, against his honorable friend from Virginia and his honorable colleague. It was evident that this had been the issue. The mere form of proceeding, perhaps, was an issue with the accused, Mr. Whitney, but it was in form only, the other was the substance.

The gentleman from Virginia [Mr. PATTON] had said that he proposed to cut short this examination, as Mr. B. understood him; and that he had foreseen from the first, when the subject was first brought to the notice of the House, that this examination or trial, if gone into, would take the direction it had, and necessarily involve the very inquiry that had been gone into. Mr. B. said he should like the gentleman to say if he saw the result before the bringing of Mr. Whitney to the bar of the House, and how he arrived at that conclusion.

[Mr. PATTON explained that, from the nature of the trial itself, he saw it would be extended to an almost interminable length, from its irritating and personal character.]

Mr. B. did not mean to imply that the gentleman had foreseen any of the results that had occurred upon the motion to bring Whitney to the bar of the House, from any information he had of the determination on the part of the majority, in relation to the course they designed to pursue; but it seemed the gentleman inferred that what had taken place was probable, from the disposition which existed, or which might have existed, in this particular case, or in any case. Now, Mr. B. would ask, why should any gentleman have foreseen this would be necessary, or probable, on an examination of this kind? How had it happened that any gentleman in that House, or in the country at large, should have had such apprehensions? Here was a party arraigned for contempt as a witness. Why, it was no great enormity, nor did it amount even to a criminal offence of a high denomination, and certainly did not require all the array of learned counsel; and who could have anticipated such a course of proceeding as had ensued? What ought to have been the question before that honorable House? And what must ever be the similar question in all cases of the same kind? The party was arraigned at the bar, and was solemnly asked, standing at the bar, whether he had intentionally committed a contempt of that House. That was the substance of the interrogatory. Why that course had been departed from in the present case, was for those to say who had induced that departure.

An argument had been thrown out that, if this resolution should be adopted, it would occupy the time of the

House from then till the 4th of March, the close of their constitutional existence. And how? It was because the majority, in the first instance, did not proceed according to the known forms. It was because that House had thought proper, by a majority of votes, to sanction a proceeding not only unknown to parliamentary history, but in notorious disregard to and in direct violation of it. There was no issue, even with Mr. Whitney; there could be none until he was put to answer interrogatories to purge himself of the alleged contempt. Mr. B. would again ask how it happened that gentlemen get up on that floor and say "this trial must occupy the balance of the session," when they must know the responsibility rests with themselves; when they ought to reflect that it was because the majority determined to proceed in a mode unknown to the law, and a direct trampling upon not only precedent, but reason. What, sir, (said Mr. B.,) have a formal array of the counsel of a witness at first, and suffer them to proceed before you form an issue with him, or before you ascertain whether he be really in earnest or not! Such a thing was never heard of before.

Now, sir, (concluded Mr. B.,) as I am up, let me say to gentlemen, as suggested to my mind, that justice, reason, common sense, propriety, all, all require that, as we have commenced thus irregularly, and have implicated other gentlemen whom it was not necessary to have implicated, we must go through with it, or, at least, with the examination of witnesses. We are bound, in common justice and honor, to give them that privilege.

Mr. WISE could not be considered as a prosecutor in this case; all he desired was that he might be permitted to defend himself.

Mr. BELL did not wish to name any gentleman in the suggestion he had made, but simply to have an expression of the House that this trial should proceed as long as there was a witness whom any gentleman might wish to examine.

Mr. McKEON would suggest that any gentlemen who might wish to introduce witnesses in this case could effect their object by sending in their names to the committee on the part of the House, whose duty it was to summon and examine witnesses.

Mr. WISE could not do so; not, however, out of any disrespect to the committee, but because, as he understood, that committee was appointed to prosecute in the case; and he could not be considered as an aider or abetter in this prosecution. He only asked the privilege of defending himself. The individual called the accused had, through his counsel, in the course of the whole trial, been bringing accusations against Mr. W.; and, when you talk of the accused, he could not tell whether you meant him (Mr. W.) or the individual at the bar.

Mr. McKEON then moved to lay the resolution on the table.

Mr. WISE called for the yeas and nays; which were ordered, and were: Yeas 73, nays 56, as follows:

Yeas—Messrs. Ash, Barton, Bean, Beaumont, Bockee, Bovee, Brown, Buchanan, Bynum, Casey, Chapman, Chapin, Cleveland, Coles, Connor, Corwin, Cramer, Crary, Cushman, Dromgoole, Dunlap, Efner, Fry, Gholson, Haley, Jos. Hall, Hawkins, Holt, Huntington, Ingham, Jarvis, Joseph Johnson, Cave Johnson, Benjamin Jones, Kennon, Kilgore, Klingensmith, Lane, Lansing, Laporte, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Logan, Loyall, Lucas, Abijah Mann, William Mason, Moses Mason, McKay, McKeon, McLene, Miller, Montgomery, Morgan, Page, Parks, Dutee J. Pearce, Phelps, John Reynolds, Joseph Reynolds, Shinn, Sickles, Taylor, John Thomson, Vanderpoel, Ward, Wardwell, Webster, Weeks, Thomas T. Whittlesey, Yell—73.

Nays—Messrs. Alford, Bailey, Bell, Bond, Briggs, Bunch, John Calhoon, William B. Calhoun, Carter, George Chambers, John Chambers, Chetwood, Nathaniel H. Claiborne, Clark, Crane, Darlington, Deberry, Denny, Forester, Glascock, Graham, Granger, Graves, Griffin, Hiland Hall, Harper, Albert G. Harrison, Hazeltine, Hoar, Howell, Huntsman, Ingersoll, William Jackson, Luke Lea, Lewis, Love, Lyon, Samson Mason, Maury, McKennan, Milligan, Pearson, Potts, Reed, Rencher, Robertson, Shields, Slade, Sloane, Standefer, Taliaferro, Underwood, White, Lewis Williams, Sherrod Williams, Young—56.

So the resolution was laid on the table.

Mr. WILLIAMS, of North Carolina, then moved that the House adjourn. Lost: Yeas 50, nays 79.

The honorable James Garland, of Virginia, was then called to the stand.

Testimony of the honorable James Garland.

First question by the Counsel for the accused. Please state all the circumstances attending the dispute and disorder that occurred before the select committee whereof Mr. Garland is chairman, on Wednesday, the 25th of January, and state particularly all that was said and done by, and the whole demeanor and conduct of, R. M. Whitney, as a witness attending the committee, and Messrs. Wise and Peyton, as members of that committee, and all that occurred on that occasion.

Answer. The transaction now investigating took place on the night of the 25th day of January last. Mr. Peyton had, without objection by the committee, proposed to Mr. Whitney the following interrogatory: "Did you receive any letter of recommendation from R. B. Taney, or did he, in any manner, countenance you in applying for the agency contemplated; or did he positively refuse to recommend, receive, or countenance you in that capacity, while he was at the head of the Treasury Department?" which I, as chairman, propounded. To this interrogatory Mr. Whitney returned the following answer:

"I decline answering this interrogatory, more particularly as the individual propounding it has asserted, positively and publicly, that the substance of the latter part of it is true, beginning with 'or did he,' &c.; therefore, being the party accused, I am not a proper witness. I think, in justice, that the individual who has made the allegation should be called to produce his proof."

After I had sent the answer to the committee, Mr. Peyton, in a tone and manner indicating strong excitement, remarked, "Mr. Chairman, I wish you distinctly to inform this witness that he is not to insult me in his answers;" then rising from his seat, and approaching Mr. Whitney, said, as well as I can recollect, "I will not be insulted to my face by any damned thief and damned robber; and if you dare to insult me here to my face, God damn you, I will put you to death on the spot. You say in your card that I seek protection under my constitutional privileges, but I will let you know that I do not claim any constitutional privilege to protect me against an insult to my face, here or elsewhere." Before Mr. Peyton had finished this sentence, Mr. Wise rose from his seat, which was on the sofa, on the side of the room opposite Mr. Whitney, and walked about half way across, saying, "Yes; the committee had borne the damned insolence of that witness long enough; it was insufferable." Mr. Peyton remarked, "Wise, this is my business; don't you interfere." I immediately rose, and said to Mr. Wise, "Wise, don't do so, you are wrong." Upon which Mr. Wise immediately returned to his seat. When Mr. Wise turned to resume his seat, I immediately turned to Mr. Peyton, and remarked, "Mr. Peyton, you must observe the order of the committee." Mr. Peyton immediately turned from the witness to me, and said, as near as I can recollect, "Mr. Chairman, I appeal to you to say if I have not treated this witness, from

the beginning, as if he were a gentleman; but I'll be damned if I will be insulted to my face." He then took his seat in the chair which I had occupied, as I had taken the chair which he had risen from. After Mr. Peyton and myself were both seated, Mr. Whitney rose from his seat, and, advancing one or two steps towards me, said, "Mr. Chairman," uttering two or three other words which I did not hear. Before he had finished his sentence, Mr. Peyton rose up and said, as well as I recollect, "He has no right to speak here; God damn him, he shan't speak; he must give his answers in writing." Then, turning towards Mr. Whitney, said, "You have no right to speak here; sit down, sir." I remarked to Mr. Peyton that the witness had a right to make a question touching his examination; but, before I finished the remark, Mr. Peyton, very much excited, said, "Damn him, I have treated him as if he were a gentleman." I again remarked to Mr. Peyton that he must observe order. Mr. Whitney, who had not taken his seat, said, "Mr. Chairman, I came here under the summons of the committee. I claim its protection." Mr. Peyton said, "Damn him, he has insulted me to my face; damn him, he looks at me; he shan't look at me." As he made this remark, appearing very angry, he put his right hand either to his bosom or the side pocket of his coat. As soon as he put his hand to his bosom, Mr. Wise sprang forward, seized Mr. Peyton by the breast, and said, "Peyton, don't notice him; damn him, he is not worthy of your notice;" and some other expression, which I do not remember. Mr. Peyton remarked, "I will notice him; I would notice him if he were a damned dog, if he insulted me to my face." As soon as Mr. Wise seized hold of Mr. Peyton, I stepped between him and Mr. Whitney, and Mr. Martin took hold of his right arm. Mr. Wise shoved Mr. Peyton back some two or three steps towards the sofa, Mr. Peyton endeavoring somewhat to disengage himself from Mr. Wise and Mr. Martin, but failed. About this time some member of the committee made a motion to suspend the examination, and Mr. Hamer made some remarks, which I did not hear, for my attention was directed to the parties, with a view, if necessary, to prevent collision by personal interposition. At this time I remarked to Mr. Whitney, "that a question would arise as to the disposition of his answer, and that he would be pleased to retire; which he did. After Mr. Whitney retired, Mr. Peyton, who had been very much excited, became more tranquil; expressed his regret for the occurrence; urged, in extenuation, the insult which he had received in the answer referred to, and the contemptuous look and scowl with which it was accompanied, as the cause of his great excitement, and apologized to the committee, promising that thereafter he would try and suppress his feelings, unless grossly and directly insulted. Mr. Hamer then submitted the following motion:

"That the answer to the 15th question be returned to the witness, being no reply to the interrogatory, and disrespectful to a member of the committee;" which was unanimously adopted. Mr. Wise then called me to him, near the window, and remarked that, "in Mr. Peyton's present state of feeling, it would not do to permit him and Mr. Whitney to go out of the room together; if they did, he would not be responsible for the consequences; that it would be best to call back the witness, permit Mr. Peyton to ask him another question, which would greatly tend to tranquillize him, and then discharge the witness, without the committee's adjourning. I told him I approved of the plan; that there was some unfinished business before the committee, which I would call up when Mr. Whitney was discharged; and that he must see that Mr. Peyton did not leave the room; which he promised he would do. The witness was then called in, and the resolution of the committee read to him. After it was read, he said, as well as I recollect, "If I have been disrespectful to the committee, I regret it, and apologize for it." Mr. Peyton then propounded a question, which Mr. Whitney answered in a respectful manner, and was discharged. As Mr. Whitney left the room, I called some unfinished business to the attention of the committee, which detained it about ten minutes, and then it adjourned. In this narrative I am guided by my memory alone. I have given the circumstances which occurred, and the language which was employed, as accurately as a treacherous memory will permit. I do not profess entire accuracy, or to have stated all that occurred.

Second question by Counsel. What was Mr. Whitney's general demeanor as a witness before the committee; was any indecorum or disrespect on his part towards the committee, or any member of it, observed or complained of, or in any manner censured by the committee?

Answer. Mr. Whitney's general personal demeanor before the committee, so far as it came under my observation, was unexceptionable. The answer referred to by Mr. Martin, taken in connexion with some preceding answers, I thought not respectful to the committee. I concur with Mr. Martin's statement upon that subject, in his answer to the interrogatory.

Third question by Counsel. Please state whether the conduct of Mr. Whitney, throughout the whole of the unhappy scene in question, was or was not cool, collected, and forbearing; whether he did or did not manifest, by word, deed, or gesture, and by what word, deed, or gesture, any disposition to assault Mr. Peyton. Please describe such circumstances of his posture and manner as may go to show whether he meditated assault or stood on the defensive merely.

Answer. The conduct of Mr. Whitney, throughout the occurrence, so far as I observed it, was cool, deliberate, and perhaps forbearing. I do not remember to have seen any word, deed, or gesture, which indicated a design on the part of Mr. Whitney to commit violence on Mr. Peyton. As to Mr. Whitney's posture, I can say no more than that it was erect, and his eyes directed to Mr. Peyton when I saw him. My attention was principally directed to Mr. Peyton.

First question by Mr. CALHOON, of Kentucky. Did or did not Mr. Wise endeavor to prevent any collision between Mr. Peyton and R. M. Whitney, by stepping in between them, and laying his hands upon Mr. Peyton, and pushing him back from his position.

Answer. I have stated, in my answer to the first interrogatory, that when Mr. Peyton put his hand to his bosom, Mr. Wise immediately seized him by the bosom; in doing so, he was placed between Mr. Peyton and Mr. Whitney.

Second question by Mr. CALHOON, of Kentucky. Did or did not Mr. Wise privately request the members of the committee not to rise until after a sufficient time was allowed after the examination of R. M. Whitney was closed to enable him (Whitney) to withdraw from the committee room, so as to prevent the witness and Mr. Peyton being thrown together, without the presence of the committee to restrain them; and did not Mr. Wise, at the time, declare that his object was to prevent collision between the parties?

Answer. I have also stated, in the same answer, that Mr. Wise did request me to aid in detaining the committee after Mr. Whitney was discharged, to prevent him and Mr. Peyton being thrown together out of the committee room; he also stated to me that he made the same request of Mr. Hamer, and perhaps others.

Third question by Mr. CALHOON, of Kentucky. Did Mr. Wise do more than denounce the insolence of R. M. Whitney to the committee? And, in attempting to pa-

cify Mr. Peyton, did he do more than say to him that R. M. Whitney was not worth his notice?

Answer. In the same answer I have also stated every thing I recollect Mr. Wise to have said.

Fourth question by Mr. CALHOON, of Kentucky. Did or did not Mr. Wise and Mr. Peyton treat R. M. Whitney with perfect respect, in his examination before the committee, both before and after the difficulty between him and Mr. Peyton had occurred; and did not his examination occupy much time; and were not most of the questions propounded by Mr. Peyton after the difficulty occurred?

Answer. The personal demeanor of Messrs. Wise and Peyton towards Mr. Whitney, so far as it came under my observation, during his whole examination, was entirely respectful, except upon this occasion, both before and after this occurrence. Mr. Whitney's examination occupied much time.

Fifth question by Mr. CALHOON, of Kentucky. Had you or had you not seen Mr. Whitney's card in the Globe of the 5th of January last?

[This card is given in Mr. Fairfield's testimony.]

And do you not know or believe that Mr. Peyton had seen said card, or was informed of its contents? And did not the answer to the question which preceded the difficulty involve the truth of the charges which the card of Mr. Whitney pronounced to be false, and for the uttering of which he pronounced Mr. Peyton a calumniator?

Answer. I had seen Mr. Whitney's "card," published in the Globe of the 5th of January last. I know Mr. Peyton had seen it, because I had heard him speak of it before this occurrence. I thought the reference of the answer to that "card" is what constituted the offensive character of the answer. Apart from the card, I should not have thought the answer of itself offensive.

First question of Mr. INGERSOLL. What language did R. M. Whitney use immediately before the interposition of Mr. Peyton?

Answer. I have stated in my answer to the first interrogatory all that I heard Mr. Whitney say. If he said any thing more I do not recollect it.

Second question by Mr. INGERSOLL. What language did Mr. R. M. Whitney use immediately before the witness says "Mr. Peyton rose and addressed the chairman?"

Answer. I have already stated all that I heard Mr. Whitney say; if he said any thing more, I do not recollect it.

Question by Mr. BELL. When Mr. Peyton was called to order by the chairman of the committee, for the first remarks made by him in reference to Mr. Whitney, did he not take his seat, and continue sitting until Mr. Whitney rose and commenced speaking?

Answer. When I first called Mr. Peyton to order, after stating that he appealed to me to say whether he had not throughout the examination treated Mr. Whitney as a gentleman, he took his seat.

Second question of Mr. BELL. When Mr. Peyton rose the second time, did he advance across a line drawn from his chair towards the fireplace, cutting him off from R. M. Whitney? Could you, at the instant of time when Mr. Peyton put his hand to his bosom, see the right hand of Mr. Whitney? If yes, was it not thrust into his pocket, with the left foot advanced?

Answer. When Mr. Peyton rose the second time, he rose from the seat which I had previously occupied. He did advance beyond a line drawn from that seat to the fireplace, but not beyond such a line from the seat which he had previously occupied. At the instant of time that Mr. Peyton put his hand to his bosom, Mr. Wise, in getting to Mr. Peyton, passed between me and Mr. Whitney. I also immediately got between Mr. Peyton and Mr. Whitney, with my eyes upon Mr. Peyton, so that I had no opportunity to see whether Mr. Whitney had his hand in his pocket, or stood with one foot advanced.

Third question of Mr. BELL. Did you occupy a position which enabled you to see the offensive look or scowl of the witness, R. M. Whitney, which he cast upon Mr. Peyton, if any, at the time of handing his answer to the chairman?

Answer. At the time Mr. Peyton complained of the offensive look being given, my back was turned upon Mr. Whitney, and my eyes directed to the clerk. I did not see the offensive look. I heard Mr. Peyton complain of it in a short time after the difficulty arose, but cannot fix the time with certainty.

Fourth question of Mr. BELL. Did not Mr. Peyton complain that the witness, R. M. Whitney, had insulted him by his look at the time?

Answer. I have already stated that I heard Mr. Peyton complain that Mr. Whitney had given him an offensive look, when the answer which gave rise to the difficulty was handed to me. The exact time Mr. Peyton complained I do not remember.

Fifth question of Mr. BELL. If it had been Mr. Peyton's intention to draw a weapon upon Mr. Whitney, had he not ample time to do so?

Answer. Mr. Peyton had an opportunity, when he first rose, to have drawn a weapon, and have used it, before he could have been arrested. He was about four feet off Mr. Whitney, and nearer to him than any member of the committee.

Sixth question of Mr. BELL. What number of interrogatories were propounded by Mr. Peyton to the witness, R. M. Whitney? How many before and how many after the question and answer which gave rise to the altercation alluded to? Did you apprehend danger of insult or personal violence to said witness, when he reappeared before said committee, on the part of either Mr. Wise or Mr. Peyton? State whether they, and each of them, did not treat him with the courtesy due a witness, as well after as before that occurrence.

Answer. Mr. Fairfield has correctly stated the number of questions propounded, both before and after this occurrence, during which time Mr. Wise and Mr. Peyton were entirely respectful in their demeanor to Mr. Whitney. I at no time apprehended an insult or violence, except on the occasion now under investigation, either before or after.

Seventh question of Mr. BELL. Was there not a rule of the committee that all questions should be reduced to writing, and propounded through the chairman to witness, if not objected to by a member of the committee; and that all answers of witness should be returned in writing through the same channel? And was it not remarked by Mr. Peyton, that the witness must answer in writing, and that he should not address the committee in any other way?

Answer. There was such a rule, and Mr. Peyton did say the witness must answer in writing.

Eighth question of Mr. BELL. Had or had not said witness refused to answer several questions put to him by Mr. Peyton, before the one above alluded to, characterizing them as inquisitorial, which questions had been decided by the committee as proper to be propounded?

Answer. The journal of the committee shows that fact. The questions which were propounded, and which Mr. Whitney declined answering, are all recorded.

First question by Committee. Was or was not the deportment of Mr. Peyton that of a man who did not intend to make an attack, but desired to deter another, and make him desist from insulting remark and conduct?

Answer. I have detailed to the House all of Mr. Peyton's language and deportment upon that occasion, which I recollect; I do not know what Mr. Peyton's motives were, and am, therefore, unwilling to express an opinion concerning them.

Second question by Committee. What was the question put to Mr. Whitney, and his answer thereto, to which you refer in your answer to the first interrogatory; and what was the vote of the committee, also referred to by you in your answer to the same interrogatory; and will you now set them forth, to be received in connexion with, and as part of, your answer to said interrogatory?

Answer. I have incorporated the question, answer, and resolution, referred to, in my answer to the first interrogatory.

Question by Mr. BELL. When Mr. Peyton was called to order by the chairman of the committee, for the first remark made by him in reference to Mr. Whitney, did he not take his seat, and continue sitting until Mr. Whitney rose and commenced speaking?

Answer. I have fully answered this question in my answer to the first interrogatory.

Question by Mr. BELL. Did you occupy a position which enabled you to see the offensive look or scowl of the witness, R. M. Whitney, which he cast upon Mr. Peyton, if any, at the time of his handing his answer to the chairman?

Answer. I have heretofore stated that I did not.

Question by Mr. BELL. Did not Mr. Peyton complain that the witness, R. M. Whitney, had insulted him by his look at the time?

Answer. I have heretofore stated that I heard Mr. Peyton make this complaint.

Question by Mr. BELL. Have you, or any other persons, to your knowledge, had any conversation with the said R. M. Whitney, since the occurrence in the committee? If so, did he inform you then that he was alarmed, and that his fears had induced him to take the course which he has done in this matter? State all he said in relation to his fears, or the motives which induced his course upon this occasion.

Answer. I have had no conversation whatever with Mr. Whitney upon this subject, nor does it come within my knowledge that any other person has.

Question by Mr. BELL. Had or had not said witness, R. M. Whitney, refused to answer several questions put to him by Mr. Peyton, before the one alluded to, characterizing them as inquisitorial, which questions had been decided by the committee as proper to be propounded?

Answer. I have heretofore referred to the journal of the committee, as affirming this fact. Some of the questions which the witness refused to answer were decided by the committee to be proper; others were propounded without objection being made, leaving the witness to answer or object, as he might think best.

Question by Mr. PEYTON. When did you first see the written statement of Mr. Fairfield, which he presented to this House, in answer to the first interrogatory propounded to him, or the substance of the same?

Answer. In the committee room, on the morning after you and Mr. Wise made your statements in the House.

Question by the Counsel. Did Mr. Wise at any time, and when and where, state what was his purpose in going around the table, and placing himself near the accused, as stated in your answer to the first interrogatory? If yea, what did he say was his purpose? And was the statement of Mr. Wise, as to his purpose in that movement, before or after the accused's testimony before the committee had been closed?

Answer. I do not remember seeing Mr. Wise go around the table to the north end of it. I remember to have seen him there a second or two before he seized hold of Mr. Peyton. I did not hear him make any declaration of his purpose that night; his personal exertions that night were to prevent violence. The declaration of his purpose, as stated by himself, I never heard until after Mr. Whitney's card, giving an account of the transaction, appeared. I heard him state in the committee room substantially what he stated in the House, as to his purpose. I do not distinctly recollect his language upon either occasion. I understood him to say, upon both occasions, that he had gone around the table, seeing Mr. Whitney with his right hand in his pocket; and, believing him to be armed with a deadly weapon, he intended to watch him, and if he drew, or attempted to draw, a weapon, so that the life of his friend was endangered, that Mr. Whitney should have died. In the House he said he wished not to be misunderstood or to be misrepresented; that if Mr. Whitney had drawn a weapon, it never should have done its execution.

Question by Mr. BELL. Do the accompanying interrogatories and answers contain all the evidence given by Chief Justice Taney, under the authority of the select committee of which you are chairman? And is not the copy of a letter, purporting to be from Chief Justice Taney to Reverdy Johnson, Esq., herewith furnished, a copy of a letter given in evidence by said Johnson?

Interrogatories propounded to Chief Justice Taney.

1. In the letter of R. M. Whitney to Mr. William J. Duane, then Secretary of the Treasury, bearing date 15th June, 1833, applying to be appointed agent of the Department, or of the deposite banks, when the public money should be removed from the Bank of the United States, he makes the following statement, to wit: "I have never spoken to the President upon this subject; but circumstances lead me to think that I should not be otherwise than perfectly acceptable to him. The only persons to whom I have mentioned the subject, connected with Government, are Messrs. Taney and Kendall; to the former gentleman a week since, at Baltimore, who replied in these words: 'I have always understood, and taken it for granted, that you were to have the situation when it is created.'" I wish you to state whether the above extract from said Whitney's letter is true, so far as relates to yourself.

2. Did you give said R. M. Whitney a letter of recommendation, or did you in any manner countenance or encourage him in applying for the agency referred to, or did you refuse to recommend or countenance him in that capacity, while you were at the head of the Treasury Department?

3. State whether you, as Secretary of the Treasury, approved or disapproved the plan or scheme, as set forth in letter exhibit A, Woodbury's report. What part, if any, did R. M. Whitney take in the success of that measure? Who originated it, so far as you know, and it would be proper for you to state? Did or did not Mr. Amos Kendall know of the existence of that project while he was acting as the agent of the Treasury in the summer of 1833? Did he approve or disapprove of the same, so far as you know?

4. Did you or did you not oppose the application made by Mr. R. M. Whitney to the Union Bank, or deposite bank at Baltimore, to join other banks in recommending him to the Secretary of the Treasury for the station referred to in exhibit A of Woodbury's report?

5. State what you know under the following resolution of the House of Representatives:

"*Resolved*, That a committee of nine members be appointed, whose duty it shall be to inquire whether the several banks employed for the deposite of the public money have all, or any of them, by joint or several con-

tract, employed an agent, to reside at the seat of Government, to transact their business with the Treasury Department; what is the character of the business which he is so employed to transact, and what compensation he receives; whether said agent, if there be one, has been employed at the request or through the procurement of the Treasury Department; whether the business of the Treasury Department with said banks is conducted through said agent; and whether, in the transaction of any business confided to said agent, he receives any compensation from the Treasury Department; and that said committee have power to send for persons and papers.

Answer of R. B. Taney to the interrogatories propounded to him.

1. To the first interrogatory I answer, that the statement in relation to myself, in the extract given in this interrogatory from the letter of R. M. Whitney to W. J. Duane, of June 15, 1833, is not correct. I recollect very well that, in the spring of that year, while the subject of removing the deposites from the Bank of the United States was under consideration, doubts were suggested whether the State banks would not be found incompetent to discharge the duties of fiscal agents, and to meet the necessities of commerce in the business of domestic exchange, by reason of their want of acquaintance with the ordinary operations of the Treasury Department, in the transfer and disbursements of the public money, and from the want of arrangement with one another, so as to accommodate the Government and the public; and that I then entertained and often expressed the opinion that the inconveniences would very probably be felt by the State banks, especially in the commencement of the business, but that they would be surmounted if the banks would choose to appoint an agent or agents, to reside at Washington, to communicate to them, from time to time, such information as they might stand in need of; and that I thought that the banks which might be selected as depositories, where large amounts of revenue were collected, and which would have large transfers and disbursements to make, would probably find it for their interest to have such an agent.

In conversing with the said Whitney, about the time above stated, upon this subject, he mentioned that he would like to be the agent for the banks, and that he thought he could make himself useful to them.

In reply, I stated that, from his knowledge of banks and exchange, I believed he would be able to render them valuable services; and that, from his qualifications, he might succeed in obtaining the appointment he spoke of, if the banks should find it necessary to have such an agent. This, I presume, is the conversation referred to in the letter of the said Whitney, mentioned in this interrogatory. It was, in substance, what I have above stated, and nothing more; and the statement in that letter is incorrect, and conveys the idea that I had in some way understood that such an agency was to be created by the Government, or required of the banks, and that said Whitney was to have it. I never heard or understood any such thing; and neither intended nor expected that the remarks made by me, in this casual conversation, were to be used or repeated by said Whitney for the purpose of promoting the wishes he had expressed. The use of my name in the letter referred to was without my knowledge or approbation. I was at that time the Attorney General of the United States, and certainly did not mean to advise such an appointment, by the Executive or the Treasury Department, as is said in this interrogatory to have been suggested in the letter, nor to interfere, by advice or otherwise, with the deposite banks which the then Secretary might select, if he determined on the removal of the deposites.

2. To the second interrogatory I answer, that while I was at the head of the Treasury Department I never gave the said Whitney a letter of recommendation, nor in any manner countenanced or encouraged him in applying for the agency referred to. I do not recollect that he ever applied to me to recommend him in any such application to the banks, or to any one else, or to countenance him in that capacity, except as contained in my answer to the third interrogatory.

3. To the third interrogatory I answer, that the paper marked A, in the Secretary's report, was presented to me by the said Whitney, who solicited at the same time the appointment mentioned. I refused the application, upon the ground that it contemplated an appointment by the Department which the Executive had no right to make; and so informed him as soon as I looked at the paper. Disapproving the plan or scheme on this ground, I bestowed no thought on what he called in that paper "preliminary observations," which I read over very hastily. I know of no part that the said Whitney took in the said measure, further than that he brought the paper to me, and solicited the appointment as above stated; and had, as I was informed, applied to the banks for this recommendation. And, as to the part of the interrogatory which relates to Amos Kendall, I beg leave, respectfully, to refer the committee to the instructions given to him while W. J. Duane was Secretary of the Treasury, and to the report afterwards made by Amos Kendall to the Department; all of which are on the public files, and were, I think, communicated to the Senate, and printed, when I was in the Department. I have never seen these papers since I left the Treasury, and it is impossible for me to speak of their contents from memory. If any such plan as that described in the paper A was then in existence, and known to Amos Kendall while acting as agent of the Treasury, it will, I presume, appear in these public papers; and I know of no plans on this subject, then in existence, or known to him, beyond what are disclosed in the instructions given to him by the Treasury Department, and his official report to the Department, before referred to.

4. To the fourth interrogatory I answer, that when the application of the said Whitney to the deposite bank in Baltimore, to join in the recommendation marked A, was pending before the bank, and some days before it was presented to me by said Whitney, I received a private letter from an officer of the bank, informing me of the application by said Whitney, and requesting to know whether it was done by him with my knowledge and concurrence. I answered the letter, saying that I had no knowledge of the application, and had given it no countenance or encouragement, and that I had no intention of appointing an agent. It is more than three years since this letter was written. I kept no copy of it, and speak of its contents from memory; but I believe the above was the substance of its contents. Unless such a letter be deemed opposition to the recommendation by the bank, I made none. It was not intended as opposition, but as an answer to inquiry; for it was perfectly indifferent to me whether the bank joined in recommendation or not, as that circumstance would not have changed the decision, nor have produced any difficulty.

5. To the last and general interrogatory I answer, that while I was Secretary of the Treasury none of the deposite banks ever had, to my knowledge, any agent residing at the seat of Government. I never understood, in any way, or supposed, that any of them had any such agent. All their business with the Department was transacted by letters from their own officers, directed to the Secretary of the Treasury; or by sending, as some of them occasionally did, their own officers to Washington, to have personal interviews with the Secretary. I have no knowledge, therefore, of the matters mentioned

in the resolution, but what is derived from hearsay and public rumor.

Copy of Mr. Taney's letter referred to in answer fourth.

"[*Private.*] WASHINGTON, *Oct.* 22, 1833.

"MY DEAR SIR: I have only a moment to say to you that Whitney's proposition is entirely unauthorized by me, and that I have no concern whatever with it; and, moreover, if all the selected banks were to recommend it, I would not appoint such an agent at this time, nor until I have more time to examine into its propriety: certainly there will be none until Congress decide what measures are to follow the removal of the deposites; and if one should even be selected, I am not committed to appoint Mr. Whitney. I am perfectly at large for a selection.

"Very truly, yours,

"R. B. TANEY.

"[Address private.] THOS. ELLICOTT, Esq.,
Baltimore."

[COPY.]

"[*Private.*] WASHINGTON, *Oct.* 24, 1833.

"MY DEAR SIR: Although the time for closing the mail is almost at hand, I hope I have yet time to thank you for your friendly letter, and to assure you that I perfectly agree with you in the opinions you express about the reported appointment. My private letter to Mr. Ellicott has, I hope, been shown to you, and will remove any suspicion that I could have countenanced the plan. In the first place, there is no law authorizing the establishment of such a bureau; and it would be the grossest and most indefensible usurpation of power if I presumed to make such an appointment. I never for a moment have dreamed of committing such a folly. Yet the imposing form of the papers given to Mr. Ellicott, coupled with the publication in the Standard, was well calculated to create the apprehension that I was participating in this wild scheme. But if I had authority, even by act of Congress, (and nothing short of an act of Congress would authorize it,) to establish such a bureau in my Department, rest assured it would not be given to the person you name. I believe he has been much wronged; but it is one of my fixed theories in politics that a man must not only be qualified for the office he fills, but the public, who have an interest in it, must be satisfied of his fitness, or at least must not have made up their minds against him; and whatever may be the qualities of the person in question, his appointment to that office would, under existing circumstances, be received, I am sure, with one general universal feeling of disapprobation, by friends and foes; and, rely on it, I will never mortify my friends by such a usurpation of power, nor by such an injudicious appointment, where I have a lawful right to fill an office. The whole proceeding has been the indiscreet act of the party himself, and wholly unauthorized by me.

"Again thanking you for your kind letter, I am, very truly, your friend and obedient servant,

"R. B. TANEY.

"TO REVERDY JOHNSON, Esq."

Answer by Mr. GARLAND. The paper read, I believe to be a true copy of the evidence of the honorable R. B. Taney, recorded in the journal of the committee. Such a letter has been filed to-day with the evidence of Mr. Reverdy Johnson, as I am informed. The copy read is in the handwriting of the clerk of the committee, and I presume is a true copy of the letter filed.

Question by the Counsel. Was the accused in any way apprized of the intention of the committee to examine Chief Justice Taney, or Mr. Ellicott, or Mr. Johnson, on any matters touching his credit or character; and was he present, or notified to be present, at their examination, or informed of the interrogatories to be submitted to them, or of their answers?

Answer. I do not know that Mr. Whitney was apprized of the intention of the committee to examine Judge Taney, Mr. Ellicott, or Mr. Johnson, or upon which points they were to be examined; nor was he present when they were examined, or notified to be present; nor was he informed, within my knowledge, of the interrogatories propounded or answers given. Judge Taney was not examined in presence of the committee, nor was Mr. Johnson examined until to-day.

Question by the Counsel. Was the accused informed by the committee that they meant to require the production of the private letters written to Mr. Ellicott or Mr. Johnson, and now produced by the committee; and was he informed of the contents of the said letters; and was a vote of the committee taken as to the requisition of the said letters, and their production; and were the writers of these letters apprized that they were to be required or produced?

Answer. Mr. Whitney was not apprized by the committee, within my knowledge, that the production of the private letters was required of Mr. Ellicott or Mr. Johnson, nor has he been informed of the contents of said letters. These particular letters were never required by the committee; they were produced, if I am not mistaken, under a general requisition of the committee for all correspondence touching the subjects of inquiry directed by the House. I do not recollect any vote of the committee as to these identical letters. Mr. Whitney was never apprized, within my knowledge, that these letters were to be required. I do not recollect that he ever asked any information about them, or that the committee ever gave him any. I do not know that Judge Taney was apprized that these letters had been required or produced.

A motion was made that the House adjourn. Prior to its being put, Mr. Whitney was conducted from the bar of the House, as before, by the Sergeant-at-arms;

And then the House adjourned.

MONDAY, FEBRUARY 20.

The reading of the journal of proceedings of Saturday occupied upwards of an hour; after which, the House resumed the investigation of the

CASE OF R. M. WHITNEY.

Question by Counsel. Please to state under what order or requisition the private letters were called for by the committee, and give the contents of such order or requisition. And when the letters were presented to the committee by the witnesses, was any vote or opinion taken or expressed by the committee as to the use of the said letters; and was the writer of these letters, when under examination by the committee, apprized by the committee that his private letters relating to the subject as to which he was under examination would be, or had been, required by the committee; or was the accused apprized of the order or requisition under which said private letters were called for?

Answer. On the 20th day of January, a series of interrogatories, to be propounded to different witnesses at a distance, whose personal attendance it was thought difficult to procure, was agreed upon by the committee. This series, embracing thirty-six interrogatories, will be found in the journal, a copy of which accompanies this answer, in these words:

[These interrogatories will all be found in the journal of the select committee; the first seven, being essential to a correct understanding of this part of the case, were as follows:

1st. Copies of all papers, letters, orders, resolutions, or memoranda, in books or otherwise, going to show

that the banks of deposite of the public money, of which they, respectively, are officers, have, by contract, joint or several, employed an agent at the seat of Government to transact their business with the Treasury Department.

2d. Copies of all contracts made with any and every such agent.

3d. Copies of all the correspondence which may have been carried on between said banks, or any of their officers, and said agent or agents, either before or since the formation of contracts with the Treasury Department, touching the deposites of the public money; and, also, copies of all accepted or rejected contracts proposed by said agent or agents, at any time.

4th. Copies of all correspondence, papers, memoranda, &c., tending to show "the character of the business which said agent or agents is (or are) so employed to transact," whether of a date anterior or subsequent to the creation of such agency or the execution of said contracts.

5th. Copies of all correspondence, books, letters, papers, memoranda, &c., going to show the amount of the compensation of said agent or agents, at this and at all antecedent periods; and when, how, and by whom paid, and for what services.

6th. Copies of all papers, correspondence, &c., going to show whether said agent or agents has or have been employed at the request or through the procurement of the Treasury Department, or any officer thereof.

7th. Copies of all correspondence, &c., calculated to show whether said agent or agents have been employed at the request, or through the procurement, advice, or consent, of the Treasury Department, or any officer thereof.]

A copy of which interrogatories was furnished Mr. Johnson, among others. The interrogatories under which I suppose he thought it his duty to produce the letter in question are numbered in the series from three to seven, inclusive. I find, however, on examining the journal of the committee, that, on the 13th instant, the question (a copy of which is herewith filed) was proposed by Mr. Peyton to be propounded to the witness, by the consent of the committee, one member objecting. This interrogatory was also forwarded to Mr. Johnson; he, however, did not transmit any answers to the committee; but, on Saturday morning last, appeared in person to give his testimony. At the time he announced himself, the committee was not in session, but the members were in attendance upon the House, where the present examination was going on. I told Mr. Johnson that the committee was not in session, and could not then take his examination; but I would try to get them together, and take his examination in the course of the day. He said his attendance was very inconvenient, and he was anxious to retire as speedily as he could. I then conducted him into the committee room, placed before him the resolution of the House organizing the committee, and directing its inquiries, and told him he could do as many other witnesses had done—write out his answers to the interrogatories which had been propounded, looking to the resolution of the House as his guide. He wrote out his testimony, which was left with the clerk of the committee, and filed the letter in question with it. The committee was not in session at any time during his examination. I had no knowledge whatever that such a letter was in existence, until I was informed that Mr. Johnson had filed it. I have no knowledge that any member informed Mr. Johnson whether it was proper or not to produce said paper.

Copy of additional question propounded to Mr. Reverdy Johnson, on Monday, February 13.

"37. Did R. B. Taney give R. M. Whitney a letter of recommendation, or did he in any manner countenance or encourage him in applying for the agency referred to, or did he refuse to recommend or countenance him in that capacity, while he was at the head of the Treasury Department? Do you know of any correspondence on the subject, of Mr. Taney, with any one? If yes, state its contents or file copies of the same. State fully all you may know on that subject."

Question by the Counsel. Who moved the resolution and framed the interrogatories mentioned in your preceding answer? Among such interrogatories, (having reference to R. M. Whitney,) is not the 29th in these terms, to wit: "29. At the time he was so designated, were you acquainted with him personally; and was he favorably known to you either for capacity or integrity?" Do you know of any other answers being returned to said interrogatory, except the following, extracted from your journal by your clerk, certified by him?

"W. D. Lewis's answer to the 29th interrogatory. With Mr. Whitney, the agent employed by the Girard Bank, I have been personally acquainted for many years; and he has always been favorably known to me for capacity and integrity.

"Thomas C. Rockhill's (Girard Bank) answer to the 29th interrogatory. Deponent has known him for about twenty years; has transacted a great deal of business with him for years back; always found him a good merchant, correct and upright in his transactions, and he is favorably known to deponent, both for capacity and integrity.

"T. M. Bryan's (Girard Bank) answer to the 29th interrogatory. Deponent has known him for many years, and he was favorably known to deponent, both for capacity and integrity.

"A Stevenson's (President of Moyamensing Bank) answer to the 29th interrogatory. Deponent knew him well when he resided in Philadelphia, and was favorably known to deponent, as a gentleman and a merchant, both for capacity and integrity.

"P. Reilly's (Moyamensing Bank) answer to the 28th interrogatory. Deponent was acquainted with him some years ago; and did not entertain a favorable opinion of him, either for capacity or integrity. He would not then have trusted his private affairs with him. This opinion was founded on general rumor, which might have been true or false, and not upon any particular knowledge of deponent.

"R. White's (Manhattan Company) answer to 29th interrogatory. I was previously acquainted with Mr. Whitney, and considered him well qualified for the office of agent to the banks at Washington.

"Mechanics' Bank, New York, (29th interrogatory.) At the time Mr. Whitney was selected on the part of this bank, I was not acquainted with him personally; but, from the impression made upon us for capacity and qualifications from respectable sources, we were of course favorable to such selection.

"The Mechanics' Bank also states, in another place, (answer 14th.) Mr. Reuben M. Whitney, having been represented to us as a person of great experience and practical knowledge of financial matters, was selected by the Mechanics' Bank as its agent or correspondent at the seat of Government, to furnish us with such general information in regard to the deposite banks, domestic exchange, &c., as might be deemed official.

"Committee Room, *February* 20, 1837.

"In answer to the call of Mr. Whitney's counsel, I have examined the depositions sent by the different banks, and extracted every thing I can find relating to Mr. Whitney's character, which will be found above.

"SAMUEL HAMILTON,
Clerk to Mr. Garland's Committee."

Mr. GARLAND'S answer. The series of resolutions from which the printed interrogatories referred to in my last answer were produced, were proposed by Mr. Peyton; the amendments, which reduced them to their ultimate form, were principally offered by Mr. Hamer. The interrogatory of the 13th of the present month was proposed by Mr. Peyton also. The 20th interrogatory of the series referred to is correctly quoted in the question now before me. I do not know that any answers to said interrogatories have been returned, besides those referred to in the question; if there have been, I do not recollect them.

Question by Counsel, (in substance.) Please look at the examination of David Henshaw, and say what member or members of the committee proposed the interrogatory to which said Henshaw returned the following answer, to be found in the journal of the committee.

Mr. Henshaw's answer. "I cannot answer for the officers of the banks who recommended Mr. Whitney. I was not an officer in any bank at that time. I had myself known Mr. Whitney for some time previously; and I had heard him favorably spoken of by those who had known him longer, both for capacity and integrity. So far as my own personal knowledge of Mr. Whitney extends, it is favorable to his character for capacity and integrity."

[It might be as well here to state that, on reference to the journal, it appears that the question was put by Mr. PEYTON, and was in the following words: "Was or was not Mr. R. M. Whitney, at the time the letter of recommendation before mentioned by you was laid before the board, favorably known to you, and the officers of that bank, as a gentleman of capacity as well as integrity? Or did the board take the evidence furnished by that letter as satisfactory on both these points?"]

Mr. LOVE objected to this interrogatory. He had sat there day in and day out, while this inquiry was going on, endeavoring to prepare himself to submit to any course which the learned counsel and gentlemen of the House might think proper to adopt; but the character of the House, and the position it occupied before the nation, required that there should be some grounds for the interrogatories put to witnesses by the counsel. What was the question now proposed to be put, and what had it to do with the only subject-matter legitimately before the House? What had this interrogatory to do with the question whether Whitney had or had not committed a contempt of the House? Was there a member in that House who did not see that during the preceding part of to-day's sitting, and a great part of Saturday, the question whether Whitney had committed a contempt had been utterly and *in toto* lost sight of; and they were proceeding in an investigation which, if not arrested by the House, would consume the whole of the remainder of the session? Inquiries were now making, not only as to what had occurred before the committee to which the alleged contempt had been offered, but as to what had occurred before an entirely different committee; and not only this, but the learned counsel were now going into an entirely new field of inquiry. They were not content with bringing to light all the important occurrences which had transpired before the committee, but they were now propounding inquiries to ascertain from what members of the committee certain interrogatories had been propounded to witnesses before that committee. Now, was this to be acquiesced in by the House? He would inquire whether questions of this sort had any thing to do with the only subject before the House, namely: whether Whitney had or had not committed a contempt of the House. He would call upon the learned counsel to state to the House the object of making inquiries of this kind; and if there was not good and sufficient reasons for propounding the interrogatory, Mr. L. must protest against it.

When they were within ten days of the end of the session, and in fact only six days left them to conclude all the important business of the nation yet unacted on, e trusted this case would not be spun out by introducing testimony of this kind. He was unwilling to sit there any longer listening to an examination, by way of ascertaining from the officers of certain banks the particulars as to the character of Reuben M. Whitney; and least of all, to hear the counsel propound interrogatories to ascertain what particular member of the committee propounded this question to a witness, and what one propounded that question. He called upon all gentlemen who were desirous of disposing of the great and important measures yet before the House to come forward and arrest this new and irrelevant course of proceeding.

Mr. Jones, of counsel for the accused, was understood to remark that he had all along pursued a course intended to economize the time of the House, and that this interrogatory might have been responded to in one twentieth of the time it took the gentleman from New York to make his objections to it; and if he (Mr. J.) were to argue over and over again to that House every time a question was objected to, he should have on each occasion to reargue the merits of the whole case. All that he should then say was, that it was very extraordinary that after a witness under examination had been permitted, without the whisper of an objection from any quarter of the House, without any reflections or strictures on the part of the honorable gentleman who made so vehement an objection now, to answer the very question that showed or attempted to show the accused in an unfavorable light, by producing the letters of Mr. Taney and Mr. Duane, together with all the questions propounded to the gentleman from Virginia [Mr. GARLAND] on Saturday, Mr. J. thought it indeed extraordinary, that when the counsel followed the example set them by the members of the House, and sanctioned by the authority of the House, by merely bringing into view other parts of the same record, it should be objected to. Was the course of examination which had been so long tolerated by the House to stop at the very point where the prisoner could take advantage of it? He trusted the common sense of justice and equity on the part of the House would at least allow the same latitude, on the same points of testimony, which had been sanctioned for the other side.

On taking the question by tellers, the yeas being 42, nays 49—no quorum—

Mr. Key, by leave, withdrew the interrogatory, and sent a request to the Chair, to be submitted to the House, explaining that the request would probably supersede the necessity of the interrogatory.

The CHAIR said it would not be in order, while a witness was on the stand.

Mr. MERCER. I think it ought to be read, and then the House might judge of it.

The CHAIR then directed it to be read, as follows:

"The counsel for the accused respectfully ask that that part of the journal of the committee showing the evidence of David Henshaw be now read, the whole journal being decided by the House to be evidence in this case."

No action was taken on this request, it not being then in order to consider it.

Mr. Key then proposed the following interrogatory to the witness:

Question by Counsel. After the signature of Mr. R. Johnson to his deposition, there appears another answer to another interrogatory; please state who propounded that interrogatory, and when and where. State your knowledge fully; also, whether such interrogatory, so propounded, was authorized by the committee, or by

you, as chairman; and produce said interrogatory; state, also, whether the said deposition of said witness is sworn to.

Mr. LOVE said, if he understood that interrogatory, it was in substance the same as the other—of the same character precisely. He therefore objected to it, and stated his reasons.

Mr. Speaker, said he, the subject of the inquiry, as I understand the interrogatory, is this: what member of the committee, of which the honorable gentleman from Virginia, now upon the stand, is chairman, propounded certain questions? Now, sir, I ask, what is that to this accused, or to his counsel, or to this House? Whose business is it if improper questions have been put by that committee, or questions so improper, by any members of it, as that the member or members so putting them have or has been guilty of corruption, or deemed to be so, and their or his conduct in so doing a fair subject of inquiry? If this be so, then let complaints be preferred here. Let there be a complaint preferred against that committee, or the members or member of it who have or has been guilty of any such offence, and then go into proof that he or they put the question. But what, I again ask, have we now to do with the fact as to what member of that committee propounded certain interrogatories to any witness that had been examined by it? I say, Mr. Speaker, what has that fact to do with the question of contempt of Reuben M. Whitney? What has it to do with it? How does it touch it? Under what pretext can it be brought to bear upon the case of Whitney for a contempt of this House? Admit all that has been said or done in regard to the character of Whitney, and that it is fairly put in issue; yet what, after all that, under heaven, have certain questions, and which member of the committee put those questions, to do with the issue made, or sought to be made, before this House? I say, nothing under heaven; and, notwithstanding counsel say it takes longer to oppose these questions than it would for the witness to answer them, that is no reason for invalidating an objection to an improper question. They may pursue these questions, in one form or other, till the last hour of the session; and are we never to stop it, because the objections made occupy more of the time of the House than the witness would in answering the question? I trust, Mr. Speaker, this House has more regard for its own reputation. Why, sir, I say it unhesitatingly, that if any course taken by this House has the effect of protracting this matter, it is the proceedings already had, and which, I would say, were it in order, would disgrace every justice's court in any district of the country. Sir, I will not sit here quietly, without raising my voice in protesting against it.

Mr. Key was proceeding to reply, when

Mr. WISE rose, and asked leave to report some matters before the other select committee, of which he himself was chairman.

The CHAIR said it was not in order.

Mr. WISE merely wished, he said, to hand in some extracts from the journal of his committee.

The CHAIR repeated that it was not in order.

Mr. WISE. It is only extracts, sir.

The CHAIR. It can only be done by the unanimous consent of the House. The Chair again reminded the gentleman from Virginia that he was interposing between the right of the counsel for the accused to reply to the objection made to his interrogatory.

Mr. WISE again pressed his motion, but it was objected to.

Mr. Key (one of the counsel) then proceeded to reply to Mr. Love. It appeared to him, he said, that the gentleman from New York did not recollect what had been already done by the House; but, he supposed, a simple statement of it would remove the gentleman's objection.

It had, then, been already decided by the House that the whole journal of the select committee, to which the gentleman had referred, was in evidence in this cause. Every deposition taken was in evidence, and every part of it. Now, if that be the case—and that it was he need only appeal to the proceedings of the House—its votes, and the facts, showing that on Saturday last, under that authority, under that decision of the House, the whole journal was put in as evidence, and various parts of it called for and read by the Clerk; for instance, that portion containing the evidence and the paper produced by Mr. Reverdy Johnson. Mr. K. presumed, therefore, that it was undeniable that the whole of Mr. Johnson's deposition, taken by that committee, was then in evidence before that House. Now, if that be the case, and he had shown that it was the case, on what possible grounds of law or justice could the objection to the interrogatory then made be sustained?

Mr. K. said they wanted to know if that deposition was, in whole or in part, properly taken, and proper testimony before the House; if that letter had been duly sworn to. They wanted to know if the interrogatories were all put by the authority of the committee, and if the answers were all properly delivered; or whether interrogatories had not been put to Mr. Johnson, which ought never to have been put to him. That was the object of the inquiry, and he insisted upon their right to propound it.

Mr. PEYTON here interposed, and said he wished to set the learned counsel right in regard to the facts of that case. Mr. Johnson (he said) appeared before the committee; but there was not and could not be got together a quorum of it at the time the chairman called a meeting. Mr. P. was directed to go down and see Mr. Johnson, in reference to his evidence. At that time, the counsel for the accused had already propounded interrogatories in relation to it, and had made an effort to obtain from the journal every answer given to the twenty-ninth interrogatory. Mr. Johnson had answered all the interrogatories (as the committee supposed) fully, and put his name to the paper containing them. I first told him (Mr. P. said) that I would ask him another question; but, after a few words, I then suggested to him, what he himself had told me, that he could consistently tell the whole truth, and could append a further answer to the twenty-ninth interrogatory, already propounded to and answered by him. Upon that suggestion, having believed that he had not fully answered all he knew, he made a further answer, striking out his name, putting the further answer thereafter, and afterwards re-signing his name, as an answer to that whole interrogatory.

Now, (continued Mr. P.,) the gentleman would at once see the importance of that interrogatory. It was, whether the accused was known to him favorably, for integrity as well as capacity. Mr. Johnson knew, from information, a great deal more upon the subject of this man's integrity and character than what he had already stated, viz: he had understood enough to enable him to make the statement which he did in regard to that individual's association with blacklegs and gamblers in the city of Philadelphia. I (said Mr. P.) considered it important; Mr. Reverdy Johnson considered it important; but I asked no new question, because the committee were not present. This answer of Mr. Johnson, he repeated, was given to the twenty-ninth interrogatory.

Mr. Key had no sort of objection to the explanation made by the gentleman; but still (said Mr. K.) we are brought back again to the question, whether or not an interrogatory proposed to this witness be a competent one or not. Now, I want to know, sir, if, when a part of a deposition that was read before the House on Saturday, by the other side, as evidence, was admitted,

whether I cannot make an inquiry in relation to it, for the purpose of showing whether that very deposition was proper or not, properly taken or not; showing, sir, that the deposition which has been thus read before the House has never been sworn to at all. I want to know whether I shall be precluded from showing, as I shall be able to show, that that part of the deposition which follows the deponent's name on the paper is an answer to no interrogatory, or at least an answer to an inadmissible interrogatory, put to him by no authority whatever. Nay, more, sir: that when similar questions were attempted to be put to other witnesses, they were objected to by the committee. How can the House object to this? The whole journal is in evidence, and this is part of the journal; and, sir, the deposition being already in evidence, am I not to inquire who put that second or additional interrogatory; under what circumstances the answer to it was taken; or, in the language of the interrogatory, whether any part of that deposition, which has been read to this House as testimony, is testimony at all?

The CHAIR was about to propound the question, the counsel for the accused having finished his reply, when

Mr. PEYTON again interposed, and desired to make a further statement.

The CHAIR said he would ascertain whether it was the general sense of the House, or not, that the gentleman should do so.

Mr. PEYTON. By permission of the House, I will give the facts, which will satisfy the counsel that he is laboring under misapprehension.

Mr. GHOLSON. Mr. Speaker, I must object to any further interruption. The counsel has replied to the objections raised against his interrogatory; and, under the order of the House, it is not competent for any gentleman to speak afterwards. I insist, sir, upon the question being put.

The CHAIR then put the question, whether the interrogatory should be propounded; when, there being yeas 63, nays 36—no quorum—

Mr. GHOLSON moved a call of the House; which was lost, without a division.

Mr. THOMSON, of Ohio, asked for the yeas and nays on the question of putting the interrogatory; but there was again no quorum: Yeas 25, nays 95.

Mr. CAMBRELENG requested the Chair to ascertain if there was a quorum within the hall.

The CHAIR had no doubt of it, if gentlemen would come within the bar and vote.

Mr. GHOLSON moved an adjournment, and asked for the yeas and nays on the motion, stating that he made both motions in order that, by calling over the roll, it might bring a quorum.

The House refused to order the yeas and nays.

Mr. GHOLSON withdrew the motion to adjourn; and the yeas and nays having been ordered on the question, "Shall this interrogatory be put?" the question was so taken, and decided in the affirmative: Yeas 112, nays 43, as follows:

YEAS—Messrs. Heman Allen, Beale, Bean, Beaumont, Bell, Black, Bockee, Borden, Briggs, Brown, Buchanan, Bunch, Burns, John Calhoon, William B. Calhoun, Carter, Casey, George Chambers, John Chambers, Chetwood, N. H. Claiborne, John F. H. Claiborne, Coles, Corwin, Cushman, Darlington, Dawson, Denny, Doubleday, Dunlap, Evans, Farlin, Forester, Fowler, French, Gholson, Granger, Graves, Grennell, Griffin, J. Hall, H. Hall, Harlan, Harper, S. S. Harrison, Haynes, Henderson, Hopkins, Howard, Hubley, Huntington, Huntsman, Ingersoll, Jarvis, Jenifer, Joseph Johnson, Richard M. Johnson, John W. Jones, Benjamin Jones, Lane, Lawler, Lawrence, Lay, Joshua Lee, Luke Lea, Leonard, Lucas, Lyon, Abijah Mann, Job Mann, Moses Mason, Samson Mason, Maury, McCarty, McKennan, McKim, Mercer, Milligan, Morgan, Page, Parks, Dutee J. Pearce, Phelps, Phillips, Potts, Reed, John Reynolds, Joseph Reynolds, Richardson, Robertson, Rogers, Russell, Seymour, Shinn, Sickles, Slade, Sloane, Spangler, Sprague, Standefer, Steele, Storer, Sutherland, Taliaferro, Taylor, John Thomson, Toucey, Washington, White, Thomas T. Whittlesey, Sherrod Williams, Yell—112.

NAYS—Messrs. Anthony, Bailey, Barton, Bond, Boon, Cambreleng, Chapman, Chapin, Clark, Cramer, Deberry, Dromgoole, Efner, Grantland, Grayson, Haley, Hawkins, Herod, Hoar, Holt, Howell, Hunt, William Jackson, Cave Johnson, Kennon, Love, Loyall, William Mason, McKay, McLene, Montgomery, Parker, Pearson, Pettigrew, Rencher, Schenck, Shields, Turrill, Vanderpoel, Ward, Wardwell, Webster, Lewis Williams—43.

So the House decided that the interrogatory should be put.

The witness then returned the following:

Answer. I have not read Mr. Johnson's testimony, and do not know its contents. The committee was not in session at any time during the time he was engaged in stating his testimony, and of course did not authorize the interrogatory referred to by Mr. Johnson; if one was propounded to him, I do not know who propounded the interrogatory. I had no authority, as chairman, to authorize it, and did not do so. I administered the usual oath to Mr. Johnson, while he was engaged in writing his testimony.

Cross-examination of Mr. Garland.

Question by Mr. BELL. Did not Mr. Peyton suggest to you the propriety of calling the committee together before Mr. Johnson should be discharged?

Answer. I think he did, but it was difficult to get them together, owing to the examination now going on; nor did I think it necessary, unless new interrogatories were to be propounded.

Question by Mr. BELL. Do you conclude, upon an examination of the testimony of Mr. Johnson, herewith furnished for your inspection, that there was any additional interrogatory propounded to him; and is it not the fact that his attention was called to the 29th interrogatory, by being asked if he had any information to give under that interrogatory?

Answer. Upon reading Mr. Johnson's statement, referred to in the question, I find the following passage: "Deponent being asked whether he has any knowlege or information of Mr. Whitney's general character for capacity and integrity, as asked for in the 29th interrogatory, at any time subsequent to the date to which such interrogatory applies," &c. Whether such interrogatory as he states was propounded to him, I do not know. If it was, I did not hear it. It was his duty to have answered fully the 29th interrogatory; and, to authorize him to do that, no new interrogatory was necessary. How far a new interrogatory was necessary to authorize the witness to answer the 29th interrogatory, embracing a period of time subsequent to the period embraced in that interrogatory, is matter of construction, which the House can as well determine as I can. I do not recolect whether his attention was called to the 29th interrogatory or not, for I was but a few minutes in the committee room with him, while he was stating his evidence.

Question by Mr. BELL. Were not numerous interrogatories propounded to Mr. Whitney himself, and to other persons, with his knowledge, which, from their nature, were well calculated to inform him that the committee were proceeding to take testimony in relation to the matters alluded to in the evidence given by Chief Justice Taney and by Mr. Johnson; and had not the commit-

tee come to an understanding among themselves, informally, that it would be proper to hear any witnesses, or other testimony, furnished either by the Secretary of the Treasury or Mr. Whitney, touching any matter which might be in evidence against them, or either of them?

Answer. The journal of the committee contains all the interrogatories proposed, whether propounded or not, and a reference to them will best answer this question. I think many of them were well calculated to apprize Mr. Whitney that testimony of the character given by Judge Taney and Mr. Johnson was expected to be taken. My recollection is, that every member of the committee expressed his unwillingness to receive any explanatory or exculpatory evidence from any person who might be implicated in the course of the investigation.

Mr. Fairfield's re-examination.

Mr. PEYTON here asked leave to submit a question to another witness.

The CHAIR said it was not in order.

Mr. PEYTON. I suppose I may by general consent.

The CHAIR cannot put it.

Mr. PEYTON. But if the House is willing, will the Chair object? Does the Chair object?

The CHAIR does not object, but he cannot put it without the general assent of the House.

Mr. THOMAS suggested that the best course, and to obviate all difficulty, would be for the gentleman from Tennessee to pass his interrogatory to the committee and the counsel.

Mr. PEYTON said he understood that one of the counsel of the accused, having looked at the question, was perfectly willing that Mr. Fairfield should take it and answer it; and Mr. P. hoped the House would indulge him.

The CHAIR inquired if it was intended to supersede the witness upon the stand.

Mr. PEYTON replied in the negative, and stated that the interrogatory and answer could lie over till the other witness was disposed of.

The interrogatory was then read, as follows:

Question by Mr. PEYTON. In one of your former answers you alluded to a conversation between R. M. Whitney and others, in your presence, after the 25th January; I wish you to state, in explanation of said answer, who were present at that time, to whom said Whitney made the remarks, as stated in your answers; where it was; whether in the night or daytime; and state fully all that was said by said Whitney, or others, upon the same subject, upon that occasion.

Mr. FAIRFIELD took the question, and was desired to answer it after the examination of the witness then on the stand was closed.

Mr. Garland's examination resumed.

Question by Counsel. And was the accused or his counsel informed that Mr. Johnson was here, and that he was about to give evidence, to be used in the present case?

Answer. He was not, within my knowlege.

Question by Counsel. Was there, at any time, any communication made to the accused, notifying him that he might be present at the taking of, or in any other way informed of, the testimony that had been taken, or might be taken, affecting him or his evidence? Was not a resolution to that effect offered, and was it not laid on the table, and never afterwards called up? Is not that the resolution at pages 127-'8, in these words, to wit:

"*Resolved*, That if any of the evidence that now is, or hereafter shall be, before this committee, shall be deemed, by any member thereof, to criminate the official conduct of any officer of the Government, or the private character of any such officer, or other person, the same shall not be published or considered as evidence, until such officer or person shall have an opportunity to rebut or explain the same; and, to enable him to do so, he shall be notified of the matter objected to, and furnished with the evidence upon which the objection rests."

Answer. The resolution referred to speaks for itself. The original resolution is truly copied in the printed journal now before the House. This resolution has not been acted upon. Mr. Whitney never received, within my knowlege, any such notification as stated in the question; nor do I recollect that he ever requested the committee to give him any such.

Question by Mr. PEYTON. In the proposition submitted by Mr. Gillet, to which reference has just been made, was the objection to the same made to receiving any explanatory evidence, either oral or written, from said Whitney, or any other person; or was the objection confined to excluding all evidence to be taken, until any person supposed to be affected was heard, as tending to exclude a large portion of the evidence already taken?

Answer. I have heretofore stated that I understood every member of the committee willing to receive exculpatory or explanatory evidence from any person implicated. The difficulty with some members, in adopting the resolution proposed by Mr. Gillet, was, that it excluded all evidence of that character, until the person implicated was notified that it was to be introduced. I remember a discussion among the members of the committee upon this, as a legal proposition, so far as it prevailed in the courts of judicature.

The witness [Mr. GARLAND] was then dicharged from the stand.

Re-examination of Mr. Fairfield resumed.

Mr. FAIRFIELD then returned an answer (imbodied in the following) to the interrogatory put by Mr. Peyton, pending the examination of Mr. Garland; which having been read—

Mr. PEYTON said: Mr. Speaker, he has not answered as to the time and place.

Mr. FAIRFIELD. It was on the evening (the answer, I believe, states) when the gentleman made his statement in the House; and it was at Mr. Gillet's room.

The answer was then read again, and the witness asked to have it returned to him; which was ordered.

The witness then returned the following answer in full:

Answer. As I have before stated, I was not present in the House at the time Mr. Wise and Mr. Peyton called up the case of the occurrence of the 25th of January, and made their statements respecting it; but, on the adjournment of the House, I was informed that they had so done, and that Mr. Wise had called upon all the members of the committee to make statements also. It occurred to me that it would be well to reduce to writing the facts, as they rested in my recollection; and I accordingly retired to my chamber, and wrote out the statement, which is in substance my answer to the first interrogatory, without consultation with any member of the committee, and before I had read the statements of Messrs. Wise and Peyton. After having done this, I felt a natural anxiety to see how far it corresponded with the recollection of other members of the committee; and accordingly, the same evening or the next, I called upon Messrs. Hamer, Gillet, and Martin, and exhibited to them my statement. I was pleased to find that they substantially agreed with me, though their recollection embraced a few facts not distinctly within mine.

When I called upon Mr. Gillet, it was early in the evening, and, finding Mr. Whitney there, I did not take

a seat, and stopped only a few minutes. In reply to Mr. Gillet's invitation to take a chair, I told him I had drawn up a statement of the facts in relation to the occurrence of the 25th of January, and that I would call again in the course of the evening, and exhibit it to him. This led to some remark of Mr. Whitney about the statement of Mr. Wise, but I do not recollect distinctly what it was, which was followed by the remarks, the substance of which was given in my answer to the fifteenth question proposed by the honorable Mr. Bell. I think Mr. Gillet made some remark, but I have no recollection as to what it was. At some time while I was there, I think I remarked to Mr. Gillet that Mr. Wise had made a worse case for himself than Mr. Whitney's statement had made, having heard so much of Mr. Wise's remarks repeated as related to his intention in case Mr. Whitney had moved his elbow an inch. This did not occur to me when I answered the previous question upon this subject. I then retired, called upon Mr. Martin, and, in the course of perhaps half an hour, returned; and, finding Mr. Gillet alone, I exhibited my statement to him, and was pleased to find that it accorded substantially with his recollection. No others were present, nor can I recollect distinctly any thing further that was said.

Question by Mr. BELL. Did you furnish a copy of your statement to Mr. Whitney, or any other person, before you gave your answer to the first interrogatory? Or did you put the original statement into the possession of any other person before that time; and, if yes, into whose?

Mr. BOON objected to this interrogatory, as being wholly irrelevant to the subject-matter which the House had to decide upon. The whole of Saturday, and four hours of this day's sitting, had been taken up in asking questions, and debating points arising therefrom, which had no connexion with the main question before the House, namely, whether or not Whitney had offered a contempt to the House; and if they were to go on, calling upon the stenographers for their opinions in relation to one point, and upon other gentlemen for their opinions in relation to another point, this question would not be disposed of when the evening of the 3d of March would put a period to the existence of the twenty-fourth Congress.

Mr. BELL concurred, he said, most heartily with the gentleman, not only that all the time of that day, Saturday, and the preceding days, had been wasted, but that, from the very moment the accused had been placed at the bar, nothing legal or parliamentary, connected with this case of contempt, had taken place, nor, to Mr. B's understanding, any thing that the House ought to have done in the case. Upon no other ground had he himself voted as he had done upon repeated occasions, and upon the propositions of counsel; and upon no other ground would he have asked, or, as a member of the House, could he have asked, a number of the interrogatories he had propounded. He would candidly admit his own interrogatories to be irregular, so far as the abstract case was concerned; but then, he contended, they stood upon the same ground of propriety, justice, and equal rights, as others that had been propounded by counsel. There was, however, no need for further recrimination. He would only advert to what had been said at the very outset of this question, not only by himself, but, upon a subsequent occasion, by the gentleman from Kentucky, [Mr. CHAMBERS,] that this proceeding was not the trial of Mr. Whitney for contempt or alleged contempt. Mr. B. remembered, also, and it might not be improper then to refer to it, that the very first day when the proposition came up, he appealed, in terms as strong as he could, to the sound judgment, the sound and practical experience, of that House, to terminate this question immediately, by the only ordinary and established mode of proceeding recognised both by that House and by the British Parliament; and that was simply to ask Mr. Whitney, upon oath, whether he had refused to obey the summons from the select committee either from apprehensions of personal outrage, or through personal fear.

Mr. B. had furthermore stated that, if Mr. Whitney would answer in the affirmative, there was an end of the question; for it was not for the House to inquire whether the grounds of his fears were small or weighty; or whether the conduct of the gentlemen referred to had been outrageous, and such as to cause any man to fear, not only personal violence, but personal outrage. His answer in the affirmative, and the case was at an end. They (the House) were bound to discharge him from the contempt; and it was within his own breast, and not for them to inquire, whether the outrage was a gross or a trivial one. Mr. B. had stated, moreover, what ought to have been done, viz: that, if the accused did answer in the affirmative, that must be decisive; or, if they wanted his testimony before the select committee, it was their bounden duty to protect the witness; and Mr. B. did not consider this would have implicated the character of the gentleman from Virginia, or any other gentleman. Had the accused any apprehensions? If so, let him state them, and there was an end to the inquiry, and all that had taken place was out of the inquiry.

But the question had taken an extraordinary course—a course implicating two honorable gentlemen, as members of the committee and members of that House. The consequence of this singular and anomalous course of proceeding had been to bring those gentlemen before the House and the country, while Mr. Whitney had been lost sight of—notoriously so; and, moreover, while learned gentlemen had been permitted to defend Mr. Whitney with their own interrogatories, in the face of that House and the country, they had themselves carefully and positively disproved the alleged ground of the disobedience of this witness. The gentleman from Maine, [Mr. FAIRFIELD,] the first witness called on the stand, who had answered with candor, and to the best of his knowledge and belief on the subject, expressly stated, in his answer on his first examination, that Mr. Whitney admitted to him that he had no fear of Mr. Peyton, although he expected he had arms in his bosom, and that he stood erect, cool, and collected; that he did not fear Mr. Peyton's threatening, though that gentleman had his hand in his bosom, because he (Whitney) intended to spring forward, and with his own arm have thrown him into the fire.

But it was alleged that the witness founded his new ideas of fear from what the gentleman from Virginia had said. Why, the learned gentlemen themselves had proved this to be an unfounded assertion. Here was Mr. Peyton within four or six feet of Mr. Whitney, threatening him with personal violence at the time, and having arms in his bosom, which he could instantly have drawn upon him; yet there he stood—erect, cool, collected, undaunted—and they had been particular in proving Mr. Whitney to be a man of courage; and Mr. B. would put it to the gentleman from Indiana [Mr. BOON] whether it was not clearly part of the business and duty, or what he conceived to be the duty, of counsel, after that, to disprove the ground upon which was based the alleged excuse for disobedience to the summons. They had come before that House, and asked it to undergo ceremonies, Mr. B. ought not, perhaps, to say of additional contempt to the known authority of this House, to hear witnesses interrogated; and, after all they have proved, they committed a contempt within the authority stated in the paper; for their client has no fears.

Now, let him ask, what would all this result in? What would it be made to result in? Implications upon honorable members of that body. The journals of the coun-

try had been already polluted with the statements that had gone forth; and there was not an honorable member of that House but was willing to bury it all in oblivion, and that it should have been withheld from the public journals of the country. The only consequence had been to arraign his friend from Virginia, and his colleague, and to spread upon the journals language offensive to all persons.

It was upon these grounds that Mr. B. wished the gentleman from Indiana to understand that he, (Mr. BELL,) as an individual, had felt himself authorized to propound the numerous interrogatories he had done. He affirmed that they were at least as pertinent as other interrogatories put by learned counsel, and as important in their character; arranged, as theirs had obviously been, to arraign those two gentlemen before the country.

Mr. B. asked, were gentlemen willing to withhold their aid and assistance to have this matter fully ferreted out? If the proceeding was irregular, was not the presumption irresistible that the motive was irregular? The inquiry he was seeking would at least bring out gentlemen to say what other motive could have existed. The single and only question was, had Mr. Whitney been guilty or not guilty of a contempt of that House, upon the ground that he feared personal ill usage or outrage. Whether his grounds were just or not, was of no consequence with the House; because, if he answered in the affirmative, there was an end of the case. If, however, they wanted his testimony, they must protect him by the Sergeant-at-arms, or by the messengers.

In conclusion, Mr. B. felt, he said, that the course he had himself taken was not altogether what, as a judge, it ought to have been; but he rested his excuse on the ground of the extraordinary course of the whole proceeding. He confessed he had not considered himself in the light of a judge, but free to act in vindicating the character of gentlemen on that floor who had been indirectly attacked and implicated in a manner the most extraordinary and unprecedented. He trusted, upon these grounds, at all events, for a few hours longer, that he should be permitted to go on with this investigation in the manner he proposed, and that the gentleman from Indiana, in exercising his own feelings, would not, however, insist upon his objection.

On taking the question on this interrogatory, the yeas were 37, the nays 49. There being no quorum,

Mr. MANN, of New York, moved a call of the House.

Mr. VANDERPOEL asked for the yeas and nays; giving as his reason for doing so, that the call of the roll would answer the purpose of a call of the House in producing a quorum; but the House refused to order them; and, by tellers, a majority of those present ordered a call of the House--being yeas 50, nays 33.

The roll having been called through, and the absentees twice called, and 118 members only having answered to their names, still no quorum—

Mr. HIESTER moved to dispense with all further proceedings in the call. Lost.

At different stages, the same motion was renewed by Messrs. HARDIN and BRIGGS, with the same result; when, after being occupied nearly two hours, the further proceedings were dispensed with, on motion of Mr. BELL; and, on the doors being opened, a quorum appeared.

The question, on putting the above interrogatory, was then taken by tellers, and decided in the negative: Yeas 72, nays 73.

So the House determined that the interrogatory be not put to the witness.

Question by Mr. BELL. Have you had any conversation with the President upon the subject of the course of Messrs. Wise and Peyton as members of Congress, during the past and present session of Congress; or have you been present, at any time, when he expressed any opinion in relation to it? and, if so, did you hear him state that they ought to be "Houstonized;" meaning, thereby, that they ought to be chastised in the streets, or express himself to that effect? and, if yes, did you hear him thus express himself in speaking of their course or conduct towards Mr. Whitney?

Mr. MANN, of New York, said that was certainly a most extraordinary inquiry, and he must object to it. He would not, however, consume the time of the House by showing its impropriety, since he believed it must be perfectly obvious to every one.

Mr. BELL begged the indulgence of the House for a few moments, to give the reasons why he had thought proper to propound such an interrogatory.

He would state, in the first place, that he would not have done so had he not considered it material, under the course of examination pursued on the trial of Mr. Whitney towards his (Mr. B's) colleague, [Mr. PEYTON,] and towards his honorable friend from Virginia, [Mr. WISE.] The House well knew that those gentlemen had been, in fact, the parties against whom charges had been brought. It had been alleged that their conduct had been exceptionable, on the ground that they carried firearms about their persons; and Mr. B. had propounded this interrogatory to show that there existed extraordinary grounds for their doing so; that there were extraordinary reasons for their wearing arms about their persons constantly, every day, in coming to and going from that House, in coming to and going from their committees; and that they could not conceive they could safely walk the streets, in justice to themselves and their families, without bearing arms upon their persons. They had had the evidence of this course of denunciation for some time past, and this interrogatory was propounded with the expectation, that either from the gentleman then under examination, or from some other honorable member of that House, and, perhaps, from other witnesses, this fact could be proven.

The interrogatory proposed to inquire whether the President, upon more than one occasion, had not said, in relation to those gentlemen, members of the House, that they should be, or ought to be, chastised in the public streets for their conduct towards Mr. Whitney; and that he particularly used the word "Houstonized," as expressed in that interrogatory. Now, if that be true, if it be true that the executive head of these United States was in the habit of denouncing members of that House in such terms, and pending the transactions which have been the foundation of the present proceedings, was it not important to these gentlemen, as a justification of their course on that occasion, and on any other occasion, that they should bear firearms about their persons? Besides, it should be borne in mind that this was General Jackson who made this declaration, if what is alleged be true. It was not a private individual, but the President of the United States, the dispenser of all the patronage of the Government, who had more influence, more power, than belonged to most crowned heads. Mr. B. appealed to members whether that was not a material inquiry in reference to the transaction in the committee, and the alleged ground of defence of the gentlemen from Virginia and Tennessee in carrying firearms. Mr. B. concluded by calling for the yeas and nays; which were ordered, and were: Yeas 54, nays 100, as follows:

YEAS—Messrs. Chilton Allan, Bell, Bond, Buchanan, Bunch, John Calhoon, William B. Calhoun, Campbell, Carter, George Chambers, John Chambers, Childs, Nathaniel H. Claiborne, Clark, Corwin, Crane, Cushing, Darlington, Deberry, Elmore, Forester, Granger, Grennell, Griffin, Hiland Hall, Hard, Harlan, Harper, Hazeltine, Herod, Hoar, Howell, Hunt, Ingersoll, Janes,

Lewis, Samson Mason, McCarty, McKennan, Mercer, Phillips, Pickens, Reed, Rencher, Russell, Spangler, Standefer, Steele, Storer, Waddy Thompson, Vinton, White, Sherrod Williams, Yell—54.

NAYS—Messrs. H. Allen, Ash, Bailey, Beale, Bean, Beaumont, Black, Bockee, Boon, Borden, Bovee, Boyd, Briggs, Brown, Burns, Bynum, Cambreleng, Casey, Chapman, Chapin, John F. H. Claiborne, Coles, Connor, Craig, Cramer, Crary, Cushman, Dawson, Doubleday, Dromgoole, Dunlap, Efner, Farlin, Fowler, French, Fry, Fuller, Galbraith, Grantland, Joseph Hall, Albert G. Harrison, Hawkins, Haynes, Henderson, Holt, Hubley, Huntington, Huntsman, Ingham, William Jackson, Jarvis, Joseph Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Kennon, Kilgore, Klingensmith, Lane, Lansing, Laporte, Lawrence, Gideon Lee, Joshua Lee, Leonard, Logan, Loyall, Lucas, Lyon, Abijah Mann, Job Mann, William Mason, May, McKay, McKeon, McKim, Miller, Montgomery, Moore, Morgan, Muhlenberg, Page, Patterson, Dutee J. Pearce, Joseph Reynolds, Richardson, Schenck, Seymour, Shields, Shinn, Sickles, Smith, Sprague, Taylor, John Thomson, Turrill, Vanderpoel, Wagener, Ward, Wardwell—100.

So the House determined that the interrogatory be not propounded to the witness.

Question by Mr. BELL. Was not the accompanying interrogatory and others, embracing every material point in the character of Mr. Whitney, propounded, in the select committee of which the honorable Mr. Garland, of Virginia, is chairman, to the honorable Levi Woodbury, and Richard S. Coxe, Esq., and William D. Lewis, and others, overruled by a majority of the committee?

"32. Do you know R. M. Whitney's general character? If yea, what is his character as an honest, trustworthy man? Would you, from his general character, believe him on his oath, or trust him, when he was subject to great pecuniary temptation to err?

"This question was objected to by Mr. Gillet, and rejected."

Mr. BOON objected to this interrogatory; and, whilst up, he would take occasion to say that he would object to all questions of this kind. He would say, however, to the gentleman from Tennessee, that his objection was not out of any disrespect to him or to the gentleman from Virginia; for towards either of those gentlemen he entertained no other feelings than those of the highest respect. But from a solemn and high duty to his constituents, and from the many important questions now before the House—not only important to the people of the West, but important to the whole nation—he felt impelled to interpose, to endeavor to arrest this wide range of inquiry, and confine it within proper limits. If this question was suffered to be put, gentlemen on the other side must be permitted to put similar interrogatories; and there would be no end to the investigation. He hoped, therefore, that the House would decide against all questions of this description.

Mr. BELL observed that the counsel for the accused had introduced testimony paying tribute to the high character of Whitney, to which no objection had been interposed; therefore, they desired to have the opportunity of bringing in testimony the reverse of this. He would say no more, but leave the matter to the good sense of the House, hoping they would see the importance of allowing this question to be put, to come to a correct conclusion.

The question was then taken, and it was decided that the interrogatory should not be put.

The witness, Mr. FAIRFIELD, was then discharged from the stand.

Mr. BELL said he wished to propound an inquiry or two to the clerk of the select committee. [He did not appear.]

Mr. LANE asked leave to submit a resolution.

Mr. GHOLSON said he wished to call up another witness, who had been summoned by the committee of examination. [Mr. Hamilton, the clerk of the select committee of which Mr. Garland was chairman.]

Mr. LANE, there being no question before the House, then submitted his resolution, as follows:

Resolved, That it is inexpedient to prosecute further the alleged contempt of Reuben M. Whitney against the authority of this House, and that said Whitney be now discharged from custody.

Mr. GHOLSON wished to know whether the investigation on the part of the committee could be stopped in this way.

The CHAIR replied that that was a question for the House, not the Chair, to determine. The witness was off the stand, and the same question arose the other day.

Mr. LANE then said: Mr. Speaker, the only speech I have to make on this resolution is to move the previous question.

Mr. DAWSON. Mr. Speaker, can a gentleman take the floor, present a resolution, and call for the previous question, without the power of the House to amend it?

The CHAIR. Certainly.

Mr. STORER. Mr. Speaker, the point of order I inquire about is this: whether it is competent for any member of this House, while this House is organized as a judicial tribunal, to cut off, by this guillotine sort of process, the right of the accused to be heard by his counsel.

The CHAIR. That is a matter for the consideration of this House. The House may vote according to its discretion or according to its judgment.

Mr. Jones (of counsel for the accused.) Cannot this proposition be amended, sir?

The CHAIR. No proposition can be amended after the demand for the previous question.

Mr. WISE. Is there not a witness on the stand?

The CHAIR. There is not.

Mr. WISE. Has not the clerk of the select committee been summoned?

The CHAIR has issued a subpœna for him, but he was not called on the stand.

Mr. WISE. Have there not been questions propounded which have not been answered?

Mr. GHOLSON. I gave the clerk seventeen interrogatories, which he has not answered.

The CHAIR, as the presiding officer of the House, knows nothing of it.

Tellers having been appointed, the previous question was then seconded by the House: Yeas 78, nays 64; and on the question, "Shall the main question be now put?"

Mr. CRAIG asked for the yeas and nays; which were ordered, and were: Yeas 91, nays 71, as follows:

YEAS—Messrs. Ash, Barton, Beale, Bean, Beaumont, Black, Bockee, Boon, Borden, Bovee, Boyd, Brown, Burns, Bynum, Cambreleng, Casey, Chapman, Chapin, Cleveland, Coles, Craig, Cramer, Crary, Cushman, Doubleday, Dunlap, Efner, Farlin, Fowler, Fry, Galbraith, Joseph Hall, Hawkins, Haynes, Henderson, Holt, Howard, Huntington, Ingham, William Jackson, Jarvis, Joseph Johnson, Cave Johnson, Benjamin Jones, Kennon, Kilgore, Klingensmith, Lane, Lansing, Laporte, Gideon Lee, Joshua Lee, Leonard, Logan, Loyall, Lucas, Abijah Mann, William Mason, May, McKeon, McKim, McLene, Miller, Montgomery, Morgan, Owens, Page, Patterson, Patton, Dutee J. Pearce, John Reynolds, Joseph Reynolds, Richardson, Rogers, Schenck, Seymour, Shinn, Sickles, Smith, Sprague, Sutherland, Taylor, John Thomson, Toucey, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Thomas T. Whittlesey, Yell—91.

NAYS—Messrs. Chilton Allan, Heman Allen, Bailey,

Bell, Bond, Briggs, Bunch, William B. Calhoun, Campbell, Carter, Chetwood, Childs, Nathaniel H. Claiborne, Clark, Connor, Corwin, Cushing, Darlington, Dawson, Deberry, Denny, Dromgoole, Elmore, Evans, Forester, French, Gholson, Granger, Grantland, Griffin, Hiland Hall, Hard, Harlan, Harper, Albert G. Harrison, Hazeltine, Hoar, Howell, Hunt, Huntsman, Ingersoll, Janes, John W. Jones, Lawler, Lawrence, Luke Lea, Lewis, Love, Lyon, McCarty, McComas, Milligan, Parker, Pearson, Phillips, Pickens, Reed, Rencher, Russell, Shields, Standefer, Steele, Storer, Taliaferro, Thomas, Waddy Thompson, Vinton, Washington, White, Sherrod Williams, Young—71.

So the main question was ordered to be put; and on the main question, being on the adoption of the resolution,

Mr. CHAPIN asked for the yeas and nays; which were ordered, and were: Yeas 99, nays 72, as follows:

Yeas—Messrs. Anthony, Ash, Barton, Beale, Bean, Beaumont, Black, Bockee, Boon, Borden, Bovee, Boyd, Briggs, Brown, Buchanan, Burns, Bynum, Cambreleng, Casey, Chapman, Chapin, Cleveland, Coles, Craig, Cramer, Crary, Cushman, Doubleday, Dromgoole, Dunlap, Efner, Farlin, Fowler, French, Fry, Galbraith, Haley, Joseph Hall, Hawkins, Haynes, Henderson, Holt, Howard, Huntington, Ingham, William Jackson, Jarvis, Joseph Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Kennon, Kilgore, Klingensmith, Lane, Lansing, Laporte, Gideon Lee, Joshua, Lee, Leonard, Logan, Loyall, Lucas, Abijah Mann, William Mason, May, McKay, McKeon, McKim, McLene, Miller, Montgomery, Morgan, Owens, Page, Patterson, Patton, Dutee J. Pearce, Phelps, John Reynolds, Joseph Reynolds, Rogers, Schenck, Seymour, Shinn, Sickles, Smith, Sprague, Sutherland, Taylor, John Thomson, Toucey, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Thomas T. Whittlesey, Yell—99.

Nays—Messrs. Chilton Allan, Heman Allen, Bailey, Bell, Bond, Bunch, William B. Calhoun, Campbell, Carter, Chetwood, Childs, Nathaniel H. Claiborne, Clark, Connor, Corwin, Cushing, Darlington, Dawson, Deberry, Denny, Elmore, Evans, Forester, Graham, Granger, Griffin, Hiland Hall, Hard, Harlan, Harper, Albert G. Harrison, Hazeltine, Herod, Hoar, Howell, Hunt, Huntsman, Ingersoll, Janes, Jenifer, Lawler, Lawrence, Luke Lea, Lewis, Love, Lyon, Maury, McCarty, McKennan, Mercer, Milligan, Parker, Pearson, Phillips, Pickens, Potts, Reed, Rencher, Russell, Shields, Standefer, Steele, Storer, Taliaferro, Thomas, Waddy Thompson, Vinton, Washington, White, Lewis Williams, Sherrod Williams, Young—72.

So the resolution was adopted; and Mr. Whitney was thereupon ordered to be discharged from custody.

Just as the Chair was announcing the order for the discharge of the accused,

Mr. PEYTON interposed, and said, before the accused was dismissed, he wished to propound a question to him, and that he be detained for that purpose. [Cries of no! no! from all parts of the hall.]

Mr. PEYTON thereupon moved a suspension of the rule, and asked for the yeas and nays on the motion, saying, "Then gentlemen will have an opportunity of recording their no! no!"

Mr. MANN, of New York, moved that the House adjourn.

Mr. WILLIAMS, of North Carolina, asked for the yeas and nays; which were ordered, and were: Yeas 94, nays 68.

When the name of Mr. WISE was called, that gentleman rose in his place, and, addressing the Chair, said: Mr. Speaker, I shall not vote until I ascertain whether I am discharged from prosecution or not.

The House then adjourned.

Tuesday, February 21.

Mr. PICKENS moved to amend the journal so as to state thereon that Mr. Gholson, chairman of the committee appointed on the part of the House to conduct the examination in the case of Reuben M. Whitney, stated, before the vote of last evening to discharge Whitney, that he had propounded fourteen questions to another witness, which were in the progress of being answered. This statement, Mr. P. said, was made just after Mr. Lane handed in his resolution providing for the discharge of R. M. Whitney.

The SPEAKER said it had not been usual to make such entries on the journal, which was a record of proceedings simply, and not at all a register of debates.

After a few remarks from Messrs. PICKENS, CUSHING, and G. LEE, the proposed amendment was disagreed to.

RECOGNITION OF TEXAS.

The first business in order was the consideration of the following resolutions, reported on Saturday last, by Mr. Howard, from the Committee on Foreign Affairs:

"*Resolved by the House of Representatives of the United States*, That the independence of the Government of Texas ought to be recognised.

"*Resolved*, That the Committee of Ways and Means be directed to provide, in the bill for the civil and diplomatic expenses of the Government, a salary and outfit for such public agent as the President may determine to send to Texas."

Mr. HOWARD said he should feel that it would not be kind or courteous to the other committees of the House for him to press the consideration of these resolutions at the present time, to the exclusion of reports from all the other committees of the House, when they had been prevented for ten days or two weeks from making their reports; especially, as the House had been kind enough to permit the Committee on Foreign Affairs to introduce this report at an unusual hour. He was, therefore, not disposed to press the consideration of this report to-day, with a view that the other committees might have leave to bring in their reports. He would inquire, however, of the Chair, if he moved its postponement to Thursday next, whether it would then come up in anticipation of all other reports.

The CHAIR said, if the report was postponed to a day certain, on that day it would be first in order, unless there should be an unfinished report on the table.

Mr. HOWARD then moved to postpone the further consideration of the report until Thursday next.

Mr. THOMPSON, of South Carolina, inquired if that motion was debatable.

The CHAIR replied that it was, but the debate was confined within narrow limits. The merits of the question could not be debated.

Mr. THOMPSON, of South Carolina, said he had been waiting during the whole of the present session for an opportunity to say something on this subject, but precedence had been given to other matters, over which he considered this subject, in all its bearings, as the most important which had come before the House at the present session. He presumed that, when the House considered that this report would not have a just participation, considering its superior importance, with the other reports of the House, they would not now postpone it, and give it the go-by. Now that they had it before the House, he asked of the friends of Texas to stand by it, and yield to nothing. He was reluctant to exclude other reports, but he regarded this matter as of the greatest importance, and could not consent that this resolution should be postponed. This report had come in at a very

late period of the session, and he did not then wish to see it put off still later, when discussion, and even the consideration of it, would have to give way to other matters.

Mr. HAMER rose to inquire whether this report could not be passed by with the general consent of the House, so that it would come up the first thing to-morrow morning.

The CHAIR said, by the general consent of the House, this might be done.

Mr. PICKENS called upon the friends of Texas not to postpone these resolutions for a single day; for he understood, if the motion of the chairman of the Committee on Foreign Affairs prevailed, that if there was an unfinished report on the Speaker's table on that day, it would take precedence of these resolutions, and exclude their consideration; and was it not reasonable to suppose there would be such a report undisposed of at this period of the session? A motion to postpone to Thursday, at this period of the session, was an indefinite postponement—certainly not so intended by the honorable chairman of the Committee on Foreign Affairs; but, from the position of the business of the House at the present time, such must inevitably be the consequence. If they admitted or permitted it to be postponed, even if it did come up in the morning hour, when the hour of twelve o'clock arrived other business might be called up, and of course this report would be excluded; and he would suggest the propriety, in fact, the absolute duty, of every gentleman who was favorable to these resolutions to keep them in their present situation. He had no objection to proceed to the orders of the day, but he must object to this subject being postponed.

Mr. WHITTLESEY, of Ohio, would suggest the propriety of allowing the standing committees to report, and let these resolutions retain their place on the Speaker's table until to-morrow.

Mr. HAMER was perfectly willing to pass the resolutions by to-day, if they would come up on to-morrow morning, but he could not consent to a postponement.

The CHAIR remarked that, if this report was passed by with the general consent of the House, it would be the first report in order on to-morrow morning; and if it was postponed until Thursday, it would be the first report in order on that day, unless some report should then be under discussion and undisposed of.

Mr. HAMER said, for that very reason, he could not vote for a postponement of this report, as in all human probability some report would come up between this and that time.

Mr. C. ALLAN said, as the motion of the chairman of the Committee on Foreign Affairs might have some undue influence, he wished to state to the House that that motion could be considered in no other light than as the motion of an individual member of the House. He felt authorized to state that the majority of the Committee on Foreign Affairs did not concur in that motion. While up, he would suggest to the friends of these resolutions, considering the late period of the session, and the great mass of business undisposed of, the propriety of taking a silent vote upon them, without entering into a discussion of the merits of the resolutions.

Mr. HOWARD said that the Committee on Foreign Affairs had held a meeting that morning, at which the gentleman from Kentucky [Mr. ALLAN] was not present, (and, consequently, he was not apprized of the fact,) and that this topic was the subject of conversation in the committee; and the motion he had submitted to the House might be considered as expressive of the feelings of the committee, so far as he could present them. It was out of the respect that committee had for the other committees, and of allowing them, by the consent of the House, to bring in their reports, that this motion was made. If, however, this report could be passed over by the general consent of the House, so that the committees might have an opportunity of making their reports, and the gentleman from South Carolina would waive his objections, and let the resolutions lie over until to-morrow, the object he had in view would be accomplished, and he would be perfectly satisfied.

Mr. HARD inquired if it would be in order to move to lay the resolutions on the table.

The CHAIR said it would.

Mr. HARD then made that motion.

Mr. BOYD called for the yeas and nays thereon; which were ordered.

Mr. HARD withdrew the motion to lay on the table; and

Mr. INGERSOLL renewed it; whereupon,

Mr. BOYD again called for the yeas and nays; which were ordered, and were: Yeas 98, nays 86.

So the motion to lay the resolutions on the table was decided in the affirmative.

Mr. WILLIAMS, of Kentucky, stated that he had voted in the affirmative, with the express view of moving a reconsideration of this vote. He believed the majority of that House were the friends of Texas, and of the immediate recognition of its independence; and, under that impression, he moved a reconsideration of the vote by which the resolutions had been laid on the table.

Mr. MANN, of New York, said this was a question of very great importance, but he thought it premature, and at variance with the settled policy of this Government; he therefore moved to lay the motion to reconsider on the table, and, on that motion, called for the yeas and nays; which were ordered.

Mr. WILLIAMS, of Kentucky, moved a call of the House.

Mr. BOYD called for the yeas and nays; which were ordered, and were: Yeas 78, nays 108.

So the House refused to order the call; and the question recurring upon the motion to lay the motion to reconsider on the table, it was decided in the affirmative: Yeas 106, nays 90.

So the motion to lay the motion to reconsider on the table was decided in the affirmative.

Mr. GARLAND, of Virginia, requested leave of the House to record his vote in the negative on this question. He said he was absent from the House when the vote was taken, having to attend the duties of the select committee of which he was chairman. The request of Mr. G. was objected to.

Mr. LEWIS then inquired of the Chair if it would be in order to make a motion at that time to take those resolutions from the table.

The CHAIR replied that it would not.

Mr. LEWIS. Would it at any time to-day, sir?

The CHAIR. It would not.

Mr. LEWIS. Would it to-morrow, sir?

The CHAIR. It would.

Mr. LEWIS then expressed an earnest hope that the friends of the independence of Texas would avail themselves of the first opportunity to bring those resolutions again before the House, whenever it should be in order to do so. We must force (said Mr. L.) a decision of this question before the adjournment.

On motion of Mr. CAMBRELENG, the House proceeded to the orders of the day.

CASE OF R. M. WHITNEY.

Mr. PEYTON asked the consent of the House to submit a resolution that the House issue a subpœna, signed by the Speaker, to Reuben M. Whitney, requiring him to appear before the committee to answer certain interrogatories which he sent to the Chair. [These interrogatories are directed to the fact of the authorship of an

anonymous letter accompanying Reuben M. Whitney's letter to the president of the Bank of Burlington, Vermont, and which said letter Mr. W. referred to as coming from an individual high in the confidence of the Executive.]

Mr. P. said that the committee, by a majority of one, had refused to summon Reuben M. Whitney, because they doubted their power to do so; for this reason he had made application to the House.

Objections having been made, Mr. P. moved a suspension of the rule, and asked for the yeas and nays; which were ordered, and were: Yeas 86, nays 97.

So the rule was not suspended.

Mr. PEYTON then moved a suspension of the rule, to enable him to offer a resolution that a subpœna be issued to require Reuben M. Whitney to appear at the bar of the House to answer the said interrogatories.

Mr. P. asked for the yeas and nays; which were ordered, and were: Yeas 76, nays 102.

So the rule was not suspended.

NAVAL APPROPRIATION BILL.

On motion of Mr. CAMBRELENG, the House resolved itself into Committee of the Whole on the state of the Union (Mr. Patton in the chair) on the appropriation bills.

The committee, on motion of Mr. CAMBRELENG, resumed the consideration of the bill making appropriations for the naval service for the year 1837.

The pending question was on the motion, heretofore made by Mr. Jarvis, to reduce the item making appropriations for pay of officers and seamen. [In reference to the exploring expedition.]

Mr. JARVIS withdrew his motion to amend.

Mr. CAMBRELENG then moved to amend the said item, which is as follows:

"For pay of commissioned, warrant, and petty officers, and of seamen, two million four hundred and thirty-four thousand eight hundred and eighty-six dollars," by substituting "fifty" for "thirty," and "six" for "eight." Agreed to.

On motion of Mr. C., the reading of the bill by sections was dispensed with.

Mr. CAMBRELENG moved further to amend the bill by adding the following items:

For repairing the ship-house at Philadelphia, one thousand five hundred dollars.

For the naval asylum at Philadelphia, five hundred dollars.

Both which amendments were agreed to.

Mr. UNDERWOOD offered an amendment, as an additional section, authorizing the Secretary of the Treasury to distribute the residue of prize money deposited in the Treasury, resulting from certain captures of vessels made by John Paul Jones in the revolutionary war. Agreed to.

Mr. PINCKNEY moved to amend the amendment by inserting the names of Richard Wall and other claimants.

After some remarks from Messrs. PINCKNEY, UNDERWOOD, CAMBRELENG, and D. J. PEARCE,

Mr. PINCKNEY withdrew his motion, and the amendment was adopted.

Mr. JARVIS moved to amend the eighth line, after the word "dollars," by inserting an appropriation of seventy-two thousand dollars, to enable the President of the United States to offer a bounty for the enlistment of seamen. Agreed to.

Mr. PINCKNEY offered the following, as an amendment to the same:

And be it further enacted, That the President of the United States be, and he is hereby, authorized to select and purchase a site for a navy yard and depot in the port of Charleston, South Carolina, and to erect such buildings, and make such improvements thereon, as he may judge necessary for the accommodation and supply of the United States vessels of war in that quarter, and for the construction and repair of sloops of war and smaller vessels, or for the building and refitting of such vessels in that port in any other manner, as he may think expedient; and that the sum of one hundred thousand dollars be, and the same is hereby, appropriated for such purposes, out of any money in the Treasury not otherwise appropriated.

And be it further enacted, That the sum of fifty thousand dollars be, and the same is hereby, appropriated for the construction of a dry dock in the said navy yard, for the reception and repair of sloops of war and smaller vessels.

And be it further enacted, That the Secretary of the Navy be, and he is hereby, authorized to appoint a clerk of the works, with a salary of fifteen hundred dollars, and an assistant clerk, with a salary of twelve hundred dollars per annum, whose duty it shall be to keep an account of the disbursements for materials used on the works, and for defraying the expense of labor performed in the navy yard, and that the same be paid out of any moneys in the Treasury not otherwise appropriated.

Mr. CAMBRELENG opposed this amendment, on the ground of its incongruity with the original bill.

Mr. PINCKNEY denied the existence of any incongruity between them. It was true that a bill to establish a navy yard at Charleston had been reported by the Naval Committee, but his amendment was by no means identical with it. The bill alluded to consisted of only one section; his amendment embraced several. But, even if they were identical, he insisted that he had a right to offer the bill reported by the Naval Committee as an amendment to the bill now under consideration in Committee of the Whole. There was no rule that forbade it. The only case in which an amendment could be properly refused was where there was a palpable want of analogy between the amendment offered and the general subject-matter of the original bill. But there was no such want of analogy here. The bill before the committee contained various clauses in relation to navy yards; his amendment referred to an object of the same description; and it could certainly make no difference whether one part of the bill provided for the repair of an old navy yard, and another for the erection of a new one. He hoped that the important measure he had proposed would not be defeated on technical grounds. His constituents were deeply interested in it, and he trusted it would be met upon its merits, and not given the go-by upon a mere point of order.

The CHAIR [Mr. Patton] decided that the amendment was in order.

Mr. PICKENS said he had no doubt that a navy yard ought to be established at some point between Cape Hatteras and Cape Florida. It was due to our commerce and the interests and involved. There ought to be a naval position at some convenient post between all our principal capes, by way of defence of the coast as well as protection to our commerce. He would not now draw a contrast between Brunswick and Charleston; but he would say that one of the first inducements to the establishment of a navy yard was a commercial point, capable of furnishing a commercial marine, mechanics, supplies, and convenient intercourse with the interior of the country; and, in these points of view, Charleston had many advantages. The ship channel was from nineteen to twenty-one feet, sufficient for vessels of war of the class under frigates, and, with a little care, for frigates too. But he (Mr. P.) desired merely to say to his colleague, [Mr. Pinckney,] that he was

decidedly of opinion that his amendment was not strictly in order on such a bill. He understood that the bill now before the committee was for the naval service for the year 1837; that it was to appropriate money for those objects already established and created by law; that the present amendment provided for a distinct and entirely new object; and the debate now shows its impropriety, by calling into discussion the different merits of Brunswick and Charleston, and conflicting with the original object of the bill—to provide for those objects already agreed upon and established by law. Whenever a proposition to establish a navy yard at Charleston was brought forward by his colleague, at the proper time, and in the proper way, he (Mr. P.) would cheerfully give it all the aid he could. But he (Mr. P.) desired a remark to the gentleman from New York, [Mr. MCKEON.] That gentleman had declared that he would vote for the proposition, because it gave him an opportunity of showing his liberality to the South; that he would vote for it, because it was giving some of the money to South Carolina, &c. He (Mr. P.) begged leave to say that, if the gentleman's remarks were intended as a preamble to the proposed amendment, he would move to strike it out. As a Representative from the State, he repelled the idea with scorn, that she was to come here and ask favors from this Government; and that she was to be brought up and kindly offered a division of the spoils, because she was in the Southern section of this Union. He would disdain to receive this appropriation upon any such pitiful considerations. He desired it to stand on its own independent merits. If Charleston was a proper place for a navy yard, (and he believed it was,) let one be created there; not because it was in the South, but because it is the duty of the Government to make it. Whether in the North or South, let appropriations be made because they were right and proper, not because the spoils must be given to this or that section as favors. He would call the attention of the House to the fact that the bill embraced different objects, amounting in the whole to about $6,500,000. It was a very large appropriation.

Mr. PINCKNEY said, if it was the general sense of the committee that the proposition was inadmissible in its present form, he would withdraw it, however unwilling he might be to lose the only opportunity this session would afford of obtaining the action of the House upon it. But, until such opinion was expressed, he would claim his right. The Chair had decided in his favor, and he insisted, therefore, that he was in order, unless that decision should be reversed by the committee. He was glad to hear that his colleague was favorable to the measure; but, if so, he could not understand why his colleague was opposed to a decision which gave it the only chance of being acted on that could occur this session. He killed it with the very breath with which he declared his approbation of it. Mr. P. said he had not heard his colleague distinctly, in all that he spoke, but he had understood him to say that he could not consent that the people of Charleston should be bought up under the corrupting influence of the spoils system. Mr. P. said that his constituents were incapable of being bought up by any Government, or by any means. His colleague did not know them, or he would have known that they were as high-minded and disinterested, in all their principles and actions, as the people of any other community in South Carolina or the Union. They had petitioned for a navy yard, and had shown the peculiar advantages of Charleston for a work of that description. They had a right to do so. It implied no meanness or subserviency on their part. They called upon the Government to do what they believed to be of essential importance to the Government itself. But, whether the Government complied with their request or not, the people of Charleston would always act uprightly and independently in politics. They would always oppose or support a measure, according to their honest convictions of its intrinsic character. They were not factious. They would not oppose every thing, right or wrong, merely for the gratification of personal or political hostility to a particular individual.

Mr. ELMORE stated that Mr. P. had misunderstood his colleague, [Mr. PICKENS.] That gentleman had certainly not intended to cast any reflection on the people of Charleston. Mr. E. understood him to say that the people would not ask favors of the Government, but that they demanded the establishment of a navy yard as a matter of right. What he [Mr. PICKENS] had said in relation to the "spoils system" was in allusion to a remark that had fallen from the honorable member from New York.

Mr. PINCKNEY was glad to be corrected, if he had misapprehended his colleague. He hoped the subject would be acted on. All that he asked was definitive action. This matter had been before the House two sessions already. He hoped it would now be finally adopted or rejected. His constituents had petitioned for it year after year, and they had a right to know whether the work would be constructed or not. It was recommended by the late Secretary of the Navy, Mr. Woodbury. It was recommended by the present Secretary of the Navy, Mr. Dickerson. It is recommended by many of our most experienced and skilful naval officers. It has been twice favorably reported on by the Naval Committee of this House. It comes, therefore, recommended to the favorable action of the House by every species of sanction that can be required for correct and judicious legislation in reference to a matter of this description. He hoped, therefore, that the amendment would be adopted.

Mr. HAYNES appealed to Mr. P. to withdraw the amendment. The commissioners appointed at the last session had reported in favor of Brunswick, and he thought it possessed superior claims.

Mr. PINCKNEY denied the superiority of Brunswick. It might have one or two feet more of water than the Charleston bar, but it had not sufficient for the admission of a frigate. Charleston had ample depth for sloops and schooners, and Brunswick could admit none other. In every other respect, Charleston possessed advantages and facilities, as a naval station, which no other place south of the Chesapeake could pretend to exhibit to the same extent.

Mr. DAWSON moved to strike out "Charleston," wherever it occurred in the amendment, and insert "Brunswick, in the State of Georgia." He contended, with Mr. HAYNES, for the superior advantages of the latter place. He spoke of the great depth of water at its bar—of its healthiness and salubrity—of the quantity and quality of the timber in its immediate vicinity. He called for the reading of the report by the commissioners. He asked only for justice to the State he represented. He had no objection to a navy yard at Charleston, but the claims of Brunswick must not be overlooked. He hoped that Mr. P. would not press his amendment, but allow him to substitute Brunswick in the place of Charleston.

Mr. PINCKNEY said he was extremely unwilling to detain the committee at that late hour of the day, but it was not his fault that he was obliged to trespass on their patience. He had proposed an amendment to the original bill. The gentleman from Georgia endeavors to destroy it by another. Surely, (said Mr. P.,) if either of us has a right to appeal to the other to withdraw his proposition, I have a right to appeal to the gentleman—not he to me. Let him withdraw his substitute, and let both propositions be considered separately and independently of each other; and I pledge myself that, if I

shall be satisfied of the claims of Brunswick, I will cheerfully support them. But, as the matter now stands, this collision between the two places will only be fatal to both. The gentleman may defeat Charleston, but he cannot carry Brunswick.

As to the report so much relied on, Mr. P. said he had never read it. Admitting all that was claimed for it, it only proved that there was a conflict of authority as regarded the two places. If Brunswick was recommended by certain officers, Charleston was warmly recommended by others, equally experienced and skilful. He need only mention their names, Captains Kearney and Elliott, and every gentleman would recognise them at once as eminently qualified to express an opinion on the point at issue. Both of those officers, at different periods, had examined Charleston harbor, and other places in the South, and had made elaborate reports, earnestly recommending the selection of Charleston as a naval station. Their authority was certainly equal to any that had been produced in favor of Brunswick. It was a remarkable fact, considering the very confident tone in which the gentleman speaks of building frigates and ships of the line at Brunswick, that a sloop of war, the Porpoise, had been stranded on Brunswick bar, only a few months before the commissioners had made their report, and would have certainly been destroyed but for the timely assistance of the steamboat Dolphin. Why did not the commissioners imbody that fact in their report? It shows either that their report is wretchedly inaccurate, as respects the depth of water, or that the navigation is peculiarly perilous; in either of which cases the committee were bound to hesitate before they did any thing in relation to Brunswick. And what is Brunswick? Is it a large city? Has it a large population? Has it any one advantage on earth, as a naval position, that Charleston has not? No; there is no town, no population; nothing but the name of a place; and, instead of our being asked to locate a navy yard at a large city, where there are mechanics to construct it, and a powerful population to defend it, and ample means and facilities for building and supplying vessels of war, we are actually called upon to establish a navy yard at a place which affords no naval facility whatever, and in the desperate hope that it may serve as the substratum of a town which speculators calculate to erect upon it. Sir, said Mr. P., I hope that this Government will lend itself to no such project. Every day, in this House, we are reminded of the impositions practised on the Government by speculators in the public lands; but surely, of all attempts to speculate on the Government, this idea of establishing a navy yard, with a view to the erection of a town, and the consequent enhancement in value of the private property of individuals, is entitled to the palm. The gentleman says he only asks for justice. Then he should do as he would be done by. Twenty times the amount of public money had been appropriated for Georgia that had ever been for South Carolina. In addition to all that had been expended on her harbors and rivers, she had recently been benefited to a prodigious extent by the establishment, within her limits, of one of the branches of the mint. But what had been done for South Carolina? Nothing—literally nothing. From the period of the Revolution to the present time, she had received of federal appropriations, with one or two insignificant exceptions, nothing more than the annual payment of the salaries of the few federal officers within her limits. The people of Charleston felt as if they were discarded by this Government. They felt so, particularly, in relation to this measure, because they were satisfied of the superior naval advantages of that city, and were therefore constrained to believe that the continued refusal of Congress to adopt it arose from a fixed determination to allow them no lot or part in the appropriations of the public money.

[Here Mr. Jarvis inquired of Mr. P., if Charleston had never been benefited by public expenditures, what had been done with all the appropriations for the forts and fortifications in its harbor?]

Mr. P. said he would tell the gentleman. It was true that various large appropriations had been made for those objects. But the money was not expended in Charleston. It did not go into the pockets of her mechanics. All the contracts were given to strangers—all the materials were brought from abroad—all the work was performed by Northern workmen; and though the city was certainly benefited by the forts, yet none of its citizens were employed in constructing them, or enriched by the appropriations connected with them. Have they not, then, just ground of complaint? and is it not high time that some portion of their contributions should be returned in actual expenditures amongst them, and that something should be done to stimulate their enterprise, and to manifest the equal and impartial spirit of the Government?

Mr. P. said he had done with Brunswick. It would now be his object to show the superior eligibility of Charleston, as a naval station, over every other port south of the Chesapeake, and the consequent advantages that would result to the Government from the establishment of a navy yard and a dry dock there.

In the first place, Charleston is decidedly more populous, wealthy, and commercial, than any place that has been named in competition with it. Its population may be fairly estimated at fifty thousand. It far transcends all of its competitors in exports and imports. It contributes incomparably more than they do to the revenue of the Federal Government. It carries on a very valuable and extensive foreign commerce, particularly with the West Indies, for which it possesses peculiar facilities. It is situated on one of the most beautiful harbors in the Union, which is generally alive with vessels, both foreign and domestic, and from which egress can be effected in less than an hour to the ocean. The whole line of its front is composed of wharves, studded with substantial and capacious stores. It has six banks and two insurance companies, whose operations are based on an aggregate capital of at least six millions. It possesses floating capital, also, to an amount that would enable it to carry on advantageously twice the extent of its present trade. It derives important benefits from the railroad that connects it with Hamburg, opposite Augusta, in Georgia, which is the longest, and perhaps one of the most profitable, in the Union; and it is destined soon to realize still more important benefits from the operations of commercial companies that have recently been organized with a view to a direct intercourse with Europe, and particularly from the completion of that magnificent enterprise which is to unite the Atlantic with the valley of the Mississippi, and which will necessarily produce a prodigious augmentation to its trade. Such is the commercial character of Charleston.

As regards its general character for healthiness, Mr. P. had no hesitation to express it as his deliberate conviction that it is one of the healthiest cities in this or in any other country. Indeed, it is notorious that there are fewer deaths in Charleston, in proportion to its population, than in any other city in the Union. This has been repeatedly proved, by a comparison of its bills of mortality with those of other places, and particularly the larger cities of the North. By referring to the documents, it would be seen that this assertion is corroborated by several eminent medical practitioners, and particularly by the testimony of Captains Elliott and Kearney, both of whom have resided for several years at Charleston, and both of whom declare, as the result of their own observation and experience, that seamen enjoy as good health there as in any other port in the United States.

The yellow fever is of rare occurrence. From 1815 to 1825, a period of ten years, there were but three years in which it made its appearance; and, out of a population of upwards of forty thousand, the aggregate mortality produced by those three visitations scarcely amounted to 700 deaths; and, even of that number, a large portion consisted of the cases of individuals who had been addicted to intemperance, or other vicious and destructive habits. From 1825 to the present time, a period of eleven years, there has been no recurrence of that malady; certainly not to any such extent as to produce any general excitement or alarm, or to cause the least interruption to the commercial operations of the place. I feel fully warranted, therefore, in pronouncing (said Mr. P.) that Charleston, generally speaking, is not inferior in healthiness, during the summer and autumnal seasons, to any other port; and it is well known and universally admitted, that during the winter season it is decidedly healthier than any city at the North.

In relation to sick seamen, Charleston affords every thing in the way of medical attendance, and proper comfort and accommodation, that can reasonably be considered important or desirable. The naval hospital there is a large, elegant, and commodious building, calculated for the reception of a large number of patients, and constructed upon the most approved principles applicable to buildings of that description. It was erected, only a few years since, under an act of Congress that appropriated fifteen thousand dollars for that purpose. According to an agreement between the Treasury Department and the corporation of Charleston, the management of this institution has been entirely confided to the latter. The physicians, and all other officers connected with it, are appointed by the city council. It is superintended by a board of commissioners, who meet regularly every week, and also by the mayor of the city, whose duty it is to visit and inspect it once at least in every month. The consequence is, that it is remarkably well conducted. The officers are skilful and attentive; the patients are treated with all possible care; and the records of the institution testify that the number of cases that have terminated fatally bears but a very small proportion to those that have recovered.

As to the capacity of Charleston to furnish adequate supplies for vessels of war, I apprehend (said Mr. P.) it is almost needless to enter into an argument. It must be obvious to every gentleman that, in a city so populous and commercial, there can be no difficulty whatever upon this point. The Charleston market is decidedly one of the best in the United States. It affords, at all times, every kind of provisions usually required for public vessels. It is supplied, not only from the rich interior of South Carolina, but from several of the Southern and Southwestern States; and, abundant as the supply generally is, it is obvious that, if the establishment of a navy yard should render an increase necessary, it could easily be increased to any extent that might be demanded by the wants of the Government.

Nor is there any greater difficulty as respects a suitable site for the location of a navy yard. Captain Kearney enumerates several positions, both in the city and its vicinity, admirably adapted for this purpose. So does Commodore Elliott, in his report upon this subject. If this measure should pass, however, the selection of a site would devolve, of course, upon the President. It is unnecessary, therefore, to say any thing more concerning it. I pass on, then, to the bar and harbor.

This is a most important point in the consideration of this question. I am deeply sensible that I ought not to expect the passage of this measure, if there was any well-grounded doubt as to the accessibility or safety of the harbor. But, fortunately, I am able to demonstrate that there is no rational cause whatever for apprehension upon this point. I speak upon the authority of Captains Kearney and Elliott, and upon the testimony of intelligent and experienced Charleston pilots. They all concur in stating that the depth of water on the bar, at ordinary tides, is 18 feet, and at high spring tides, 20 feet. This is amply sufficient for sloops and schooners; and all that we ask is a navy yard of the secondary class, for the construction and repair of the smaller vessels. I have the same authority for saying that the harbor is capacious and perfectly safe, and that the anchorage is excellent. That there may be no doubt, however, upon these points, I beg leave to read a brief extract from Commodore Elliott's letter to the Secretary of the Navy, from which it will be seen that Charleston harbor is not only perfectly accessible to sloops and schooners, but also to frigates. It is as follows:

"The approaches to and over the bar of Charleston are accessible to all sloops of war and smaller vessels, and may be considered so for all vessels drawing sixteen feet of water, and even a greater number, by having recourse to camels or lighters, as used by both the Russians and Dutch, and by ourselves during the last war, on Lake Erie, in floating vessels of war from shoal into deep water; and by other means, in that of the Revolution, in June, 1776, by the British, in passing over the bar four frigate-built sloops of war, and two fifty-gun ships, (the Bristol and Experiment,) under the command of Sir Peter Parker, in a united attack on the works then erected on Sullivan's Island, and which still remain a proud trophy of their failure, and of subsequent events; and this may be done with greater facility now by the agency of steam."

I trust, then, Mr. Chairman, I have shown that the harbor of Charleston is perfectly accessible to national vessels of the smaller classes; and, having done that, I now proceed to exhibit its advantages, as a naval position, in certain other particulars that are well worthy of attention.

Of these, I begin with the important article of timber. The supply is inexhaustible, and of the very best quality. The lower region of South Carolina abounds with live oak, white oak, yellow pine, cedar, cypress, and, in a word, with every species of wood usually employed in ship-building. Many of our naval officers are of opinion that the Carolina live oak is superior to the Florida, and much more durable. Now, it is evident that it must be advantageous to the Government to establish a depot for timber in the very centre of the region in which it is produced. The transportation of so heavy an article is necessarily very hazardous and expensive, and, of course, a great saving would be effected to the Government, and the interest of the navy would be materially promoted, by having a depot for it near the place where it grows, and from whence it might be carried, as required, to other sections of the country. And here I would remind the committee that the preservation of live oak is of the last importance to our navy. It has already engaged the attention of our Government, and acts of Congress have been passed for that purpose. But the very best mode to preserve it is to establish a depot for it. This would necessarily enhance its value, and render it the interest of individuals to attend to its production. In this point of view, then, the measure before us is highly important to the Government; because, by establishing a depot at Charleston, it will not only be able to obtain this indispensable timber, in any quantity that may be desired, and at a lower rate than it can be obtained in any other place, but, by enlisting the interest of landholders in this matter, it will contribute, directly and powerfully, to its preservation and production. It is unnecessary to speak of any other kind of timber. The excellence of the Southern pine is well known every where. That, and every other kind of

timber required for naval purposes, can be procured in greater quantity, and at cheaper prices, at Charleston, than in any other port of the United States.

But timber is not the only article that can be procured cheaper in Charleston than any where else. Labor is also cheaper there certainly cheaper than in any city at the North. I have the authority of the most experienced ship-builders for saying that a sloop of war can be built or repaired at Charleston on decidedly better terms than at New York or Boston. It is not my purpose, however, to trouble the committee with any details or comparative estimates, to prove this fact. It is sufficient to say that such estimates may be found among the documents. But this is not all. Vessels of war can also be (I will not say better, but) as well built there as in any other city. The mechanics of Charleston are numerous, intelligent, and skilful. The number employed in ship-building is probably three hundred. If more should be required, this number could easily be increased to the requisite extent. They only want encouragement. They are equal to any in the Union in skill, and energy, and enterprise. But they have languished more than any other interest, from the want of adequate employment. Only give them encouragement, and their skill will be developed and their energy displayed. Employ them to build or repair your vessels of war, and I have no hesitation to pledge myself, for them, that every vessel built of Carolina oak, by Charleston workmen, will be equal, in durability, efficiency, and elegance, to any built in any other place, that has ever borne our flag upon the mountain wave or achieved a victory in our country's cause.

Another consideration, well worthy of attention, is the capacity of Charleston to protect a navy yard. It is all important, of course, that wherever an establishment of this kind is located, it should be surrounded with every possible security. Now, Charleston not only offers such security in the strength of its population, but also in the fact that it is strongly fortified. Indeed, the harbor of Charleston is perhaps better fortified than any other in the Union. A navy yard, therefore, if located there, would necessarily enjoy all the protection that could be afforded by a powerful population and a well-fortified harbor, and would certainly be as secure as any, and much more secure than some, other works, of a similar description, in other sections of the country.

There is another point, Mr. Chairman, with which I must trouble the committee. I allude to the peculiarly advantageous position of Charleston, as a naval station, in relation to our commerce with the West India islands. I say nothing of the great and growing importance of that commerce. Every gentleman knows its extent, and appreciates its value. Every gentleman knows, too, that while it is eminently entitled to protection, it is exposed to great and peculiar perils. Now, the vessels required for its protection are of the very class that it is proposed to have built in Charleston. It is important, moreover, to our West India squadron, that they should have a place of rendezvous, at which they may be conveniently refitted and repaired. Now, Charleston is precisely such a place. It is nearer and easier of access than any other Southern port capable of affording protection and supplies. Vessels sailing from that port can attain their cruising ground, in the West Indies, easily and directly; while it is notorious that vessels sailing from ports in the Mexican Gulf not only find great difficulty in attaining them, but are frequently compelled to return for supplies before they reach their stations, in consequence of the prevailing winds and currents in that region. Now, this is certainly an immense advantage; one, indeed, that of itself alone should be conclusive of the question; and that it may be properly appreciated, and produce all the effect it is so well calculated to produce, I beg leave to read the exposition given of it by Captain Kearney, in his report upon this subject:

"Charleston lies nearer the range of our West India trade than any other port south of the Chesapeake, capable of affording equal protection in war, and repairs or supplies in case of distress. The gulf stream facilitates your passage, and carries you within a few hours' sail of the port. Cruisers, returning for supplies, will afford protection to convoys as far as danger may be apprehended from pirates. Sailing again from Charleston, you can avail yourself of the variable winds which prevail as far south as the Bahamas; by keeping to the eastward as much as is necessary to gain the longitude of the passages into the West Indies, a short passage can be made; and it is practically known that a vessel can reach her cruising ground about the east end of Cuba, or islands further to windward, in less time, from that port, than from any port of the Floridas, or ports in the bay of Mexico, which lie west, directly to leeward. Sailing up the south side of Cuba is found very tedious, and almost impracticable for small vessels, during the seasons the trade winds blow hard. The gulf passage is preferred, and it will therefore be evident that a vessel must make a very circuitous route to gain the windward islands from these places—from Charleston her course is direct. This is a matter of great consequence to our small class of vessels, which have not the capacity to take on board large supplies of stores, and it is therefore desirable they should lose as little time as possible in going and returning to their stations."

In addition to this important advantage, as respects the protection of our West India commerce, I might easily show the policy of selecting Charleston as a naval station, in connexion with the suppression of the slave trade. The traffic in slaves is still carried on to a very great extent. It is stated, upon the best authority, that "many thousands of slaves are still annually brought from Africa to the West Indies, and are landed and sold on the windward side of the French and Spanish islands." Now, as this traffic has been declared to be piracy by our Government, it is the policy, and must be the desire, of our Government, that the most efficient means should be exerted to arrest it. It is impossible, however, to exercise due vigilance in relation to this traffic, from a station so far to leeward as that of Pensacola. But it may be exerted efficiently from Charleston, from which the passage to the windward islands is short, direct, and rapid. There are other views that might be presented in relation to this division of the subject, such as the expediency of employing a number of small vessels for the suppression of the slave trade, rather than an equal force of large ones—but I feel that I have already detained the committee too long, and, therefore, hasten to bring these observations to a close.

I trust, then, Mr. Chairman, I have shown that Charleston possesses—in its wealth and commercial character; in its general healthiness; in its ample capacity to furnish medical attendance for seamen, and supplies of provisions for vessels of war; in its having a variety of eligible sites; in its easy accessibility to sloops and schooners; in the extent and safety of its anchorage; in the strength of its population, and its well-fortified harbor; in the variety, and excellence, and cheapness of its timber; in the cheapness of labor; in the number and skill of its mechanics; in its proximity to the West Indies, and the facility with which our West India squadron could be succored, both in peace and war—every requisite for the judicious location of a navy yard. I trust I have also shown the important benefits that would result to the Government from establishing a navy yard and depot there, in the great saving that would be effected to the Treasury; in the preservation and reproduction of the live oak; in the efficient protection that would be afford-

ed to our West India commerce, and the greater vigilance that would be displayed, and the happy effects that would be produced, in the suppression of the slave trade. And if I have succeeded in showing all this, may I not hope that the committee will concur with me that the measure before us ought to be adopted?

Mr. Chairman, the passage of this bill is certainly important to South Carolina, but it is not important to her alone: all the other Southern States are deeply interested in it. An extensive and profitable intercourse is now carried on with South Carolina by the States of Georgia, Alabama, Tennessee, Kentucky, North Carolina, and Virginia. Large quantities of their produce are constantly pouring into the Charleston market; and, from the constantly increasing facilities afforded to internal communication by railroads and canals, this beneficial intercourse will naturally be augmented. But, to give it the most efficient impetus, and to carry it to the greatest possible extent, the necessity of a navy yard is obvious. Such an establishment would accomplish two important objects: it would greatly extend the demand for Western produce; and, by enlarging the quantity received at Charleston, it would always insure an ample supply for the uses of the Government. It is evidently, therefore, the interest of those States that there should be a navy yard at Charleston, seeing that it would open to them a new avenue of commerce, and greatly increase the demand for their various products—a demand, too, that would be continually enlarging, from time to time, according to the gradual extension of the navy, and the consequent necessity for increased supplies.

There is only one other point, Mr. Chairman, to which I would ask attention; it is this: that it is not only the policy, but the bounden duty, of this Government to observe impartiality to the different sections of the Union, in the exercise of its power and the dispensation of its patronage. Unquestionably, I would not contend that, where a work is neither demanded by the exigencies of the Government, nor calculated to promote the general good, it ought to be constructed in a particular State, merely for the purpose of patronising such State by an unnecessary expenditure of the public revenue. But I do contend that, where national policy and the exercise of a liberal spirit to a State are both in favor of a measure, this House should find in the latter a powerful inducement to adopt it. Now, the measure before us is precisely of this character. It is demanded by the necessities of the Government, and it also affords a fair opportunity, and a most justifiable occasion, for an act of generous liberality to the long-neglected and meritorious State which I have the honor, in part, to represent. Assuredly, sir, I would not say that South Carolina presents stronger claims to the kind feeling of this House than any other member of the Union; but I do say that no State is more entitled than she is to the liberal consideration of this Government. South Carolina, sir, is one of the old thirteen who resisted the tyranny and threw off the dominion of the mother country; she is one of the original States that formed that glorious constitutional compact, under whose happy auspices the original confederacy has been doubled in little more than half a century, and the population of the country has increased fourfold. Her soil is full of revolutionary battle grounds, and her history is emblazoned with the deeds of revolutionary worthies. During our second contest for independence, she freely expended her blood and treasure, and she will as freely expend them again whenever she may be required to do so by the interests of our country or the honor of our Government. And let me say, moreover, that whilst she yields to no other State in enlightened patriotism and generous devotion to the common weal, she has always contributed much more largely to the federal revenue, in proportion to her population, than any other member of the Union. But what act of liberality has been shown to her? Whilst federal munificence has been profusely and uninterruptedly lavished upon other sections of the Union, what has been done for South Carolina? Where are all your roads and canals? Where are all your navy yards? Are they not all at the North and East? Yes, sir; there are not less than five or six, of the largest size, close to each other at the North, while, with the exception of the small one at Pensacola, there is not a single work of this description in all that long line of defenceless coast south of the Chesapeake bay! Now, sir, permit me to say that this is neither politic nor just. It will not do to tell me that the Government has already more navy yards than it wants, and, therefore, that there is no necessity for more. It is not true that there are more than are wanted, for I have just demonstrated the absolute necessity of another, for the protection of our Southern coast and of our West India trade. If there are more than are necessary, it must be at the North, where they are all established—certainly not at the South, where there is not one from Hatteras to Florida, along an extensive and unprotected coast of more than probably a thousand miles. Whether any of the existing establishments of this kind ought to be abolished or not, it is not my purpose to discuss. I have no doubt that more than one of them might be abandoned with great advantage to the Government; but, whether they are all retained or not, an additional navy yard ought to be erected at Charleston harbor. I have shown its indispensable necessity to the South, and its corresponding importance to the Government. I do, therefore, appeal in favor of this measure to the enlightened patriotism of this honorable body. Sir, ours is a Government of feeling and opinion. Teach the people every where to love it, by an impartial administration of its benefits and burdens, and it is the strongest Government on earth. Alienate the affection of any portion, on the contrary, by causing them to feel and realize that, whilst all its benefits are conferred on others, all its burdens are imposed on them, and it must necessarily be weakened, to the extent, at least, to which such disaffection may prevail. I do, therefore, earnestly appeal to the good feeling and enlightened judgment of every gentleman, from every section of the Union, to support this measure—particularly as I trust I have shown, conclusively, that its adoption would not only be an evidence of just liberality to my constituents and State, but an act of wise policy in relation to the Government, and essentially advantageous to the best interests of our navy.

The debate was further continued by Messrs. McKEON and CAMBRELENG, (who opposed it only because it was out of order in that bill, and preferring its being brought forward and taken up as a distinct substantive proposition,) DAWSON, CAMBRELENG, OWENS, ALFORD, HAYNES, PARKER, D. J. PEARCE, BELL, GRAYSON, and ELMORE; when the amendments of Mr. DAWSON and Mr. PINCKNEY were severally disagreed to.

Mr. McKAY adverted to the fact that the harbors in South Carolina and Georgia were directed to be surveyed last year by resolutions, while the two harbors in North Carolina had been entirely overlooked. Mr. McK. accordingly moved an item of fifteen hundred dollars, to defray any additional expense that might be incurred in surveying the two harbors of Beaufort and Wilmington, North Carolina. Agreed to.

Mr. PEARCE, of Rhode Island, offered an amendment, making an appropriation of $50,000 for the purchase of a site for a naval depot at some suitable point bordering on the Narragansett bay; which was negatived.

Mr. DUNLAP moved an item of $10,000 to purchase a site and build an hospital at Memphis, Tennessee.

Mr. D. J. PEARCE opposed it, first, on the ground that it proposed no benefit: a mere unfinished building, without necessaries, would be of no benefit whatever; it was also out of place in that bill; and the Committee on Commerce was understood to be preparing a more general measure on the subject.

Mr. DUNLAP rejoined, and showed the heavy burden imposed upon the citizens of Memphis, for the want of such a building.

The proposed amendment was disagreed to.

Mr. JARVIS moved an additional item of $5,000 to defray the expense of examining the shoals of George's Bank, for the purpose of determining the proper site for a light-house thereon; and, also, to erect said light-house; which was disagreed to.

Mr. CAMBRELENG inquired if this amendment was in order.

The CHAIR would not decide that it was out of order.

Mr. CAMBRELENG insisted that it was, on the ground of incongruity with the object of the original bill. The latter was for the naval service, the amendment of the gentleman from Maine proposed an object exclusively commercial in its character.

Mr. DUNLAP briefly advocated the amendment.

One or two immaterial amendments moved by Mr. JARVIS were agreed to.

Mr. JARVIS moved to strike from the bill the following clause: "For completing and equipping the ship of the line Pennsylvania, $400,000."

Mr. J. explained that, if this amendment was agreed to, he intended, by the direction of the Committee on Naval Affairs, to submit an amendment, proposing an equal sum for the purpose of building four sloops of war of the second class. There was no division of opinion in the Committee on Naval Affairs in relation to this subject; they all concurred that it was better to allow the ship of the line Pennsylvania to remain in the ship-house, where she would be safe, and on a small expense. To employ the Pennsylvania in the service would cost three hundred and eighty thousand dollars more annually than would be necessary to keep four sloops of war employed in the service, which would be of much greater advantage to the country than the fitting out this huge vessel, and sending her to the Mediterranean to astonish the natives.

Mr. PEARCE, of Rhode Island, insisted that this ship had been long enough on the stocks to have all her timbers well seasoned; and the argument of the gentleman went to show that she ought to be launched or destroyed. If what was said of the waters of the Delaware were true, and this ship remained on the stocks much longer, she could never be got off, but would remain *instar montis*, larger than the Trojan horse—a mere matter of curiosity to those who were gratified at the exhibition of, or had a taste for, naval architecture. He insisted that there was no time better than the present for fitting out this ship, as we had ample means in our power; and it was understood that this would have been ordered by the Executive last year, if hands could have been procured. He warmly opposed the motion to strike out the clause.

Mr. REED contended that the Pennsylvania was in the most proper place she could be in; and if she was launched to-morrow, it would be to the advantage of the Government to give two hundred thousand dollars to have her placed back again in the ship-house. The small sloops of war, he contended, were the best calculated for the protection of our commerce. The merchants were looking for protection, and this kind of vessels were the best calculated for the purpose of giving them protection.

After some further remarks by Messrs. JARVIS, McKIM, REED, and SUTHERLAND, the motion of Mr. Jarvis was agreed to, and the clause was stricken out.

Mr. CAVE JOHNSON made some general remarks in relation to the increased appropriations in the present bill, over those for the same branches of the service for last year, and moved a provision that none of the moneys appropriated in this bill should be applied to the surveying and exploring expedition; which was disagreed to.

Mr. REED moved an amendment appropriating four hundred thousand dollars, in addition to the materials already on hand, to build six vessels of war of not less than ten nor more than sixteen guns. Mr. R. explained that the object of having these vessels in our navy was to employ them on the West India station and coast of Brazil, where depredations were most likely to be committed by pirates. These small vessels were better calculated to navigate these waters than large vessels, and they were the very class of vessels necessary for the protection of our commerce.

Mr. McKIM felt himself under the necessity of opposing the amendment, for he was well convinced that sixteen-gun vessels or brigs were an indifferent class. He preferred sloops of war, and moved to strike out sixteen-gun vessels, and insert sloops of war.

Mr. DUNLAP said: I do not rise, at this late hour, to detain the committee; my only object in rising is to let the House and country know our true situation, and how we do business. A few hours since I offered an amendment to this bill, appropriating only ten thousand dollars to build an hospital at Memphis. This, sir, was to protect the lives of the poor, honest, industrious laboring classes of this Union; and it was rejected. Now, the gentleman from Massachusetts [Mr. Reed] asks you to appropriate the moderate sum of four hundred thousand dollars to build vessels to protect the commerce of the rich, wealthy merchant; and I doubt not it will pass. By the adoption of this amendment, you say to the world that you will appropriate hundreds of thousands of dollars for the protection of the property of the wealthy, while you refuse to appropriate any thing for the protection of the lives of the poor. To such doctrines I enter my protest. If this be administering justice, God deliver us from any more of it.

Mr. Chairman, since I have had the honor of a seat on this floor, I have considered myself a representative of the whole Union; and when any appropriation has been asked for, I have only asked myself if my country required it. I never asked if my constituents were to be alone interested in it; I have uniformly voted for them, when I believed my common country required them. But now, sir, I tell this committee that, until justice is done my constituents, I will oppose every appropriation for the protection of your merchants' property afloat on the high seas; for your navy yards; for your fortifications, harbors, or for any thing but my country and its honor.

My constituents are not interested to the amount of one cent in your property afloat on the seas; and I say, let it all be destroyed—yes, all—before I will vote for one cent to protect it, while you impose the onerous burden on one town (Memphis) in my district, with a population of less than two thousand, to pay annually from two to three thousand dollars for the support and protection, not of their own citizens, but of all the persons in the great valley of the Mississippi who have been to the great emporium of the West, and on their return home are left by the steamboats sick and destitute on their wharf. I have asked but justice to be done my constituents; you have refused it; and now, sir, I will mete it out to others as they have done to me and mine. When gentlemen from the North and East have heretofore called on the South and West to build them navy yards to build their vessels in, to build them forts to

protect their cities, to improve their harbors, we never faltered in our support to them; we voted, as patriots, for whatever would add to the honor, glory, or protection, of our common country; but when we ask only that a house may be built for the reception of the poor, sick, and destitute citizen of the West, we are refused it.

Mr. D. J. PEARCE also opposed the amendment; and the debate was still further continued by Messrs. REED, WISE, CHAMBERS of Pennsylvania, CAMBRELENG, and SUTHERLAND, when it was agreed to: Yeas 80, nays 45.

Mr. C. JOHNSON moved to strike the following clause from the bill: "For the purchase of a site and the erection of barracks at or near Brooklyn, Long Island, New York, $50,000." Lost.

Mr. GRAYSON moved an item for the survey of May river, from Tybee bar to the Hunting Islands, South Carolina. Lost.

Mr. DUNLAP moved to strike out the two following clauses:

"Towards an extension of the hospital building near Brooklyn, New York, for enclosing the grounds, and for all other expenses upon its dependencies, $66,000.

"For the completion of the present hospital building near Boston, and for all expenses upon its dependencies, $1,350."

Mr. D. said he wished to test the sense of the committee upon the principle whether hospitals should be confined to one particular section of the country alone.

The motion was disagreed to.

On motion of Mr. CAMBRELENG, the committee then rose and reported the bill and amendments to the House; and,

On motion of Mr. BEAUMONT,

The House adjourned.

WEDNESDAY, FEBRUARY 22.

REISSUING BANK U. S. NOTES.

Among the usual morning business transacted,

Mr. GALBRAITH, from the select committee upon the subject of banking operations and the reissues of the notes of the Bank of the United States, reported a bill providing for the punishment of reissuing the notes of the late Bank of the United States.

Mr. EVERETT took this occasion to disclaim any participation in the bill or report, never having seen either. The committee met soon after their appointment, when nothing was done. They were to wait the call of their chairman for their next meeting. He now understood they had had a meeting some days since, but of this he had had no notice to attend. The first notice he had was yesterday, when the chairman said the committee proposed meeting that evening, at the lodgings of one of the members. Mr. E. informed him that he was too much indisposed to go out in the evening, but would attend any morning in the committee room at the House. He therefore disclaimed all share, or merit, or responsibility, for the bill or report.

Mr. MASON, of Maine, moved that five thousand copies be printed; which motion lies over.

NAVAL APPROPRIATION BILL.

The House then, on motion of Mr. CAMBRELENG, proceeded to the orders of the day, and took up the bill making appropriations for the naval service for the year 1837.

The amendments were read; and,

On motion of Mr. CAMBRELENG, all those to which no exception was taken were concurred in.

The question recurring on concurring with the committee in the amendment striking out the appropriation of $400,000 for completing and equipping the ship Pennsylvania—

Mr. C. JOHNSON called for the yeas and nays; which were ordered.

Mr. SUTHERLAND entered at some length into an argument in support of the appropriation for fitting out the Pennsylvania. It appeared to him as if some understanding existed among gentlemen to strike out this highly necessary appropriation. The chairman of the Committee on Naval Affairs [Mr. JARVIS] had said that that noble ship would be better where she now is; (that is, if left on the stocks.) He (Mr. S.) was not quite sure of that. He would ask if it would not be more suitable for her to be sent out upon her proper element than to be detained rotting where she now was. He would ask, why had this ship been built, if only to be kept under a roof, to be looked at by a few occasional visiters at Philadelphia? The honorable gentleman [Mr. JARVIS] had expressed a preference for small sloops and schooners—for a mere Lilliputian naval force. He [Mr. JARVIS] was for having nothing but boats; all small, all upon a small scale; and the main argument he has urged in support of this preference of small before great, was what appeared to him (Mr. S.) singular enough.

The honorable gentleman was really afraid that, if we employed such large vessels, the large ships would be lost, and the men all be drowned! This was a sort of hydrophobia which had seized upon the honorable gentleman; such a tender concern, and such feeling anxiety to save our sailors from drowning, as had been evinced by the chairman of the Committee on Naval Affairs, appeared to him (Mr. S.) very much like the terror and alarm which a poor hen exhibited when any of her duckling brood threatened to approach too near the water. The honorable gentleman was not willing that the ship should go to sea! He wanted it to stay on shore. He [Mr. JARVIS] was opposed to having the ship launched, for fear it should perish and decay when on the water; and, therefore, for safe keeping, he would have it kept on dry land! This was very much like the schoolboy who was required to learn to swim without going into the water. He (Mr. S.) would, however, affirm that the proper element of a ship was the water, not the land; that its business was properly on the water; and that, after being constructed, it answered no useful purpose if kept on the stocks, under cover, to be seen but by few; besides, in this situation, the ship was exposed to a more certain and more rapid decay; whereas, if launched, the decay which had already commenced would be retarded. The excuse given for suffering the largest ship in the world, and at the same time he would say the most beautiful, to lie and perish, was that it would save money! And yet this money was not, after all, to be saved, but was to be appropriated for a batch of small fry, which, as it seemed, better pleased the taste of the honorable gentleman from Massachusetts [Mr. REED.]

So far from such small sloops being the most proper and suitable for the navy, Mr. S. contended they were the graves of our gallant officers; in proof of which he instanced the Hornet, and other sloops of war. Mr. S. then adverted to the slight put upon Pennsylvania in rejecting this appropriation, which slight he contended was not to be washed off by the flattery of calling her the "Keystone State:" In his opinion, what ought to be done with the Pennsylvania was this; it ought to be fitted out and launched, and sent to foreign ports, that it might there be seen what American naval architecture was, what American seamen were, what force we could command in case of war. He would not send it, as the honorable chairman had sneeringly observed, "to astonish the natives." He was not inclined to regard a proper display of our power and force in such a light.

He thought to adopt this course (which he, who was no naval man, would recommend) was much better than to let the ship lie rotting and perishing under a house, as it was now doing, and as the honorable gentleman (who is so well skilled in naval affairs) recommends that it should continue to be done. True, the ship eventually must rot; but the sea, he contended, was its proper element; by being in the water it would not be so liable to rot; but, by being detained on shore, its utter decay was certain. Mr. S. then referred to the authority of competent judges to prove that the very circumstance of keeping the ship so long a time unlaunched was the cause of a premature rot and decay with which it was now threatened if this appropriation should be refused. Mr. S. concluded by ridiculing the idea of saving the money by destroying the ship, or (which was the same thing) leaving it to lie in idleness and to rot. He contended that such an excuse was unworthy a great nation, in the present state of the Treasury. It would, he (Mr. S.) thought, shed no halo around the head of the naval chairman, [Mr. JARVIS,] when it should be said hereafter that by his influence the Pennsylvania, the largest, the best built, the most beautiful ship in the world, was prevented from being launched, and was left upon the stocks to rot; and this merely to save a paltry sum of money.

Mr. JARVIS replied, and professed his determination to steer clear both of the declamation and merriment of the honorable gentleman, [Mr. SUTHERLAND.] He (Mr. J.) did not think it was just that he should be made responsible for an act which was the unanimous act of the whole committee; not one dissentient voice had been raised in the committee; and one gentleman only, who was not present at the time, had subsequently expressed his entire concurrence in the views of the committee. It was not, therefore, his act alone, but that of the whole committee. Mr. J. professed not to be aware of any party feeling having participated in this matter. He (Mr. J.) made the disavowal of such an imputation with a feeling of pride; he would also disclaim the insinuation of any bargain having been made to strike out this appropriation.

Mr. SUTHERLAND said he had never asserted that a bargain had been made.

Mr. JARVIS was proceeding, when

Mr. WILLIAMS, of Kentucky, raised the point whether it was in order for the gentleman from Maine to proceed, there being no quorum present. And the very gentlemen (Mr. W. said) who had voted against the motion of Mr. HANNEGAN to suspend the rule were now absent from the House.

The CHAIR [Mr. CRAIG] at first decided that it was in order for debate to proceed; but, on subsequent reference to parliamentary law, decided that, in the absence of a quorum, business must be suspended.

The CHAIR then counted the members, and ascertained that eighty members only were present—no quorum.

After some desultory conversation,

Mr. BRIGGS moved that the House adjourn.

Mr. E. WHITTLESEY asked for the yeas and nays; which were ordered, and were: Yeas 44, nays 69—no quorum voting. But the majority of members present refused to adjourn.

Mr. CAMBRELENG moved a call of the House; which motion was rejected.

Mr. MERCER suggested that a quorum was now present; and

The SPEAKER having counted, ascertained that one hundred and six members only were within the bar.

Mr. BOYD said he was perfectly satisfied that no quorum would be present. He moved an adjournment.

Mr. CAMBRELENG asked for the yeas and nays; which were ordered; and, thereupon,

Mr. BOYD withdrew his motion.

Various other propositions—for calls of the House, for a recess, and for adjournment—were made and rejected; when

Mr. GRANGER and Mr. BRIGGS, having been appointed tellers, to ascertain the number of members present, reported one hundred and eleven—no quorum.

After some other irregular motions,

Mr. WISE moved that the Sergeant-at-arms be directed to go to the President's house, and invite the members of this House to return.

Mr. REYNOLDS moved that the House adjourn.

Mr. CAMBRELENG asked the yeas and nays; which were ordered, and were: Yeas 47, nays 70—no quorum voting. But the majority of those present refused to adjourn.

After various other propositions, which were not entertained,

Mr. HANNEGAN moved that the House adjourn.

Mr. E. WHITTLESEY called for the yeas and nays; which were ordered, and were: Yeas 63, nays 56.

So the motion was agreed to,

And the House adjourned, at three o'clock.

THURSDAY, FEBRUARY 23.

CURRENCY BILL.

Mr. CAMBRELENG, from the Committee of Ways and Means, reported, with an amendment, Senate bill designating and limiting the funds receivable for the public revenue.

The amendment was as follows:

"SECTION 4. *And be it further enacted*, That no part of this act shall be construed as repealing any existing law relating to the collection of the revenue from customs or public lands, in the legal currency, or as substituting bank notes of any description, as a lawful currency, in lieu of coin, as provided in the constitution of the United States; nor to deprive the Secretary of the Treasury of the power to direct the collectors or the receivers of the public revenue, whether derived from duties, taxes or debts, or sales of the public lands, not to receive in payment of any sum due to the United States the notes of any bank or banks which the said Secretary may have reason to believe unworthy of credit, or which he apprehends may be compelled to suspend specie payments."

Mr. C. moved that the bill and amendment be printed, and laid on the Speaker's table, taking its place on the calendar; which was agreed to.

HOUR OF MEETING.

Mr. CAMBRELENG, from the same committee, reported a resolution ordering that, from and after this day, the daily hour of the meeting of the House shall be ten o'clock A. M., and that a recess be taken on each day from three to half past four o'clock.

Objections being made, Mr. McKIM asked for the yeas and nays on the adoption of the resolution, but subsequently withdrew the call.

Mr. OWENS renewed it, and they were ordered.

Mr. BOON said, in an experience of several years, he had never known a daily recess taken during the short sessions; and, being well assured that it would in no way expedite the public business, he moved to strike out from the resolution all that part of it having reference to a recess. Lost: Yeas 40, nays not counted.

Mr. PARKER did not think the best time had been selected, and he moved that the recess should be from two to half past three o'clock.

Mr. CAMBRELENG said the subject had been carefully considered in the committee, with reference to the convenience of members and the expediting of business.

Mr. PARKER's amendment was disagreed to.

Mr. LANE was satisfied that, instead of gaining, they would lose by the adoption of this resolution, if it should be adopted; and he therefore moved to insert nine instead of ten o'clock A. M., as the daily hour of meeting. Lost.

The resolution was then concurred in by the House: Yeas 151, nays 16.

Mr. WHITTLESEY, of Ohio, moved a suspension of the rule, for the purpose of taking up, and referring to to their appropriate standing committees, certain bills from the Senate, with the understanding that those which would elicit discussion should be passed over.

Mr. YELL expressed a wish that the land bill from the Senate should also be included; and he moved an amendment to that effect.

Mr. WHITTLESEY replied that that bill would certainly elicit discussion.

Mr. BOON hoped that no friend of the land bill would suffer that bill to be given the go-by in this way.

Mr. YELL would object to every bill, as it came up, till the land bill should be reached.

Mr. WHITTLESEY then withdrew his proposition; and, on motion of Mr. CAMBRELENG, the House passed to the orders of the day.

NAVAL APPROPRIATION BILL.

The unfinished business was the bill making appropriations for the naval service for the year 1837.

The pending question was on concurring with the Committee of the Whole on the state of the Union, in the amendment proposed by Mr. JARVIS, and adopted therein, to strike from the bill the following item:

"For completing and equipping the ship of the line Pennsylvania, four hundred thousand dollars."

Mr. JARVIS resumed his remarks of yesterday, in opposition to the proposed appropriation for fitting out the ship Pennsylvania. One reason why he resisted the appropriation was, that, when the ship should be launched, she would not be able to be made use of, nor even to show herself at our principal ports, neither at New York, nor Philadelphia, nor at Norfolk. She would consequently be confined to a few Northern ports, and then there would be a cry of partiality against the North, &c.

Mr. J. then went on to reply to the arguments of Mr. SUTHERLAND in favor of this appropriation. It was objected to him (Mr. J.) that he had alleged an increased risk of drowning as one of the grounds of his opposition to the completion of such large vessels. Mr. J. complained that his views had been misrepresented, and that this argument had only been urged by him in relation to the employment of a vessel of large size in the exploring expedition. His argument in that case had been as follows: that a frigate of a large size would not answer so well for that expedition as sloops, because there would be a greater sacrifice of life by drowning in the event of the larger vessel running upon rocks and shoals, which would be avoided by sloops. Mr. J. then combated the position that sloops were not so safe as vessels of a larger class, and expressed his belief that the Wasp and the Hornet, to which Mr. SUTHERLAND had referred in his speech of yesterday, had been sunk or destroyed by lightning, so that their loss, and the destruction of lives on board, was not attributable to the size of the vessels.

Mr. J. went on to defend himself and the Committee on Naval Affairs, at some length, from the remarks of Mr. SUTHERLAND, maintaining that prodigality differed greatly from liberality. Nor was a prudent economy to be confounded with an illiberal parsimony. He contended that the navy, which was now popular, would sink in the estimation of the country if such expenses were incurred on its behalf as should appear to exceed the proportion of services which it performed. As to the proposal of launching the ship for the purpose of exhibiting her in foreign ports, as a proud specimen of American skill in naval architecture, Mr. J. contended that mere bulk and size were not necessary for this purpose; that the elegance, skill, beauty, symmetry, and perfection, of naval architecture, were all to be discovered and admired in vessels of small size as well, and perhaps better, than in mammoth ships of this description. Size, Mr. J. contended, was not a necessary appendage of beauty; it was no proof of superiority in naval architecture, nor, he would add, in natural history. Among men, for example, who would maintain that mere bulk conferred superiority of any kind? Napoleon was no giant; but where shall we find a greater man, or one more able to endure hardships? In answer to the question of Mr. SUTHERLAND, whether we were to retrograde in naval affairs, Mr. J. observed that he considered we should begin to retrograde from the time we began to indulge in unnecessary prodigality of expense; and that, when we reached the extravagant expenditure of European Governments, then he should think we had already retrograded. As to national character, he would maintain that this was not to be asserted by the exhibition of big ships abroad; but, on the contrary, was to be proved and demonstrated at home, by the honesty, integrity, industry, and virtue, of the people. Here let foreigners come to ascertain our character. Here let them come, and behold our institutions, and from thence derive a knowledge of our character.

Mr. J. concluded by some remarks in reference to the alleged decay of the ship on the stocks, maintaining that it would be safe if left there. It would not be more liable to decay there than if launched; and that it would save a great present and a great annual expenditure, if left to remain there until really wanted for service.

Mr. REED said he desired to add a few words to what had been said by the chairman of the Naval Committee [Mr. JARVIS] upon the amendment now under consideration.

As a friend to the navy from his youth, he desired to consult its true and permanent interest. I desire (said Mr. R,) on this occasion, as well as all others, to adopt the policy of a liberal statesman, regarding the true interest of a great and powerful nation. I am aware, as I have often had occasion to say in this House, that this country must depend mainly for defence upon the navy. It has been my constant endeavor to sustain and improve the navy, and I trust I have not failed to act in conformity with the opinions I now express. But a liberal policy is widely at variance with profusion and waste. Extravagance and wastefulness may deprive us of the means of being liberal for useful purposes. At any rate, the fullest treasury and greatest resources may be appropriated to useful purposes; nothing should be wantonly wasted and lost.

The immediate question now under consideration is the adoption of the amendment of the Committee of the Whole, by which we struck out of the navy appropriation bill four hundred thousand dollars for completing the ship Pennsylvania, now on the stocks at the navy yard in Philadelphia. The ship Pennsylvania is one of our ships of the line, and rated at 120 guns, and is much the largest ship we have ever attempted to build. We have built and launched six ships of the line; three rated 74 guns, and three 80 guns. We have on the stocks, and nearly completed, and they could be launched and fitted for service in a very short time, four ships of 80 guns, and the ship Pennsylvania of 120 guns.

Of the six ships of the line which have been launched and fitted for sea, but one is now in commission; the other five are, and have been for a long time, at our wharves. Then, we have more of the ships of the line launched than we have occasion to use. When a ship is launched, the decay and deterioration is not inconsiderable. The decay of our ships of war has not been less than ten per cent. per year. The ship Pennsylvania will not probably cost less than $700,000. The deterioration, then, if launched, would be $70,000 per year, and, for a given number of years, would not cost a less sum to keep it in repair. I would not wantonly waste that amount of money. To launch the ship would be worse than useless. I have already shown it is not wanted; that we do not use the ships of the line that are prepared and ready for sea; that we have now five ships of the line lying useless and rotting at our wharves, and, of course, necessarily requiring large and expensive repairs. One of these ships, the Ohio, has never been at sea since she was launched, and requires a very large appropriation and time to fit her for sea. Why, then, I repeat, if five ships of the line are lying useless and decaying, should we launch another ship of the line?

But the gentleman from Pennsylvania [Mr. Sutherland] urges with great vehemence the launching of the ship for exhibition, and informs us that the present is an age of improvement. And he asks, very emphatically, shall we retrograde? I answer, no. But we look to utility. Is the gentleman from Pennsylvania aware that one of the most important improvements of modern times, in relation to ships of war, is the discovery of the art of preserving them by houses in which they are safely and cheaply kept? Has he read the report of the Navy Board upon the subject? Has he examined the improvement himself? In this situation, if wars with European nations should require more of our line of battle ships, (I hope it may be long before such a requisition will be made,) or if from any other unforeseen cause these ships should be needed, they could soon be put in a state of preparation, and the country would be sure of good ships, fit for service. I repeat, the plan of preserving these expensive ships in good houses is founded in wisdom and economy, and was adopted upon mature consideration. I trust no trifling and frivolous notion of vain exhibition will induce us to depart from the policy. It would require 1,200 men to man the ship; not easily obtained at the present time; and, if obtained, should be employed for a better object. If the ship was launched, she would not be sent around the world for exhibition. She would either remain at the wharf of Philadelphia, or be taken to some navy yard, (and there are few in the country where she would float,) and there remain to rot, and be again repaired, and perhaps require repairs when most needed for use.

The gentleman from Philadelphia, [Mr. Sutherland,] and, I thought, some other gentlemen, have appeared to manifest a sensibility upon the subject wholly uncalled for, as if some indignity was offered to the State of Pennsylvania. We have now safe in these modern ship-houses one ship of the line at Portsmouth, New Hampshire, two at Boston, Massachusetts, one at Norfolk, Virginia, and the ship Pennsylvania, at Philadelphia. I propose to launch none of them. I would treat the ship at Philadelphia precisely as the ships at Boston and Norfolk, and hope to preserve them all.

There is no necessary connexion between the two propositions, viz: the proposition to strike out the $400,000 for launching the Pennsylvania, and the amendment to build six small vessels. The Committee on Naval Affairs were unanimously opposed to the appropriation for launching the ship before I ever proposed the building the small vessels of the fourth class.

Our navy is certainly very respectable; but another class (which may be denominated the fourth class) of vessels is very much needed to perfect our navy. This class of vessels is wanted to defend and protect our commerce against piracies, or sudden war, in the West Indies, the coast of Brazil, and the coast of South America, on the Atlantic and Pacific oceans. These vessels will be most useful to improve and instruct and qualify our young officers for higher command. They alone can navigate a great part of the coasts I have named. They alone can protect our commerce in those seas. The protection which these small vessels can and will afford has been too long neglected. Our merchants, our commerce, the best interests of the country, all demand it.

The vessels I propose would be of about five hundred tons burden. Such vessels, built and equipped and manned in the best manner, would be most effective for all useful purposes of protecting our commerce.

But, among other arguments, I have been met by the gentleman from Pennsylvania, [Mr. Sutherland,] the gentleman from Rhode Island, [Mr. Pearce,] and by the gentleman from Maryland, [Mr. McKim,] by ridicule. These vessels have been called Lilliputian graves, and grave-diggers, humble, small, and contemptible, &c. In reply to these attempts at ridicule, I will only say the ships proposed are perfectly safe; such as merchants use. In vessels no larger, my constituents, in hundreds of cases, pass round Cape Horn, traverse the Pacific ocean, and keep at sea for three years. I heed not the ridicule; the little vessels can bear it, and protect and defend the commerce of the country.

I will not trespass longer on the patience of the House. I know their anxiety to proceed to business. If we were not so much pressed with business, instead of presenting these brief hints, I should have rejoiced to have had an opportunity to have gone into details, and presented my views fully to the House. The importance of the subject would justify it. But I forbear. I am not opposed to what has been done. I have always been friendly to a navy. It requires many years to obtain timber, have it seasoned and prepared, and to build ships of the line and prepare them for sea. They have been built, and may be prepared for sea in a short time. If some European war should befall us, (which God in mercy avert,) the ships of the line might be wanted.

I hope, Mr. Speaker, that the appropriation of $400,000 for launching the ship Pennsylvania may be stricken out of the bill, and that the appropriation for the small vessels may be adopted.

Mr. PEARCE, of Rhode Island, insisted that the Committee on Naval Affairs had stepped aside from their duty in opposing this item. The gentlemen from Maine and Massachusetts had predicated their objection to it on the ground of its novelty, and that distinguished naval officers were opposed to it. Now, who were these? Why had they not been named? The appropriations had been called for by the Navy Department, founded on the reports of responsible officers. Nor was this all: there was a special report from the Secretary of the Navy on the subject, calling for the very item proposed in this bill, to which Mr. P. referred. He was not disposed at once to set aside such evidence and such authority upon irresponsible recommendation, nor to give his assent to the effort making by the Naval Committee to overrule the special recommendations of the Executive, of the Secretary of the Navy, and of the whole Board of Navy Commissioners. Mr. P. then went into an argument to show that it would be little short of a prodigal waste of money to substitute the small vessels proposed by the committee; and adduced the policy of Great Britain in relation to this matter, and that of our own Government for the last few years, as sustaining his position, and opposite to the proposed plan.

Mr. CAMBRELENG could not but say to those gentlemen who professed so much regard for the navy, that they exhibited very little of it, or for the interests of the country generally, by making speeches at this period of the session. He hoped they would take his admonition in good part; but really, if they were sincere friends to the navy, they would cease making those long speeches which it been Mr. C's good fortune to hear for the last sixteen years.

Mr. SUTHERLAND entered into a statement in reference to the position of the navy yard at Philadelphia, and certain contemplated improvements there, showing that if this ship should not be launched soon, she would have to rot on the stocks. Mr. S. also quoted the special report, in favor of completing the Pennsylvania, of the Secretary of the Navy, and warmly opposed the motion to strike out.

Mr. PARKER drew the attention of the House to the fact that for several years no such force as this had been recommended; and he contended that the launching of this ship was not wanted by the present posture of our affairs, or by any exigency likely to arise. There were four ships of the line already afloat, which were more than were necessary; and he was not disposed to vote away so large a sum of money as $400,000 to launch a ship into the water when she was not required, and where she would be, probably, as liable to decay as on tbe stocks.

The question was then taken on concurring with the committee, and decided in the affirmative: Yeas 125, nays 55.

So the clause was stricken out.

The next amendment of the Committee of the Whole was then taken up, as follows:

"And, also, six vessels of war, of not less than ten nor more than sixteen guns, $400,000, in addition to the materials on hand."

Mr. CAVE JOHNSON asked for the yeas and nays on concurring with this amendment; which were ordered.

Mr. MANN, of New York, moved to amend the amendment, so as to strike out "sixteen" guns, and insert "eighteen."

Mr. REED (who moved the amendment in the committee) said he had no objection whatever to Mr. MANN's motion; and it was agreed to, without a division.

The question was then taken on concurring with the amendment, as amended, and decided in the affirmative: Yeas 118, nays 47.

So the amendment, as amended, was concurred in.

The amendment proposing an item of $5,000 for the survey of May river, &c., South Carolina, was then taken up; and, on motion of Mr. CAMBRELENG, the amount reduced to $1,500; and, so amended, it was concurred in.

The amendment for surveying Beaufort and Wilmington harbors was also concurred in.

Mr. DUNLAP renewed the amendment offered by him in the Committee of the Whole, proposing an appropriation of $10,000 for the purchase of a site and the construction of a marine hospital at Memphis, Tennessee; which, after some remarks from Mr. D. in support of it, was agreed to, 72 to 53.

Mr. JARVIS also renewed the amendment submitted by him in committee, as follows: "To defray the expense of examining the shoals of George's Bank, for the pnrpose of determining the practicability of erecting a light-house upon the same, in aid of the general appropriation for the navy, $5,000; which, after some remarks from Mr. J. in explanation of the object contemplated, was agreed to.

Mr. PINCKNEY then also renewed his amendment for an appropriation for a navy yard, depot, dry dock, &c., at Charleston, South Carolina, and asked for the yeas and nays thereon; which were ordered.

Mr. P. brought to the notice of the House the fact that he had that morning received a petition from Captain Pennoyer, of the steamboat Dolphin, praying remuneration of his services in having rescued the United States brig of war Porpoise from a state of imminent peril on Brunswick bar. The statement of Captain P. was fully confirmed by Captain Ramsay; showing conclusively that, so far from there being a sufficient depth of water at that bar for frigates and ships of the line, even the Porpoise (smaller than a sloop) had been stranded, and was very nearly destroyed, at the north breaker, in attempting to enter Brunswick harbor.

Mr. P. insisted on the absurdity of establishing navy yards at places where there are neither forts, nor mechanics, nor any naval requisite whatever.

Mr. McKAY spoke in favor of selecting Beaufort, in that State.

Mr. DAWSON renewed his amendment in favor of Brunswick.

Mr. MANN, of New York, spoke in favor of a navy yard at Charleston.

Mr. PEARCE, of Rhode Island, followed on the same side, and did full justice to the superior claims of Charleston.

Mr. HAYNES again advocated the claims of Brunswick.

Mr. McKEON again urged the policy of a Southern navy yard, and gave the preference to Charleston over all the places that had been brought forward in debate.

Mr. GRAYSON was in favor of Charleston, but, if Charleston should not be selected by the House, he thought there was another point decidedly preferable to the port of Brunswick.

Mr. G. said the objections of gentlemen to Charleston proceeded from an erroneous view of the extent of the navy yard intended to be established there. It was not a yard for the construction of frigates that was proposed; if it were, the want of water on the bar was a valid objection. But for sloops of war and smaller vessels there was depth of water enough, and in all other respects but depth of water, Charleston was superior to any other place on the Southern coast.

Her mechanics were already prepared for the building of vessels of a description not inferior to any in the United States. A sloop of war might be ordered to be constructed there to-morrow, and would at once be built in the private yard of one of her shipwrights as skilfully and substantially as in any part of the country. If any other point on the coast were selected for a navy yard, large expenditures for forts would become necessary. Charleston was already securely fortified, and this expense would be saved. There is not a navy yard in the United States that would be more secure than one in Charleston, without the expense to Government of an additional gun.

In her central position on the Southern coast; in her industrious, skilful, and excellent mechanics; in the abundant supply she furnished of the best brick, and other building materials; and in the ship timber which the vicinity afforded, of the finest kind, Charleston afforded every advantage which could be demanded, except a good depth of water on her bar.

If, however, the House was determined to set aside the claims of Charleston, and to select that point of the coast where the best water was to be found—where the bar should be deepest and most accessible, still the proposition of the gentleman from Georgia could not be received. The report of the officers who surveyed Brunswick harbor does itself afford ample proof that Congress should not decide in favor of that harbor. These officers admit that Savannah bar is the deepest and most accessible on the coast. They say, expressly, that if a

frigate could reach Coxspur, they might reverse their decision in favor of Brunswick. But there is good reason to believe that a frigate might reach a much better point than Coxspur by the same inlet—Savannah bar. That bar is the entrance not only to Savannah river, but to May river. This arm of the sea (for such it is) leads up to a fine, dry, healthy position, with a depth of water, from the bar up, of nowhere less than twenty feet. This position is high, and affords excellent fresh water. Coxspur is a hard marsh, with not a foot of high land, destitute of fresh water, and exposed to northeast gales from the ocean. Yet if these officers could carry a frigate to Coxspur, they would not have decided in favor of Brunswick. It is certain, therefore, that they could not have decided in favor of Brunswick if they had been acquainted with May river.

If, then, the House determine against Charleston, as the decision of the committee seems to indicate they will, I ask that they shall wait for further information, and act with a full understanding of all the facts connected with the subject. If there is a better place than Brunswick, let it be ascertained, and let the House decide after a full and accurate examination of the coast. Any decision now in favor of Brunswick would be premature.

The question was then taken, and decided in the negative: Yeas 51, nays 95.

So the amendment was disagreed to.

Mr. McKIM then moved the previous question.

Mr. CALHOON, of Kentucky, appealed to the gentleman to withdraw it, as he wished to move a reconsideration of the vote by which the item of ten thousand dollars for a marine hospital at Memphis, Tennessee, had been agreed to.

Mr. McKIM said he had withdrawn the motion once, and he must decline doing it again.

The House did not second the demand for the previous question, only 57 voting in the affirmative.

Mr. CALHOON, of Kentucky, then made the motion indicated above, and gave as a reason for doing so, that he thought it would come up much more appropriately on what was called the "new harbor bill," when the most eligible points on the Western waters might be decided on.

Mr. McKAY understood that Memphis had been, or was intended to be, included in the bill reported from the Committee on Commerce.

The House determined to reconsider the vote: Yeas 80, nays 50; and the amendment was then rejected, without a division.

Mr. CAVE JOHNSON moved to strike from the bill the following clause:

"For the purchase of a site and the erection of barracks at or near Brooklyn, Long Island, New York, fifty thousand dollars."

Mr. GHOLSON asked for the yeas and nays, but they were not ordered, and the motion was agreed to.

Mr. PEARCE, of Rhode Island, then rose and said that he had intended to move an appropriation for Narragansett bay, but he would demand the previous question.

The House seconded the call: Yeas 69, nays 56.

Mr. HANNEGAN, referring to the few members present, (barely a quorum,) moved a call of the House. Lost.

The main question was then ordered, without a division; and on the main question, being on ordering the bill to be engrossed,

Mr. HANNEGAN asked for the yeas and nays, but the House refused to order them.

Mr. ROBERTSON inquired if a motion to recommit this bill would be in order.

The CHAIR said it would not; the previous question having been moved and seconded, the main question must be first taken.

The question was then taken, and decided in the affirmative, without a division.

So the bill was ordered to be engrossed for a third reading this day; and having been engrossed, and on its third reading,

Mr. ROBERTSON then moved to recommit this bill to the Committee of Ways and Means, with a view, he said, to reduce the aggregate amount of appropriations in it in such a manner as that committee, upon considering the bill again, might think proper. He added, that he had no disposition to embarrass the appropriations for the expenses of the Government, but he could not omit adverting to the fact of the enormous increase in this branch of the service, and making an effort to resist it. He had been given to understand that the amount of money appropriated in the present bill exceeded that of last year by one million two hundred thousand dollars.

Mr. CAMBRELENG concurred in the views of the gentleman from Virginia, in relation to retrenchment, but he did not think that this was the appropriate bill to commence retrenchments upon. He was certainly in favor of retrenchment, but, in the present state of our relations, he did not think it expedient to reduce the appropriations for our navy. The Senate was responsible for a large part of the one million two hundred thousand dollars alluded to by the gentleman from Virginia. He believed there was much less money spent on this branch of the public service than on others which were less important, and he hoped the bill would not be committed.

Mr. VANDERPOEL, in order, he said, to test the sense of the House on this question, moved the previous question; which was seconded: Yeas 87, nays 44; and the main question being ordered,

Mr. GHOLSON asked for the yeas and nays on the main question, (the passage of the bill;) but they were not ordered, and the bill was passed, without a division.

ARMY APPROPRIATION BILL.

Mr. CAMBRELENG moved that the House go into Committee of the Whole on the state of the Union, on the amendments of the Senate to the "bill making appropriations for the support of the army for the year 1837."

Mr. MERCER moved to include the bill providing for the erection of marine hospitals on the Western waters; which Mr. CAMBRELENG accepted as a modification.

Mr. WILLIAMS, of Kentucky, moved to include certain bills extending the pension system to certain Western warriors. Lost.

Mr. McKAY moved to include the bill providing for the erection of marine hospitals in the different seaports on the Atlantic frontier. Lost

Mr. THOMAS moved to include the bill to punish certain crimes against the United States in the District of Columbia. Lost.

The House then went into Committee of the Whole on the state of the Union, (Mr. SUTHERLAND in the chair,) on the first two bills.

The committee resumed the consideration of the "army bill."

The amendment pending was an amendment to the Senate's amendment appropriating $50,000 to pay for the equipments of the Kentucky volunteers who had been called out under the requisition of General Gaines.

Mr. GRAVES withdrew his amendment, allowing three months' full pay, as compensation to those troops who had mustered at Athens; and submitted an amendment directing the Secretary of War to allow to the volunteers of Kentucky, Tennessee, Alabama, and Mississippi, who had been called out under the requisition

of General Gaines, one month's pay, with all their expenses; and making an appropriation of $11,650 for the pay of the rifle corps and Coosa volunteers, who were commanded by Major Holt.

After a few explanations by Messrs. GRAVES and WHITTLESEY, this amendment was agreed to.

Mr. PEYTON then moved an amendment appropriating $135,000 for arrears of pay due to the Tennessee volunteers raised on the 10th of December 1812, and discharged on the 10th December, 1813.

Mr. P. addressed the House at some length in support of this amendment, and read various extracts to show the justness of the claim.

Mr. PEARCE of Rhode Island, wanted to vote understandingly on this subject; and he wished to know whether the claim came before the House in an authentic form, and whether it had been approved by the Department of War.

Mr. PEYTON explained that the evidence had been laid before the Department, but by accident the paper discharging these troops had been lost; and, owing to this, the Department would not make the allowance.

Mr. PEARCE could not support this claim unless it came through the regular channel through which all others came; and he apprehended that there must be some mystery in this claim, or it would not have laid over this long without being settled.

Mr. BELL addressed the House at some length in support of the amendment.

Mr. MASON, of Ohio, did not think they could entertain the claim at this time, and he would move to lay the bill aside for the present. So the bill was accordingly laid aside for the present, by general consent.

MARINE HOSPITALS.

The committee then took up the bill authorizing the purchase of suitable sites for the erection of marine hospitals on the Western rivers and lakes.

Mr. McKAY offered an amendment making an appropriation of $10,000 for the erection of a marine hospital at Wilmington, North Carolina, and $10,000 for the erection of a marine hospital at Newport, Rhode Island.

After some remarks by Messrs. McKAY, PEARCE of Rhode Island, MERCER, and WARDWELL,

Mr. OWENS moved to amend the amendment by appropriating $10,000 for the erection of a marine hospital at Savannah, in Georgia.

Mr. REYNOLDS, of Illinois, remarked that he had observed a strict and absolute silence on this subject until the present time. He considered this course, on ordinary occasions, the most wise in order to secure the passage of a measure in which he was so much interested for his constituents. There is no subject in which a most worthy class of citizens is so much interested, and which is so congenial to the humanity which, I have abundant reason to believe, exists in the heart of each member in this House. This measure is not for the wealthy, nor is it for that class of people who live on the fat of the land without work. It is for the bone and sinew of the country, the class of people that support all, and labor for their living.

On many occasions, during the last session, his friends in the House will recollect that he urged this subject on their consideration so often, and with so many repeated efforts, that he was fearful he had almost tired the House on the subject. On this consideration, he deemed it his duty, to secure the passage of the bill, and to observe a perfect respect for the House, which he had done on all occasions, not to urge the consideration of the measure so often on the House as he had done heretofore. He considered the law so palpably right that it needed no assistance or explanation whatever to insure its passage. But the course pursued by gentlemen had changed his opinion; and when he saw a measure that is so just and right within itself, and so congenial to his feelings, sinking under a load of extraneous matter, he considered silence no longer to be a virtue, and therefore would appeal to the common sense and justice of the House for the preservation of this desirable measure.

The gentleman from North Carolina [Mr. McKAY] offered an amendment for an hospital at Wilmington, in that State; and to this amendment various other propositions, for as many other hospitals as amendments, were offered. One in Rhode Island, one in Georgia, one on Lake Ontario or Champlain and these all urged with talents, and some plausibility of reason.

Mr. R. said he would submit to the sound sense and reflection of this House for a decision against all these amendments, if they desire the bill for hospitals on the Western waters to pass into a law. If this course were adopted, to name the sites for hospitals in the law, each member would be compelled to urge the location of a hospital in his congressional district. He hoped the gentleman from Rhode Island [Mr. PEARCE] would see the utter impossibility to succeed in such a course, and abandon his prospects of establishing his hospital in this bill. In fact, that little State (Rhode Island) seemed, from the appropriations it had already received from the hands of the Government, to be a great favorite at the city of Washington. He presumed all these appropriations were just and right; but if this were cut off, and these streams from the public corn crib were diverted into another channel, this little State would require the fostering care of physicians to save her life.

It is utterly impossible to locate the sites for hospitals in any bill before Congress. Every member would have a town or site in his congressional district, that he and his constituents would agree were most excellent places for the welfare of the sick. The gentleman from New York [Mr. WARDWELL] would say, and in truth too, that on the shores of Ontario were good sites for hospitals; so would the gentleman from Georgia [Mr. OWENS] urge it on the consideration of the House, that in no place was there more necessity for hospitals than in that State. This principle once established, my friends all around me, who honor me so much with their attention on this occasion, must move for hospitals in their respective districts. The gentleman from Indiana [Mr. HANNEGAN] would have one at Loganport in that State; and another gentleman [Mr. INGHAM] one in the State of Connecticut.

This course will at once demonstrate its impracticability, and the inevitable destruction of the bill now before the House.

Mr. R. said he had himself once pursued this policy, to name the site for a hospital in a bill, and on full knowledge and experience of the subject had abandoned it forever. He did not hesitate to say, and he said it because he knew it, that at or near the mouth of the Ohio river was the most eligible point in all the West for the location of one hospital. This site is the most central of any place in the valley of the Mississippi, in navigating the rivers of that vast region of country.

All the great rivers of the West, some of whose waters are densely populated, and others fast settling and improving, concentrate to this point. It is a point between the upper and lower Mississippi, and convenient by water to an immense region of country.

Yet, with all these advantages to the people for an hospital at this point, and after repeated efforts, he had abandoned the location of an hospital in the bill at it.

The situation at or near the junction of the Ohio with the Mississippi will claim the attention of the persons named in the law to make the selections, and no doubt there will be established one at this suitable point.

He would also state to the House that commissioners, talented medical men, would be more capable to make the selections than members of Congress, who perhaps had, many of them, never seen the "far West" at all. The commissioners would examine with care and attention the various suitable places on "the Western waters" for hospitals, and thereby make the selections with a view to the general welfare of the country, and not the particular advantage of any congressional district, as members of Congress would be compelled to do.

The gentlemen of the army, mentioned in the bill, he would not prefer to citizens, to make the selections of sites; but a majority of the Committee on Roads and Canals, of which he was a member, preferred them to citizens; and for the sake of unanimity in the committee, and to secure the passage of the bill, he would not propose an amendment to change the commissioners.

One other consideration he would present to the House, and then conclude his remarks. It was the great expenditures of the public money in one section of the country, and not much in another. This must be done, to a great extent, from the necessity of the case. Fortifications, light-houses, and such improvements, must be made on the frontier and on the ocean. A light-house in the interior, and off navigable water, would be of no use at all to the public. The same may be said of fortifications, and such improvements, that must be made in a certain part of the Union. It is on this principle we of the West act. We have voted millions for these Atlantic improvements, and for the support of the navy.

Twenty-five millions of dollars, received into the Treasury from the sales of the public lands of the West, have the most of it been expended in State improvements on the seaboard. To this we are compelled to accede; and now, when we of the new States and of "the far West" want a small pittance, a mere drop in the bucket, only fifteen thousand dollars, to enable certain officers of the army to purchase sites for hospitals on the Western waters, our proposition is amended to death, weighed down with other hospitals on the Atlantic shores, and from the very section of country where all the treasure almost of the United States is disbursed and expended. This seemed to him (Mr. R.) so manifestly unjust and wrong, that he supposed gentlemen would abandon the amendments. He hoped his talented friend from Rhode Island [Mr. Pearce] would cease his operations for an hospital in this bill, and use his excellent talents and singular voice on other occasions.

Mr. R. remarked, further, that a system of hospitals suitable to the inland navigation of the country would not be adapted to the seaboard. The mode of navigation was, from the nature of the country, different, and the systems could not be alike, and ought not to be in the same law.

He would conclude by saying that the poor and friendless, and the country in general, are under great obligations to his friend, the gentleman from Virginia, [Mr. Mercer,] for bringing this subject before the House, and sustaining it with his influence and talents.

He hoped the amendments would not be agreed to, and the bill passed.

After some remarks by Messrs. OWENS, DUNLAP, PEARCE of Rhode Island, BOND, REED, DENNY, GRANGER, GRAVES, PARKER, HARPER, McKAY, and CALHOON of Kentucky, the amendments of Mr. Owens and Mr. McKay were severally disagreed to.

Mr. PARKER moved an amendment increasing the appropriation in the bill to $30,000, for the purpose of purchasing sites for six hospitals at suitable sites on the Atlantic coast and Western rivers and lakes; which was disagreed to.

Mr. DUNLAP then moved an amendment appropriating $10,000 for the erection of a marine hospital at Memphis, Tennessee; which was disagreed to.

On motion of Mr. LANE, the committee then rose, and reported the bill to the House.

The Speaker having resumed the chair, the amendments to the bill were concurred in; when

Mr. PATTON moved to strike out the enacting clause of the bill.

Mr. P. then proceeded to address the House at some length in opposition to the general principles of the bill, and concluded by calling for the yeas and nays on his motion.

Mr. HANNEGAN said, for the purpose of testing the sense of the House on this bill, he would move the previous question; but withdrew the motion at the request of

Mr. MERCER, who made some remarks in reply to his colleague, [Mr. Patton,] and concluded by moving the previous question; which was seconded by the House; and, the main question being ordered, the bill was ordered to be engrossed and read a third time to-morrow.

On motion of Mr. UNDERWOOD,

The House adjourned.

Friday, February 24.

RELATIONS WITH MEXICO.

Mr. HOWARD, from the Committee on Foreign Affairs, to which had been referred the message of the President of the United States of the 8th of February, made the following report thereon:

The Committee on Foreign Affairs, to which was referred the message of the President of the United States of the 8th of February, relative to Mexico, have had the same under consideration, and respectfully offer the following report.

The history of the relations between the United States and Mexico exhibits an unbroken succession of good feelings, and, as far as the occasion permitted, of kind offices, on the part of the American Government, following out, in this as in other respects, the disposition and wishes of the people. The first to recognise Mexico as an independent Power, the Government of the United States has been among the first in the unceasing manifestation of friendship to this adjacent North American Government. At an early period of her struggle for independence, the ports of the United States were open to her flag, even at the hazard of incurring responsibility for this act of impartial neutrality.

But the committee perceive, with profound regret, that on the part of Mexico there has been a long train of injuries to the property of American citizens, and insults to the national flag, for which redress, though often promised, has seldom been obtained.

This omission has doubtless proceeded, in a great measure, from the unsettled condition of the Mexican Government, the numerous and radical changes, which have prevented a fixed policy from being pursued in its foreign affairs. But the committee believe that it has also sprung, in part, from a knowledge of the form of our Government, and the limited powers of its executive branch.

Cases might be mentioned in which a demand for redress, when made by nations whose Executive had the power of declaring war, and consequently the subordinate power of giving large discretionary authority to its naval officers, has been promptly met, when the consequences of refusal were uncertain. But our constitution has wisely placed the war-making power in the legislative branch of the Government, and no severe measures are likely to be adopted towards any foreign Power, unless upon much deliberation and repeated aggression.

It would seem to follow from this, however, that in proportion to the slowness should be the firmness of the voice of the nation, when expressed through all the departments of its Government.

Those nations which permit themselves to disregard the remonstrances of the President, when conveyed through agents appointed by him, and rely for their security upon the limited powers which our constitution has intrusted to that officer, must be taught that his complaints against injury and outrage do but speak, in anticipation, the voice of the entire people of the country.

It may be that, without reference to the limited powers of the President, the Government of Mexico has been encouraged to persevere in its course of aggression by the general absence from its neighborhood of vessels of war belonging to the United States, the interposition of which might have been more effectual than a diplomatic note.

To illustrate this position, the committee will select, out of the many cases of serious and flagrant injury inflicted upon the commerce and rights of the United States, by officers of the Mexican republic, one of the very few in which that Government listened to our demand for satisfaction.

On the 3d of May, 1836, the United States schooner Jefferson anchored off the port of Tampico, direct from Pensacola, having been sent out by order of Commodore Dallas. Lieutenant Osborn and his boat's crew, who went on shore, were seized and imprisoned, and the vessel prohibited from entering the river. A demand for satisfaction made by the American consul was haughtily refused. The Jefferson left the port, but communicated with the sloop of war Grampus, of eighteen guns, which came to off the bar; and on the following day there arrived another American corvette, and both anchored there.

The commander of the Grampus directed a note to the principal of the port, informing him that, by order of the chief of the division on the West India station, he had come to enter into a correspondence with him relative to the insult which he had inflicted on the American flag. A note followed from the Foreign Department of the Mexican Government to Mr. Ellis, requesting him to interpose his authority, and order the vessels to retire. Mr. Ellis very properly declined to do so. In a few days an official communication apprized Mr. Ellis that the Mexican Government had supplanted the officer in command at Tampico, "by substituting in his stead a chief who, it flatters itself, will know how to preserve greater harmony with the agents and subjects of foreign nations;" and announced that "a summary investigation had been ordered to be instituted, which, by putting in its true light the conduct of Mr. Gomez, would apply to him the punishment he deserved, if he should prove culpable, as well as to all others who may have taken any part in the affair treated upon," renewing the request that Mr. Ellis would then give his orders for the withdrawal of the squadron from before Tampico; which was done, and the vessels departed. The committee would be pleased if they could stop here in the narrative; but they are compelled to remark that, shortly afterwards, the individual whose punishment was thus promised, as an atonement for the insult to the American flag, was recalled into service, and assigned to a command upon the coast, where his hostile feelings might again endanger the security of American citizens or property.

The effect of this open withdrawal of the apology yielded to the American Government was, as might have been anticipated, soon made to appear in fresh outrages upon some American citizens, who were entitled to have been treated with peculiar forbearance, not only because they were in the employment of the American Government, but because they constituted a part of the crew of one of the national vessels, whose services on board might have been very essential. The arrest and imprisonment of eight of the seamen belonging to the sloop of war Natchez will not now be made the subject of comment, further than to remark that the prevention of the American consul from visiting them, whilst sick and in prison, from the 4th to the 19th of November, was an act of unpardonable inhumanity, and appears to have proceeded from the same officer whose fictitious punishment, but real promotion, had been offered as an atonement for a previous insult to the American flag.

Looking through the catalogue of complaints which the United States have to make against Mexico, on their own account, as the party whose dignity and honor are assailed, the committee are unable to perceive any proof of a desire on the part of the Mexican Government to repair injury or satisfy honor.

The merchant vessels of the United States have been fired into, her citizens attacked, and even put to death, and her ships of war treated with disrespect when paying a friendly visit to a port where they had a right to expect hospitality. It was the inattention of the Mexican Government to complaints of this description that appears chiefly to have induced the return of the late chargé d'affaires; for in his note of December 7th he says: "If those [the claims] that might be presented should be all acknowledged as just, yet so long as the several cases of unprovoked and inexcusable outrage inflicted on the officers and flag of his country, which have been heretofore submitted to the Mexican Executive, remained unsatisfactorily answered, he would have but one course to pursue."

It is possible that the claims for private property, which had recently been presented anew to their notice, may have attracted the serious attention of that Government; but if a cordial disposition was felt to adjust them, it is not easy to imagine why those cases, where a decree of the Mexican authorities had been for a long time passed for their payment, and a portion actually paid, were not fully satisfied. The committee are willing to hope, however, that the manifestation of serious discontent on the part of the United States, by the withdrawal of their official representative, will induce the Mexican Government to engage in the active investigation of all the grounds of complaint pressed upon them for many years past. They fully concur with the President, that ample cause exists for taking redress into our own hands, and believe that we should be justified in the opinion of other nations for taking such a step. But they are willing to try the experiment of another demand, made in the most solemn form, upon the justice of the Mexican Government, before any further proceedings are adopted. It is their opinion that a diplomatic functionary of the highest grade should be appointed to bear this last appeal, whose rank would indicate at once the importance of his mission, and the respect in which the Government to which he is accredited is held; for, notwithstanding the causeless ill feeling which appears to prevail in Mexico towards the Government and people of the United States, the latter will continue as long as possible to treat with respect their ancient though now estranged friend. In conclusion, the committee respectfully submit to the House the following resolutions:

Resolved, That the indignities offered to the American flag, and injuries committed upon the persons and property of American citizens, by officers of the Mexican Government, and the refusal or neglect of that Government to make suitable atonement, would justify the Congress of the United States in taking measures to obtain immediate redress by the exercise of its own power.

Resolved, That, as an evidence of the desire of the

American Government to preserve peaceful relations with the Government of Mexico, as long as the same may be compatible with that dignity which it is due to the people of the United States to preserve unimpaired, the President be, and he is hereby, respectfully requested to make another solemn demand, in the most impressive form, upon the Government of Mexico, for redress of the grievances which have heretofore been ineffectually presented to its notice.

The report having been read,

Mr. HOWARD said it was the desire of the Committee on Foreign Affairs that the House should have an opportunity of voting on the two resolutions with which the above report concluded; and he wished to move the postponement of their consideration to a certain day, if that could be done without their losing their priority. He proposed, therefore, with the concurrence of the House, that, in a day or two, by the time the report and resolutions could be printed, the subject should be taken up; and he hoped it would meet the concurrence of the House to make them the special order for some day, for in no other way could the House be secure that they would be taken up at all.

Mr. H. did not believe, he added, that much, if any, difference of opinion would be found to prevail in the House upon the ultimate adoption of these resolutions; but whatever the opinion of the House might be, it was proper that it should be expressed, for it was a matter peculiarly demanding that expression. The time of the session being so very short, he reiterated the hope that the subject would be made the special order for some day close at hand, but yet distant enough to allow time for them and the report to be printed.

Mr. H. would name Tuesday next, if by that motion he could secure their coming up as the first business in the morning; and he inquired of the Chair if that motion would secure his object.

The CHAIR stated that if it were under the special order for Tuesday, it would not come up during the morning hour. The gentleman, however, could attain his object by a simple motion to postpone the subject till Tuesday, when it would come up, on that day, the first business as soon as the journal was read, unless some other report made in the mean time should intervene.

Mr. CAMBRELENG remarked that it must be evident to every gentleman that a debate on the subject of Texas would necessarily come up on the civil and diplomatic bill, where an amendment would be proposed for the salary and outfit of a minister to that country. It was also Mr. C's intention, with the assent of the House, on disposing of two other bills, to call up that bill, and he therefore hoped gentlemen would postpone the discussion of this subject till then. Let them go on with the public business in the mean time, for they all knew that on the last day of the session they could do nothing in the way of original action on bills under the orders of the House.

With regard to the resolutions of the gentleman from Maryland, it was no doubt intended, and it was desirable, to get as much unanimity upon them as possible; and he therefore trusted the debate would be confined, in the first instance at least, to the proposed amendment to the appropriation bill. These resolutions might be left to the last day of the session, when they would be taken up as a matter of course.

Mr. HOWARD, in reply, reminded the gentleman that these resolutions had no connexion whatever with the affairs of Texas, and he hoped they would not be drawn into conjunction with that subject at all. They had been kept disconnected by the committee, nor was even the word "Texas" once mentioned in the report; but our grievances upon Mexico were placed upon other and distinct grounds; and, whenever the resolutions came up, he trusted that the subject of Texas would not be involved with that of Mexico. Mr. H. was willing to adopt any course that might be deemed most convenient by the House; and he would therefore move to make the subject the special order of the day for Tuesday next.

Mr. CAMBRELENG rejoined. The House had Friday, (this day,) Saturday, Monday, and Tuesday, which was all the time left for the passage of the appropriation bills; and, under these circumstances, he thought the gentleman ought not to press his motion, or to desire its adoption. On Tuesday night, at 12 o'clock, they would be precluded from sending any bills from the House to the Senate, and they had, consequently, but four days remaining to dispose of the whole of the public business, including all the appropriation bills. Even to-day and to-morrow they were obliged to set aside all the private business, to consider that of a public character. He earnestly hoped nothing would interpose between the necessary and indispensable business of the country.

After some conversation between the CHAIR and Mr. HOWARD, on the effect of his other motion, Mr. H. moved that the report be printed, and, with the resolutions, lie on the Speaker's table as an unfinished report.

Mr. ROBERTSON said he would not undertake to say that there was any manner of connexion between the proposed course of the Government of the United States in regard to that of Mexico and that which related to our connexion with Texas; but he had the honor, some days ago, to lay on the table a resolution calling for information from the executive department of any communications that may have passed between the President of the United States and General Santa Anna. Now, Mr. R. did apprehend that it might be of great importance to the Congress of the United States, the war-making power, to know, if any thing had transpired, what had transpired, between the President of the United States and the constituted authority, as he (Mr. R.) presumed he was, of the Mexican republic. They did not know but that General Santa Anna, if he were really at the head of the Mexican Government, and should remain so, in gratitude for his reception by the President of the United States, might be disposed to render the most perfect justice in regard to the grievances against that country; and if he succeeded, as seemed probable, in again attaining the office of Executive of Mexico, we might indulge the reasonable expectation that the friendly relations between the two countries would be amicably restored, and our grievances fully redressed. With that view, Mr. R. appealed to the chairman of the Committee on Foreign Relations, to know from him if they might hope to receive any communication of what had transpired, if any thing had transpired, between General Santa Anna and the President of the United States. Such a communication might have a very important bearing upon the subject then before the House, and he thought it would. With reference to the report and resolutions before the House, he had no objection to consider them at as early a day as the chairman of the Committee on Foreign Relations, or the House, might desire; but he asked that they might first be put in possession of the information called for by his resolution, of any communications, if any there had been, between the Executive of the United States and General Santa Anna.

Mr. R. would make one other remark. Many of the complaints against the Mexican Government had originated under the administration of General Santa Anna—at least so he apprehended; and there was thence greater reason to hope that our relations with Mexico might continue to remain pacific.

Mr. HOWARD did not wish the House to engage in

a lengthy debate, and he therefore moved to postpone the further consideration of the report and resolutions till to-morrow; which was agreed to.

ARMY APPROPRIATION BILL.

On motion of Mr. CAMBRELENG, the House went into Committee of the Whole, (Mr. SMITH in the chair,) on the amendments of the Senate to "the bill making appropriations for the support of the army for the year 1837."

The amendment pending was an amendment of Mr. PEYTON, making an appropriation of $150,000 for arrears of pay due to the Tennessee volunteers raised on the 10th of December, 1812, and discharged on the 10th December, 1813.

Mr. CAMBRELENG expressed the hope that the gentleman from Tennessee might not press this amendment at the present time, when they had but a few days left to get through with the annual appropriation bills, but that he would leave it for the consideration of Congress when it should have more time to make inquiries into the subject.

Mr. WHITTLESEY, of Ohio, concurred in opinion with the gentleman from New York. He thought they ought to have more time to consider this claim. The Committee of Claims, having had the subject under consideration, had agreed that the claim should lie over for some time, so that there might be an opportunity of laying before them the necessary evidence in the case; the paper discharging the troops might perhaps yet be found, and then the claim would come before the House properly authenticated.

Mr. BELL went into an explanation of the claim at some length. The troops were to be sure discharged, but they were afterwards called into service, and served out their full term of twelve months, and consequently were entitled to pay.

Mr. MERCER disapproved of this claim entirely, and contended, that if the principle in this claim was admitted, it would open the door to an endless class of claims, which would be pressed upon Congress from year to year. The same principle would apply to the regular army, to volunteers and militia, who might be discharged before their term of service expired, and by this means there might be a large number of claims of militia called out during the last war brought before Congress.

After a few remarks by Mr. BELL, the amendment was rejected.

Mr. CAMBRELENG moved to amend the Senate's amendment, by adding a clause appropriating of $100,000 for arming and equipping the militia of the United States; which was agreed to.

Mr. STANDEFER then moved an amendment of $15,000 for one month's pay to the fifteen companies of Tennessee volunteers who had equipped themselves, and rendezvoused at Athens, in the State of Tennessee, for the purpose of going against the Seminoles in Florida.

Mr. STANDEFER advocated this claim at some length, and urged upon the House the necessity of granting it.

Mr. CAMBRELENG implored of gentlemen not to introduce new claims at this late stage of the session, as it would take all the time of the session to get through with those claims which had come regularly into the House through committees.

The amendment was then disagreed to.

Mr. DUNLAP then moved an amendment allowing to those troops of Tennessee who had turned out under the requisition of General Gaines the same sum as those troops who had been mustered into the service of the United States and immediately discharged.

After a few remarks by Mr. DUNLAP, the amendment was disagreed to.

Mr. TOUCEY moved an amendment appropriating $100,000 for the payment of the Connecticut militia called into the service during the last war, in the following cases: First, those called out to repel actual invasion. Secondly, those called out under State authority, and afterwards received into the service of the United States. And thirdly, where they were called out under the requisition of the President of the United States, or any other officer of the United States.

After a few remarks by Messrs. TOUCEY and CAMBRELENG; the amendment was disagreed to: Yeas 52, nays 72.

Mr. McKAY then offered an amendment appropriating $30,000 for the payment of the North Carolina militia in similar cases with the above amendment.

After a few remarks by Messrs. TOUCEY and WHITTLESEY of Ohio, the amendment was disagreed to.

Mr. LAWLER proposed an amendment appropriating $15,000 for one month's pay to the Alabama volunteers called out under the requisition of General Scott, but were not mustered into service, owing to the neglect of the United States officers.

After a few remarks by Mr. LAWLER, the amendment was rejected.

Mr. OWENS then proposed, as an amendment, that the sum of twenty thousand dollars be appropriated to reimburse the State of Georgia for moneys expended, or to be expended, by said State, in payment for the services of volunteers in the Creek and Seminole wars, for losses sustained by them, and medical attendance furnished them, during said service, or in going to or returning from the place of rendezvous; the said volunteers not having been regularly mustered into the army of the United States, and, under the existing laws, not entitled to pay; but authorized to be paid by an act of the Legislature of the State of Georgia, passed 26th December, 1836, provided that good and sufficient evidence be furnished the War Department that the said volunteers, in said act designated, have been paid by said State, in conformity with its provisions.

Mr. O. said he concurred with the chairman of the Committee of Ways and Means, [Mr. CAMBRELENG,] that, at this late period of the session, nothing should be done to prevent the progress of the bill. Mr. O. did not wish to embarrass its passage, or to consume the time of the House: he proposed the amendment from a sense of duty, and to satisfy the services of a most meritorious class of citizens who were volunteers, and engaged in the service of the country, and who performed actual services during the Seminole and Creek wars, but who were not mustered into the service of the United States, and, consequently, under the existing laws, not entitled to compensation. There is no member of the House who will not readily agree that volunteers of this description, and who performed actual and important services, at a period when the savages were carrying on their customary barbarous and exterminating warfare, should not be permitted to sustain the losses incurred, and receive no compensation. Most of the amendments which have preceded that offered by him (Mr. O.) are distinct, and have not the claims to justice upon which his was founded. The volunteers contemplated by them are those only who marched to the place of rendezvous, or who were on their way to the place of rendezvous, and returned home, not having been engaged or been partaking in the strife; but the volunteers who have fought with gallantry, and displayed a devotion to the interest of their country that not only entitles them to the poor compensation of soldiers, but the eternal gratitude of the inhabitants of that portion of the coontry afflicted by the savage inroads of the enemy, and that of the republic at large. The Legislature of Georgia, taking a just

and political view of the subject, and knowing that these volunteers were persons the least able to bear the loss incurred by removal from their occupations and homes, and considering them fully entitled to compensation, have passed an act recognising their claims, and made provision for their payment. The sums so paid, or to be paid, by the State, the object of the amendment is to have reimbursed by the Government. A claim so just and meritorious in its character, he (Mr. O.) cannot permit himself to doubt the House will consider its duty, as well as its pleasure, to satisfy; to refuse it would not only be unjust to the State, but contrary to the plainest dictates of national policy. It would be saying to the citizen, whenever, in a case of alarm, in hostile aggression, he rushes to the defence of his country, or to the protection of his neighbors, unless he has the authority of the Government, unless he is mustered into the service of the United States, no matter what may be the services performed or the public benefit attained, he is to be told he acted upon his own responsibility, and is, therefore, not entitled to the consideration of Congress; that he only did his duty as a citizen. If the House address this language to those gallant citizens, who are not only willing, but able, to defend the country, the consequence will be, that none but those who are compelled or forced by law will be found to march in defence of their fellow-citizens, when hostile aggressions are made on their persons or property. It would seem to him (Mr. O.) to be the interest as well as the paramount duty of the House to give encouragement to the citizen at the first warning, at the first summons of hostilities, to place himself in an attitude of defence, and to be ready to repel aggression. Encourage their ardor; add fuel to their patriotism; but do not, by a misplaced and ill-judged economy, repress both.

Mr. CAMBRELENG said he had the same objection to this amendment which he had to all the others. It had not been examined and reported upon by a committee of the House.

Mr. ALFORD made an earnest appeal to the House in support of this amendment, and drew a glowing picture of the sufferings of the citizens on the frontiers of Georgia and Alabama. The State of Georgia had, with a noble liberality, paid the volunteers who had rallied to the protection of the frontier inhabitants, and it was but right and proper she should be reimbursed for this expenditure.

After some further remarks by Mr. WHITTLESEY, the amendment was rejected.

Mr. LOVE submitted an amendment, making it the duty of the Secretary of War to cause the pensioners of the United States to be paid at such pension agencies as the pensioners themselves might designate.

Mr. L. said there would be no necessity for this amendment if the officers of Government would do their duty; but, as they would not do this, it was the duty of Congress to make them do it. He then went on, at some length, to point out abuses existing in the State of New York in relation to the payment of pensioners. The pensioners formerly were paid at the city of New York, but it had been removed to Albany; for what purpose Mr. L. did not know, unless for the benefit of a bank at that place, in which partisans of the administration were large stockholders, which put pensioners to considerable expense; whereas, at the city of New York, those pensioners in the remote parts of the State could receive their pay, free of expense, through their merchants, who regularly visited New York.

Mr. CAMBRELENG said, if they went on at this rate, there was no telling where they would end. If his colleague had been as anxious to get this alleged abuse corrected as he was to make a speech, he would have brought this measure before the Committee on Pensions, and had it properly brought before the House. He considered that they were more accountable for the speeches they made at this late hour of the session than for any thing else, and he hoped gentlemen would not now be pressing upon the committee their new claims.

Mr. TURRILL replied to his colleague, [Mr. LOVE,] and vindicated the Secretary of War from the imputation cast upon him by the gentleman. Every gentleman who knew the Secretary of War *ad interim* knew that he never could be operated upon by any but pure and patriotic motives; and the insinuations cast out by the gentleman, that this pension agency had been changed for political purposes, was gratuitous.

After some remarks by Messrs. WARDWELL and LOVE, the amendment was rejected: Yeas 38, nays 98.

The amendments of the Senate, as amended, were then concurred in, and the bill was laid aside, to be reported to the House.

FORTIFICATION BILL.

The committee then, on motion of Mr. CAMBRELENG, took up the "bill making appropriations for certain fortifications of the United States, for the year 1837."

Mr. CAMBRELENG, after a few words of explanation, moved to strike from the bill the following clause:

"For incidental expenses attending repairs of fortifications, and for the purchase of additional land in their neighborhood, one hundred thousand dollars;" which was agreed to.

Mr. CAMBRELENG then moved two additional items, as follows:

"For fortifications at New London harbor, Connecticut river, $50,000."

"For fortifications at the mouth of Connecticut river, $40,000."

Mr. DUNLAP opposed it, and Mr. INGHAM and Mr. HALEY supported it, when it was agreed to.

Mr. YELL moved an amendment appropriating $50,000 for the completion of new fortifications on the frontier of Arkansas, in addition to the money already appropriated; which was agreed to.

Mr. PARKS moved an amendment appropriating $50,000 for a fortification at the mouth of the river Penobscot.

After some remarks by Messrs. PARKS and HALL of Vermont, the amendment was disagreed to: Yeas 59, nays 66.

Mr. PARKS then moved to reconsider the vote by which the amendment making appropriations for fortifications at New London and the mouth of Connecticut river was adopted, as above stated.

Mr. INGHAM said that, as the amendment submitted by the chairman of the Committee of Ways and Means [Mr. CAMBRELENG] contemplated the construction of fortifications at two different points in the State of Connecticut, he was desirous of making a few remarks in reference to its proposed reconsideration, though it was not his intention, at this late period of the session, to detain the committee with a lengthy argument.

The amendment embracing this appropriation (said Mr. I.) had been adopted in a manner too decisive, he had thought, to have admitted a further question of its expediency. Nor was there at this time a solitary objection to it interposed. But the gentleman from Maine, [Mr. PARKS,] failing in a proposition to secure the construction of a similar work at the mouth of the Penobscot, in his own State, moved a reconsideration of the vote by which this amendment was adopted. The gentleman scarcely objected to the expediency, the importance, and even the necessity, of the measure; indeed, it would be difficult for him to find an objection entitled to the serious attention of the committee; but since an

appropriation for a similar work in Maine had been denied, therefore, the gentleman proposed to retaliate by doing to Connecticut the same injustice he complained of towards his own State! Leaving the honorable member to justify this course as his own sense of propriety might dictate, it was quite certain that an opposition originating in such motives would hardly commend itself to the notice of that House; and, unless sustained by more weighty reasons than the loss of an appropriation for another object, could surely meet with but little favor.

The amendment under consideration provided for the appropriation of $50,000 for fortifications at New London, and $20,000 for a like object at the mouth of the Connecticut, as a defence to the coast, and protection to the commerce of that river and section of the country. There was a bill before the House, reported from the Committee on Military Affairs, embracing an appropriation for the construction of a new public work at New London, but it had no reference to any other part of the State. That bill also related exclusively to new works not yet commenced, embracing no provision for such as had fallen to decay, or those of a more recent date, already in progress, but not completed. A bill, precisely dentical with this, was reported by the same committee at the last session, but not acted upon; and it was at least problematical whether it would ever receive the action of Congress; or, in the event of such action, whether it might be of a favorable nature.

In view of these circumstances, and of the defenceless condition of our seaboard, it was, early in the present session, thought advisable, by one of Mr. I's colleagues [Mr. HALEY] and himself, to call the special attention of the Secretary of War to the subject. They accordingly addressed to him a written communication, containing a statement, somewhat in detail, of the facts, and requesting that suitable measures might be adopted to place that part of the coast alluded to in a more perfect state of defence. After full consideration, the Secretary made a response, by recommending to the Committee on Military Affairs the appropriations contained in this amendment. That committee approved of the recommendation, and subsequently transferred it to the Committee of Ways and Means, whose more appropriate duty it was to report the necessary appropriations for rebuilding or repairing old works, or completing those already commenced. The measure was likewise approved of by that committee, who had instructed their chairman to report the necessary appropriation for carrying it into effect, by way of amendment to the general bill. It would, therefore, be seen that it had received the sanction of the Secretary of War and of two of the standing committees of the House; and he hesitated not to say that there was not an item in the whole bill which had been subjected to an examination so rigid, or which was more fully sustained by the united opinions of those specially charged with the consideration of such subjects.

Nor (continued Mr. I.) did this proposition rest upon the bare opinions of Secretaries and committees, valuable and conclusive, in the opinions of many, as such authority might be. A mere cursory examination of the vicinity in which it was proposed to construct these fortifications, and of its former history, would alone be sufficient to satisfy any one that no part of the country was so destitute of protection, and that, with few exceptions, none had suffered more severely for want of it.

The whole southern boundary of the State of Connecticut, from Rhode Island on the east to New York on the West, bordered on the waters of Long Island Sound; and, throughout the whole distance, there was nothing, except at New London, deserving even the name of a fortification; and the amount which had been expended even at that point was trifling, compared with its vast importance. The seaboard contained, in a succession of towns and cities, a dense and wealthy population, presenting, by their exposed situation, every possible motive and facility for invasion. The Sound being in the immediate vicinity of the city of New York, and having Long Island on the south, Connecticut, Rhode Island, and a part of New York, on the north; commanding, also, the entrance to the Thames and Connecticut rivers; furnishing an outlet to their commerce and navigation, and at the same time affording, in Gardner's Bay and other harbors, a convenient station for a naval force, has, as a favorite resort for ships of war, always constituted a valuable and desirable point of acquisition to an enemy. Such was the fact in the late war, and in that of the Revolution. A superior naval force in the Sound was always sure to command Long Island, and is thus enabled to occupy its numerous bays and harbors with perfect security, and in full view of a densely populated seaboard, extending a distance of one hundred and fifty miles, with innumerable points of access, and destitute of the most limited means of defence. Indeed, there was no portion of the whole Atlantic coast, of an equal extent, so liable to invasion. In some sections of the country, the parts bordering on the sea present no motive for attack; at others, the approach of an enemy is prevented by shoals and obstacles of a similar nature; and, where such was not the case, the dangers of an open sea in the rear rendered it hazardous for ships of war to land an armament, and await its return. In that part of the coast, however, for whose protection this amendment provided, no such difficulties existed. An enemy had simply to pass around the eastern extremity of the island, (which, notwithstanding the very efficient means of defence at Fort Adams, could be accomplished without difficulty,) take a position in almost any part of the Sound, or in the bays or harbors of Long Island, and there wait in security an opportunity to land on the defenceless shore at the north. By embracing a favorable occasion, a force such as could be, without difficulty, furnished by two or three ships of the line, might land upon the coast, obtain possession of its villages, and complete any work of destruction to which a state of hostility would point, and then, under cover of the night, secure a retreat. Their power, moreover, would not be limited to the immediate seacoast. The Connecticut river, in the absence of adequate defence at its mouth, offers a convenient channel for extending invasion to the interior. The navigation of the river, and of that section of the country, which, from causes of frequent occurrence, was often impeded, thereby compelling vessels to occupy a station within a short distance of the Sound, must ever present a mark of destruction impossible to be overlooked. The consequences of such exposure are too obvious for detail.

Mr. I. said, however, he might be excused for alluding to the amount of property which was thus consigned to the forbearance of any who might come in the character of an enemy. The Connecticut river, at the mouth of which it was proposed, by this amendment, to erect a small but permanent work of defence, and which ranked as the most important in the Eastern States, arose near the limits of Canada, and extended through the whole of New England to Long Island Sound. It was navigable for boats two hundred and fifty miles, for sloops and ordinary coasting vessels to the city of Hartford, and for vessels of a much larger class to the city of Middletown, a distance of nearly forty miles. The valley of the Connecticut, through which this river passed, in fertility of soil and capability of resources was scarcely equalled, and not surpassed, by any country in the world; and, in addition to the places already named, the banks of the river, from its mouth almost to the confines of

Canada, present a series of populous and flourishing villages, whose inhabitants have embarked their capital in a manner peculiarly exposed to hostile incursions.

Ship-building constituted an extensive branch of enterprise to those residing within a short distance of the sound. The manufacturing interests, also, in that part of New England, were of superior importance, and, in connexion with the amount of property invested in commerce, were obviously deserving of attention.

An honorable gentleman from Vermont [Mr. Hall] had thought proper to oppose this amendment, as utterly unimportant; but, surely, a moment's consideration must satisfy him that the citizens of his own State, and all others residing near the banks of the Connecticut, had more than an ordinary interest in fortifying the harbor at its mouth—a conclusion at which the gentleman from Massachusetts [Mr. Grennell] had early arrived, and, from the time of its introduction, given it his efficient support. The commerce of that river, universally admitted to be extensive and important, was the joint product of the States of New Hampshire, Vermont, Massachusetts, and Connecticut. It afforded the only channel through which the various articles of domestic use and consumption, and the raw material for manufactures, were carried to the centre of New England; and through which, in return, the produce of the country found a market in the Atlantic and West India ports.

Such, said Mr. I., were the interests, and such the section of country, which would be left exposed to plunder and destruction, in case of a war, should the motion of the gentleman from Maine prevail. They had been referred to more in detail than he at first intended; but, without some definite information, gentlemen from other States could not be presumed to have such an intimate acquaintance with simply local facts as would enable them to do justice to the question. The exposed condition of property in that region was not merely imaginary. It was a fact, undoubtedly familiar to gentlemen from the East, that the want of suitable defence at the precise point contemplated had been the occasion of severe suffering to a portion of the people of Connecticut. During the late war with Great Britain, a detachment from the British squadron, then in Long Island Sound, entered the Connecticut river under cover of the night, passed up a distance of eight miles to a flourishing village on its right bank, and before sunrise the next morning burnt twenty-one sail of vessels, many of them large and valuable merchant ships, and all private property, which ordinary prudence on the part of the Government would have furnished with adequate defence. The value of property thus destroyed, in less than two hours, was more than sufficient to have constructed a fort and garrisoned it during the whole war; and the question now recurred whether, with millions of surplus, which Congress had tasked its wisdom in endeavoring to dispose of, they would appropriate this comparatively small sum for the protection of so large a branch of the commercial interests of the country.

A similar state of affairs might again produce similar, or, indeed, far more disastrous results; and he trusted that a full consideration of its importance would satisfy gentlemen of the necessity of some legislative action upon the subject.

Mr. I. said he would request the indulgence of the committee for a few moments to the remaining point contemplated by the amendment—the harbor of New London, at the mouth of the Thames. In the report of the Chief Engineer, communicated to this House on the 30th of March, 1836, "New London harbor" is said to be "highly important to the commerce of Long Island Sound; and as a port of easy access, having great depth of water, and easily defended, is an excellent station for the navy. It is valuable, also, as a shelter for vessels bound out or home, and desirous of avoiding a blockading squadron off Sandy Hook." Indeed, sir, said Mr. I., this harbor is one of the most eligible for ships of war on our maritime frontier, and would be invaluable to an enemy invading that part of the coast. It is, or, in more appropriate terms, ought to be, defended by Forts Griswold and Trumbull. The latter is an old and imperfect work, though in a state of tolerable preservation, and is situated on the west side of the harbor, near its mouth. At that place a garrison is constantly maintained. Fort Griswold, on the opposite side, is in a dilapidated condition, and has not been garrisoned since the late war. From its elevated position, it is a work of superior importance; commanding not only the city and harbor of New London, but a direct approach to its adjunct, Fort Trumbull. While the defence and security of this harbor have always been admitted a matter of primary importance, comparatively nothing has been done towards effecting it. In June, 1813, the frigate United States, and her prize, the Macedonian, entered the harbor for protection. They were closely pursued by a British squadron, under Commodore Hardy, which was met at the mouth of the river, and kept in check until the ships could be removed a greater distance up the river, and there moored in safety. The further advance of the British squadron was, for several days, restrained, through apprehensions of danger from the two forts, whose real and absolutely defenceless condition was not discovered by them until some time subsequently. But the fact is material, as exhibiting the necessity of such constructions, and the probable safety that would have resulted from them in a state of perfect defence. The inhabitants of the immediate vicinity were more thoroughly apprized of their true condition. Lest the enemy should land in sufficient force to obtain possession of the blockaded ships, the militia were called out in their defence, and the citizens of Connecticut may always recur with pride to the readiness with which that call was answered. It is a fact in history, which reflects upon them the highest honor, that when the public armed ships of the United States were left defenceless within their limits, they relinquished political hostilities, never before equalled in bitterness, and united in defending them. The presence of those ships within her territory produced dangers, annoyances, and invasions, which Connecticut, in every probability, would otherwise have escaped. Attacks upon our villages, the plunder and destruction of private property, and constant alarms and skirmishes with the enemy, were, through the want of suitable fortifications, the consequence of protecting the national vessels. But they were protected, and retained in security, until the close of the war. Our claims for these services have been sleeping in the public archives for more than twenty years, neglected and forgotten; and, sir, these are the services, and these the militia, which you have this day solemnly voted never to remunerate.

Large appropriations have been expended by the General Government in the construction of fortifications at most of the important stations in the Union, but it is a source of regret to find the State of Connecticut so entirely overlooked.

The amount appropriated by the Federal Government, from 1791 to 1833, for fortifications in Massachusetts, is $607,698 46. In the State of New York, $3,504,412 15, and in the State of Rhode Island, from 1791 to January 1st, 1837, $1,220,268 40. By reference to the expenditures for similar objects in Connecticut, it will be found that, during the same period, they amount to only $79,196 29. Including the appropriations for the present year, this discrepancy is still further increased. A bill on your table which, liberal as it is in expenditures in other States, I shall still vote for, believing them to

be expenditures which the defence of the country requires, contains a further appropriation of $100,000 for Fort Adams, at Newport, and a similar amount for Fort Schuyler, on Throg's Point, New York. But the question naturally arises, why this difference exists; why Rhode Island, with a seacoast of only about forty miles in extent, shares so liberally in the public favor; and Connecticut, with more than ninety miles of coast, more exposed in situation, and containing interests at least equally demanding attention, obtains no share in those distributions.

In reference to the expenditures for these objects, in the States alluded to, I wish not to be misunderstood. Their public utility and importance is readily admitted. The objection is to another branch of the subject; to that partial legislation, which can see the necessity of fortifications in one State, and become conveniently blind when its attention is directed to another.

It is indeed true, as suggested by gentlemen during the discussion, that a work of this description can be of no great practical utility in time of peace; but the same is true of one half of the navy, and the greater part of the fortifications throughout the country. The whole system is one of precautionary measures, adopted in anticipation of future events, which, whether they are ever to occur, is a matter of contingency.

The motion was further debated by Messrs. PARKS, MERCER, CAMBRELENG, and VANDERPOEL.

The hour of three o'clock having arrived, the House took a recess, in pursuance of the order of yesterday, until half past four o'clock.

EVENING SESSION.

Pursuant to the order adopted on Thursday, the House resumed its session at half past four o'clock P. M., and again went into Committee of the Whole on the state of the Union, (Mr. SMITH in the chair,) and proceeded with the consideration of the "fortification bill."

The question pending was the motion of Mr. PARKS to reconsider the vote by which an item of appropriation for the fortifications at New London and at the mouth of the Connecticut river, in the State of Connecticut, was agreed to.

Mr. PARKS went on to demonstrate the superior claims of the mouth of the Penobscot to the Connecticut, recommended, as it had been, by the War Department, and by the peculiar vicinity of the State of Maine to a foreign country, bounded only by a line of 140 miles by the Union, but by 500 miles on the British frontier. He adverted to several incidents during the late war, wherein the exposed situation of that point was made evident, and its importance proved, to show that there was no spot upon the whole Atlantic coast that more required an expenditure than that did—quoting the opinion of Commodore Morris to that fact, and referring to the bill reported some sessions since by the Senate of the United States, and lost in the House only because it could not be reached.

Mr. PEARCE, of Rhode Island, had voted for the appropriation for New London, and gave his reasons for doing so. He insisted that the cases of Portland and New London were not analogous. The latter was an old work, but not even the ground was broken for the former. In reference to New London, there ought to be no question, nor could any appropriation be made of so much importance to so many interests as for that point.

Mr. TOUCEY adverted to the little that had been hitherto done for the State of Connecticut, up to this time. There had been appropriated for fortifications altogether, up to the year 1833, upwards of $16,000,000, out of which there has been expended for fortifications in that State the small sum of only $79,000, from the foundation of the Government to the present time. It was in evidence that that State, in the last war, had herself expended more in defending the commerce from the British, than the whole sum expended in her defence by the General Government, and that money had never yet been returned. The importance of the points proposed was unquestionable, and had been again and again recommended by the Committee on Military Affairs, the engineers of the United States, the War Department itself, and now by the Committee of Ways and Means. He had no objection to the proposed amendment of the gentleman from Maine, but surely the failure of his success presented no good reason for defeating an object against which nothing could be said.

Mr. GRENNELL went into an exposé of the importance this place had always been held in from its earliest foundation, as far back as the year 1635, down to the Revolution. It was the second port built by the British settlers on this continent, and had always been cherished by them as the key almost to New England. What had been suffered during the late war in consequence of the neglect at the mouth of the Connecticut river? Twenty vessels destroyed at one time, with an immense amount of property, all for want of proper fortifications.

Mr. McKAY was opposed to the appropriation for the mouth of Connecticut river, because no survey had been made for that purpose. He suggested that, when the bill came into the House, that part of the amendment be disagreed to.

Mr. CAMBRELENG agreed with the gentleman from North Carolina, hoping the whole amendment would not be reconsidered, but strike out the latter branch of the amendment in the House. The first branch, being for an old work, came properly within the jurisdiction of the Committee of Ways and Means, but this did not apply to the item for the mouth of Connecticut river.

The motion to reconsider was agreed to, without a division.

Mr. JARVIS moved a reconsideration of the vote by which the amendment of Mr. PARKS, appropriating $50,000 for fortifications at the mouth of Penobscot river, was rejected, but the motion did not prevail: 67 to 76.

THE DISTRIBUTION QUESTION.

Mr. BELL said he rose for the purpose of calling the attention of members to a few facts connected with the subject under consideration, and with the subject of the Treasury, and the expenditures of the Government generally, which he thought were either unknown to many honorable members, or, if known, had not received that attention which, from their extraordinary nature, they were entitled to receive from the representatives of the people and the guardians of the public interest.

The fact that the permanent expenditures of the Government had been doubled in amount within a few years past had been noticed heretofore. I wish (said Mr. B.) to bring to the notice of honorable gentlemen another most improper and unprecedented anomaly in the action of Congress upon the subject of the appropriation and expenditure of the public moneys. The Committee of Ways and Means have given their sanction to appropriations, for the service of the present year, amounting to upwards of thirty millions, if I have not made some mistake in the estimate of this amount. Besides these, there are other bills reported by the standing committees of the House, which will swell them to about thirty-five millions—an amount but little short of the appropriations to the same objects made at the last session of Congress. Do the members of this House know what proportion of the appropriations of the last year remains unexpended? The honorable chairman of the Committee of Ways and Means has told us that the present bill appropriates about nine hundred thousand dollars to fortifications; and that,

he contends, ought to be voted, because it does not exceed the usual amount annually appropriated to the same objects. Sir, it is true that this does not exceed the amount usually appropriated, but the honorable gentleman has omitted to inform us that there was, on the 1st of January, a balance of upwards of six hundred thousand dollars remaining in the Treasury of the appropriations of the last year to the same objects, besides between two and three hundred thousand in the hands of the disbursing officers yet unexpended. He has neglected to inform us that, in fact, about nine hundred thousand dollars of the last year's appropriations to fortifications remain to be expended during the present year; for I take it for granted that the work upon the fortifications has not been persisted in to any great extent during the winter. Thus, sir, instead of the amount proposed to be applied to this branch of the public service, during the present year, we propose to apply double that amount. Is there any thing in the present high prices of labor and materials, any thing in the great demand for laborers of all kinds, or is there any thing in the present prospect of peace with all nations, which calls for this unusual amount to be applied to fortifications? Are we not pushing these works too rapidly to admit of solid constructions? But, sir, (said Mr. B.,) I do not attach much importance to this view of the subject. Not only double, but treble and quadruple the amount of these appropriations can be expended by the Government, if it is found necessary in order to increase appropriations—if we shall, by our imprudent compliance with the demand of the Executive, encourage a race between appropriations and disbursements—if the appropriations are to be increased according to the ability of the Government to expend, or rather waste, as much as this House shall, from year to year, be found willing to appropriate. I repeat, if this shall be the measure of our appropriations, we need not care how large they are, they will all be expended.

Mr. CAMBRELENG, in answer to the remarks of the gentleman from Tennessee, [Mr. Bell,] in relation to excess of appropriations in the Treasury, said he had only to remark that there was a great deal of deception in relation to those appropriations; because, although the money was in the Treasury, in most cases the works for which it was appropriated were already under contract. The Committee of Ways and Means were at one time of opinion with the gentleman from Tennessee. They, knowing that there were large amounts of money on hand in the Treasury, made inquiries at the proper departments, and ascertained that, although there was a surplus on hand at present, yet the probability was that the appropriations would fall short during the ensuing year.

Mr. C. then sent to the Clerk's table a report from the engineer department, showing the objects for which the appropriations were required, which showed that all the appropriations proposed in the bill would be needed during the ensuing year.

Mr. WILLIAMS, of North Carolina, advocated the amendment of the gentleman from Tennessee, on the ground of its recognising a system of permanent distribution, from which he (Mr. W.) could see no possible evil that could resnlt.

Mr. GARLAND, of Virginia, said, that having voted for the deposite act of the last session, and intending to vote against the amendment proposed by the gentleman from Tennessee, he felt it due to himself briefly to state the reasons which induced him to vote as he now intended to do. He said that he felt no regret for the vote which he gave for the deposite act of the last session; he not only felt no regret, but was well satisfied that the vote was right and proper; such a one as, under like circumstances, he would give again. When the deposite act passed, there was a large actually existing surplus in the Treasury, which, upon every reasonable data of calculation, would, by the close of the year, amount to about forty millions of dollars, and which had since been ascertained to be forty-two millions. Upon every reasonable basis of estimate, the accruing revenue, down to the year 1842, would be equal to, and perhaps more, than what ought to be the actual wants and expenditures of the Government. In this state of things, this immense amount of revenue would, without some disposition of it, remain unemployed in the hands of the Federal Government, or be employed by the deposite banks for their individual profit. He said he need not say that he thought it too dangerous to permit such an immense amount of unappropriated money to remain for so long a time in the hands of the Government unemployed for any public purpose; that he would not trust this Government with such immense means of patronage and corruption, be it administered by whom it might. There is nothing so dangerous in its employment, or corrupting in its use, as money; and he did not regard any Government so inflexible in its virtue, or so far above the reach of temptation, as to trust it unnecessarily with means of so extraordinary and dangerous temptation.

He said that he was clearly convinced of the propriety of this sentiment, from the fact that this Government, not the executive administration, but the Government, was daily making rapid advances in the exercise of powers, and the increase of expenditure and patronage, not warranted by the constitution, and dangerqus to the rights of the States and the liberties of the people. In appropriations, which were daily sought, for bays, harbors, roads, canals, and other like subjects, many of them of a trivial and unimportant character, were indicated a continued increase of the expenditures of this Government, and consequently the enlargement of its sphere of patronage, of a most fearful character; indications which, he candidly acknowleged, were at war with those principles of economy and simplicity which should never be lost sight of in the administration of this Government. He begged every gentleman to look at the progress of expenditure, and the indications of the future, from bills now pending, and be admonished of the necessity of a more vigilant watchfulness over the taxing and appropriating power of this Government.

He said he was unwilling to leave this immense amount of money, improperly and unnecessarily collected from the tax-paying part of the community, in the possesion of the deposite banks, to strengthen their means of speculation, always of a demoralizing tendency, and improve their profits at the expense of the people; profits which would annually exceed two millions of dollars. Between these two alternatives and that of a deposite in the State treasuries a choice was to be made; either choice was an evil, and the choice was between evils. He voted to place the funds in the State treasuries, because, in doing so, he voted to take this immense means of temptation to prodigal and extravagant expenditures, of corrupting tendency, from this Government, and took from the banks the means of extended speculations and enormous profits on money not belonging to them, but properly belonging to the people, and placed the surplus revenue where its profits could be employed by the State Governments for the benefit of the people, from whom it had been unconstitutionally drawn. The surplus was then an actual existing evil, tangible in form and shape, produced by accidental, uncontrollable circumstances. For this evil a remedy was necessary; the remedy which was applied, although an admitted evil, was the least which could be applied to such a dangerous disease.

He said he would remark one thing: that among all

the objections which had been urged to that measure, from whatever sources they came, none had recommended a better remedy for the existing evil. Mr. G. said that the reasons which had induced him to vote for the bill of the last session did not now exist; then there was an actual existing surplus; now there was none; the amendment proposed was in anticipation of a surplus. He would not take so important and dangerous a step until the evil actually existed to render it necessary; he would not anticipate it, for he hoped and believed it would not exist, and the adoption of this amendment might prevent the reduction of the tariff, the proper remedy for a surplus. He said that, according to the estimates of the Treasury Department, the revenue of the current year would be about twenty-five millions of dollars.

Of the appropriations for the last year, $14,000,000 would be chargeable upon the revenue of the current year, on account of the operation of the deposite act. The estimate of appropriations for the service of the current year is $25,000,000. He did not doubt that, although it should not, it will be more, which will, taking these estimates to be true, leave a deficit to be drawn from the deposites with the States; but admitting the estimate to be too low, as to the receipts from the public lands, and that they will equal the last year's sales, then, under any circumstances, the surplus will not exceed $8,000,000. In addition to this, he said it was proper to remark that large appropriations might yet be required to suppress Indian hostilities, and, if he did not mistake the signs of the times, large appropriations might be necessary to meet a conflict of a far more formidable and expensive character than any which we have had with the Indian tribes. For these reasons, if he had no other, he said he should vote against this amendment.

Mr. G. said that, when he voted for the deposite act of the last session, he voted for it as being, what it professed to be, a mere deposite act, and not a distribution act in disguise, as it had been frequently characterized; nor did he intend to adopt the principles of that bill as a system; for if the deposite principle is to be adopted as a system, he would prefer the constitutional principle proposed by a distinguished Senator from South Carolina, as more just and more equal in its operation. He said that he was utterly and entirely opposed to the distribution principle; it was corrupting in its operations and dangerous in its tendencies.

If the system be adopted, there can be no doubt that, under our indirect and insidious system of taxation, the State Governments would ultimately look to this Government for the means of conducting their domestic works and sustaining their domestic institutions; that they would make diligent and active search for every possible subject of expenditure, until, finally, the people and the State Governments would cease to watch the pecuniary operations of the Federal Government with their accustomed vigilance, and make no effort to arrest its march to consolidation, and, finally, be ingulfed in its corrupting influence. The demands of the States would be met by corresponding taxation here, and a surplus produced for the purpose of distribution. He regarded this system, as many distinguished gentlemen had heretofore regarded it, the most dangerous and corrupting which could be incorporated into our legislation.

Mr. G. said that the true remedy was to reduce the taxation of the people to the wants of the Government, and the wants of the Government to the most economical expenditure; economy and simplicity being essential to purity, and purity to the maintenance of republican institutions. He said, Mr. Chairman, we must come to it; we must reduce the expenditures of this Government and the taxes of the people; this they will compel you to do, if they properly regard their rights and their liberties.

Sir, this Government has no right to burden the taxpaying community to raise a surplus for any purpose of distribution whatever. The money beyond the demands of the Government is most secure, and most equally distributed, by remaining in the pockets of its rightful owners, (the people,) from whence, by the constitution, it ought not to be drawn except for constitutional objects. He said he could not anticipate but with the most fearful apprehension any system which should prevent the States from relying upon their own resources for their domestic purposes, and cause them to rely upon this Government. He could not, under any circumstances, sanction such a principle. He thought there was a salutary lesson afforded in the scramble which had been produced in some of the State Legislatures for the disposition of their portions of the surplus given to them under the first experiment.

Mr. G. said he had another strong objection to the adoption of the amendment proposed by the gentleman from Tennessee, [Mr. BELL.] It was, in effect, a deposite law, sought to be ingrafted upon a simple appropriation bill, embracing subjects totally distinct and dissimilar in their characters; upon the same principle, a tariff or any other incongruous law might be ingrafted upon an appropriation bill, and produce the greatest confusion upon the statute book. He thought that there ought to be the greatest possible system and congruity attainable in the framing of our laws. If he were otherwise favorable to the amendment, he would not vote for its adoption as an amendment to this bill.

Mr. UNDERWOOD was in favor of the amendment of the gentleman from Tennessee, because the object of it was to send the money back to the people, instead of keeping it in the vaults of the deposite banks, to enrich their stockholders, and add to the salary of their agent at Washington. He went on to point out the large increase in the number of deposite banks, especially in the State of New York, within the last year, and contended those banks were selected, and favored, with a view to aid the administration in carrying out its political views. He then contrasted the amount of public money on deposite in the banks in New York, Philadelphia, Baltimore, Cincinnati, and Michigan, and attributed this difference more to the fact that some of those banks paid a contribution to an agent at Washington, and some did not, than to any thing else; and invariably, said he, those banks who pay a good sum to an agent get the largest amount of deposite. He feared there was some improper influence at work in the selection of these banks, and therefore he wished the source of corruption to be removed; and he considered this proposition as the best means of removing it.

Mr. GARLAND then asked the permission of his friend from Kentucky to explain; which being granted, he said that the selected banks for the deposite of the public money were not restricted as to the amount of deposites which they might receive by the amount of their capital previous to the deposite act of the last session, and that several of them had an amount on deposite equal to, if not beyond, their capital; that, by the deposite act of the last session, the Secretary of the Treasury was bound to withdraw from any bank the excess of public deposites beyond three fourths of their capital, and to place the excess in some other bank. This act rendered it necessary, during the last summer and autumn, to make many selections of new banks. This was particularly necessary in New York, because more than half the revenue from imports is collected in the city of New York.

The transfers which were made necessary in the execution of the deposite act did not necessarily take effect immediately, but in the usual periods of all transfers, having reference to the amount, and the distance the money was to be sent. Mr. G. said, if his friend from

Kentucky would put himself to the trouble of going to the Department and examining the proceedings of the Department, he would be perfectly satisfied that this matter was all right and proper, and that the law had been executed without any reference to electioneering purposes whatever, but in perfect good faith.

Mr. UNDERWOOD having inquired what were Mr. GARLAND's views as to the proceeds of the public lands—

Mr. GARLAND said he would, without hesitation, answer the question, as he had no wish to conceal any opinion he entertained. He said that, in all the acts of cession of the public lands from the States, he regarded the intention of the cessions to be to create a common fund for the common benefit of the States, to be applied to the general benefit of all the States in their federative character, and not for the individual use of any single State, or for distribution among them, in equal portions, for their separate, unconnected, individual use. He regarded the proceeds of the sales of the public lands as constituting a part of the revenue of the country, to be disposed of in the same way and under the same constitutional restrictions as revenue derived from any other source; that, to the principal tax-paying States, this appropriation of it was most beneficial, as, to that amount, it would diminish the onerous effect of the present oppressive tariff. He said that he was opposed, upon constitutional grounds, to giving away a single acre of the public lands, or one dollar of its proceeds; that he was opposed to any pre-emption bill upon principle; and that he preferred selling the public lands, restricting inordinate speculations, bringing into the Treasury the proceeds, and, to their amount, reducing the revenue from imports.

Mr. MANN submitted an amendment to the amendment, providing that the deposite should be in proportion to the ratio of representation in the House of Representatives of the United States.

Mr. M. asked, where was the necessity of the proposition of the gentleman from Tennessee? Or had the gentleman any data upon which to estimate the amount of money to be appropriated under that proposition? And could they adopt it without that? The gentleman should have done what was done by an honorable Senator—introduced it at an early period of the session; for this amendment and that bill were identical. If, however, it should be adopted, Mr. M. had prepared his amendment to prevent the repetition of one of the greatest constitutional outrages that had ever taken place since the formation of this Government—indirectly done, to be sure, but not the less grievous. By the distribution law—for he would call it by its right name, it was "distribution," though a mental reservation had been made by the use of the word "deposite"—the people of the large States had been sacrificed to the interest of those of the small States. He was opposed to distribution in any way whatever; and, even if his amendment should be incorporated in the provision under consideration, it would still be open to all his objections, though it would render it less unjust in its operation. He expressed his surprise at such a measure coming from the quarter it did. What had become of the once cherished State-right doctrines? Where the doctrine of a strict construction of the constitution? Was it the design to continue the present oppressive system of taxation, for the purpose of collecting large amounts of money from the people, to distribute it back in an unequal ratio, with the loss to the whole people of the enormous expenses of collection? He entered his solemn protest against the whole principle.

Mr. GIDEON LEE said he rose first to correct the error of the gentleman from Kentucky. He charges that the distribution of the public money, under the law of June last, has been made with political views, with party purposes and motives, and cites the history of the removal in the city of New York.

He informs us that, immediately prior to the election, the funds, which had long been deposited in but three banks, on the eve of the election were distributed among eleven banks; and he asks what motive but party motives could have induced the removal, when three banks, or one bank, could have kept the money quite as safely.

Mr. Chairman, the facts are briefly these: you collect seventeen millions of revenue in that city; twelve millions lay in the three deposite banks on the date of the passage of the distribution bill in June last. I deem it most improper and improvident to leave such large sums in any bank, amounting to the double of their aggregate capital; so this Congress held; and one of the material essential provisions of the deposite bill was that no bank should hold an amount of public money exceeding three fourths of the capital of such bank. The whole amount of the bank capital of that city is nominally eighteen millions and a half of dollars; several of those banks would not take it. I myself advised one, in which I have some interest, not to accept the trust; it must soon be repaid; it was soon to be distributed; the receiving bank would certainly loan it; it would get invested in Western lands or city lots, or India voyages, and could not be reached in time.

Well, sir, seven millions and a half must be removed, besides the large daily accruing revenue; the law was imperative; the coercion of the law was the motive, and not party politics, as the gentleman alleges, which distributed the money from three to eleven banks. I know the facts as to the city: party have no view or influence; the law made the distribution; and, so far as I have made myself acquainted with the distribution in all the State, and I have spent much time and pains to inform myself, no equal sum of money was ever removed with so much skill, care, and prudence.

No financier, perhaps, was ever employed in a task so delicate or difficult; compelled by law to remove nearly forty millions of money, in direct violation of all the laws of trade, against all the usual currents of money. Every financial man anticipated deep injury, perhaps ruin. I call on every financial man in this House to show me how Mr. Woodbury could have performed this unprecedented duty with less injury to the pecuniary concerns of the nation.

Mr. Chairman, it was not my purpose to say a word on this or any other question. We have but a few remaining days, and I feel deeply the obligation to waste no time in mere words; but, being on the floor, I must briefly notice the merits of the question. It is precisely another distribution bill. I shudder at a second distribution; though I feel too deeply the scenes we have just passed, or now passing.

Mr. Chairman, I rarely give reasons for my vote. I shall, however, vote against this amendment, on the ground I voted against the distribution law of June; it is the same thing; my views are unchanged. I vote against it, because it leads to the collection of money which the owners had better keep than the Government; because it levies money for a purpose which the constitution does not warrant; because it corrupts our election; because members of Congress will be chosen in reference to the amount of money they will pledge themselves to draw from the federal coffers, and plant in their several districts—I know the fact, that electioneering on this principle is now in process; because I believe that, sooner or later, the inevitable effect will be to vote as little as possible for federal purposes: to withhold from the army, the navy, the fortifications, the proper necessary appropriations, and, finally, render the Federal Government a mere rope of sand.

Mr. Chairman, I do regret that the time will not admit—I feel so solemnly the obligation to proceed to action—or I would go into a detailed argument on this occasion—on no occasion did I ever desire to do so more strongly.

Mr. THOMPSON, of South Carolina, could see no reason why, if this measure was wise and proper at the last session, it is not so now, except that the Executive has since openly taken ground against it—a very sufficient reason to some gentlemen. He was sure that it was not so with his friend from Virginia, [Mr. GARLAND.] If five millions was the sum proper to be left in the Treasury last year, what reason is there to require more now? If there is no surplus, there will be no distribution. Mr. T. said that of all humbuggery, in this age of humbugs, the greatest was that this measure would corrupt the States. What do gentlemen mean when they talk of corrupting that incorporeal thing, a State? They must mean, if indeed they mean any thing, that it will corrupt the people! This money is returned to the States, who have an unrestricted control of it. Has any one ever broached the idea of the States corrupting their own people? How corrupt them? By appropriating this money to the beneficent purposes of internal improvement and education? Would that more of the States were thus corrupted. The distribution must be equal, and fixed by positive law. There will be no discretion—no power of discrimination—no power of granting favors. Where that is the case, there can be no power of patronage. The money must be distributed, or left in the Treasury, to be distributed by the Secretary, at his good will and pleasure. Those banks which are most subservient will get the most money. In these times of heavy pressure, what power do you not give your Government by leaving in its hands fifteen millions, to be distributed amongst favorites? Take the bank officers, stockholders, and debtors, in any community, and you take four fifths of the influence of that community; and yet gentlemen profess to do this to avoid the danger of corruption! To give this power of corrupting to those who, every body knows, have the will thus to use it. To utter such a proposition without a blush, certainly requires some power of countenance. Mr. T. thought the measure one of the greatest strokes of the master mind of its author. Mr. T. would be willing, to-day, to acknowledge an indebtedness for his State of ten millions, if other States were charged proportionably. What would be the effect but this: that when there was a deficit of revenue, instead of taxes imposed by this body, ignorant and reckless as it is of the interests of the different sections, the revenue will be raised by State legislation—by those who understand and will regard the different interests of their States—by taxes wisely imposed with reference to the different interests of their people—bringing us back to the principle of taxation of the old confederation, without its defects. We find this surplus in the Treasury. What is to be done with it is the sole question. God knows that he, and those with whom he has acted, are not responsible for this accumulation. It has never been objected to us that we have not gone far enough to reduce the tariff. The fault charged to us is exactly opposite. There is a beautiful propriety in gentlemen now talking about the improper accumulation of this money, who, in the struggle against the tariff, went in solid phalanx for that absurd and odious system.

Mr. CRARY rose and said that he did not know why Michigan and the banks of Michigan should so often be made the subject of attack in that House. At the last session of Congress an honorable gentleman from Kentucky [Mr. ALLAN] had thought proper to pronounce the deposite banks of Michigan rickety concerns; but no evidence was produced in support of the charge. On the present occasion they had again been brought to the notice of the House and the country by another honorable gentleman from Kentucky, [Mr. UNDERWOOD.] He said he thought the attack unnecessary and uncalled for. He was free to say, and prepared to demonstrate, that there were no banks in the country established upon a more permanent basis. They were able, at any moment, to discharge all their liabilities to the Government, without in the slightest degree affecting their credit. If their specie on hand be taken as a standard by which to judge them, this would be found to compare well with the banks of any of the States, even those on the Atlantic border. This, however, showed only a small part of their ability. Almost every bank at the East had its paper in their vaults. As an evidence of their ability, and also of their fidelity, he would state that, within the past twenty months, they had paid over to the Government almost $9,000,000, and they had paid this sum with a promptitude which commended them to the confidence of the whole country. He hesitated not to say that there were no better banks in the country. He defied the whole power of the Government to affect them. The gentleman from Kentucky [Mr. UNDERWOOD] had insinuated that the deposites in those banks were suffered to be larger than in other banks, for the purpose of having an influence upon the presidential election in that quarter. He need state but a few facts to convince the gentleman of his error. It is well known in Michigan that the officers of one of those banks call themselves the friends of this administration, and yet in that bank there was on deposite on the 1st of December only $265,541; while in the other bank, whose officers are of the party of the gentleman himself, there was on deposite, at the same period, $1,190,513. If this be the way in which the money of the Government is used for political purposes, it certainly was not calculated to produce any very favorable results to the present administration. It had not been thus used in his State. He said that he had tried to have the deposites distributed so as to benefit some of his own political friends, but had not succeeded. With this evidence before him, he was bound to defend the Secretary of the Treasury from the insinuations of the gentleman from Kentucky.

Mr. C. said he embraced the occasion to say that he was opposed to the proposition of the gentleman from Tennessee, [Mr. BELL,] and to the amendment of the gentleman from New York, [Mr. MANN.] On no account could he be induced to vote for a distribution of the surplus, on the basis advocated by either of those gentlemen. The bill of the last session, called a deposite bill, but in fact a bill of distribution, was a bill of abominations. It distributed the public money unequally, unjustly. That money had been collected from the people of every section of the Union. It was paid into the Treasury by them, not in the proportion to their respective representations in the Senate and House of Representatives, nor in the proportion to their respective representation in the House alone, but in a proportion altogether at variance with either. It had been drawn from the people of the old States and the new, and not of the States only, but also of the Territories, and in proportion to their population at the present time. To distribute it, you went back to the census, taken six years ago; thus giving money to the people of the old States which you had taken from the people of the new States. By that act, the people whom he had to represent were deprived of a large sum of money which had been pillaged from them when they were unrepresented upon that floor; when they were denied a voice in the national councils. You propose now to re-enact the same scene of injustice. He could not consent to it. If there was to be another distribution, there should be another census, and that census should form the basis of the distribution. In that way alone the surplus in your Treasury would be

returned to those who had paid it there. In that way alone could justice be done to the people of his own State, to the people of the whole Western country.

He stood there not to arouse sectional prejudices. He had no disposition to make appeals to any particular section of the country. It was the duty of that House to legislate for the whole country; and he was ready to carry out such a system of legislation. If the Atlantic coast needed fortifications, he was disposed to vote for them; and, after voting to expend some twenty millions of dollars on that border, he would vote for all legitimate objects of appropriation in the Western section of the country. He had voted for the amendment of the gentleman from Connecticut, [Mr. Ingham.] He thought it ought to prevail. He could subscribe to all that had been said in favor of it. He would also vote for the amendment of the gentleman from Maine, [Mr. Parks,] for he considered that appropriation necessary also. He was disposed to vote for other appropriations for works along the coast of that State. He believed it ought to be fortified. We had a question of boundary to settle there, and it might have to be settled by a resort to arms. We ought to prepare for such an event. He would vote the fifty thousand dollars; and, if that was not sufficient, he was disposed to vote a still greater amount—for five hundred thousand dollars, if the gentleman from Maine called for it. He believed it would be needed before the question of boundary was adjusted to the satisfaction of the American people.

Mr. ROBERTSON said he was, in general, much opposed to the addition of new clauses to an appropriation bill, after it had been matured by the proper committee, particularly such as introduced matters unconnected with the main objects of the bill. This mode of legislation often left no alternative but to adopt a questionable or improper principle, or reject appropriations essential to the public service. But, in the present instance, he should overcome his repugnance, and vote for the amendment proposed by the gentleman from Tennessee, [Mr. Bell.] That amendment, it was true, involved a very important principle; but it had undergone a full discussion; indeed, it had occupied the attention of the country for years past, and had received the deliberate consideration and sanction of Congress at the last session. He presumed, therefore, that every gentleman was prepared to vote upon it.

Having formerly expressed my views (said Mr. R.) on the propriety of distributing the surplus revenue, I should not now have risen to say a word on the subject but for the remarks of the gentleman from Michigan, [Mr. Crary.] That gentleman opposes a distribution, if I understand him correctly, upon the ground that his State has contributed more than her just proportion towards the revenue; and that any distribution, therefore, by the ratio of representation, or of actual population, would do her great injustice. How is this, sir? Upon what principle was it assumed that Michigan has paid so much more than her due proportion into the public Treasury as to be unwilling to receive her proportional part of the surplus? Are we to understand that the gentleman considers the price paid by the people of Michigan for the public lands they have purchased as money levied in the way of a tax? Then, sir, I deny the justice of the pretension. The people of the new States have, by no means, been exclusively the purchasers of the public domain lying within their respective limits. It has been purchased, and is still owned, to a considerable extent, by the citizens of the old States—New York, Virginia, and the rest. But suppose this were not so. Is the ground to be taken that the price of the public lands is to be regarded as a forced contribution to the revenue? Have not the purchasers obtained a full equivalent for what they have paid, as much as if they had purchased from private proprietors? Nay, sir, as is suggested near me, have they not, on an average, realized double and treble the amount of their investments? Will they surrender their purchases? Or will they set up a title both to the land and the money? No, sir; I am well persuaded no gentleman here will advocate so monstrous an injustice. The old States freely gave up, for the sake of harmony, a princely territory, upon the condition simply of participating, according to a stipulated ratio, in the benefits to arise from it. They have shown in this that they were capable of a generous sacrifice for the public good. But they can never acquiesce in an open and flagrant violation of their rights. Nor can their Representatives, should such an attempt be made, sit here with their arms folded and see those rights wrested from them by force or fraud. It would really seem as if this Government had forgotten the nature of their tenure, and meant to dispute the title under which alone they acquired and hold possession of that portion at least of the public domain surrendered by the States. We constantly hear of schemes to reduce the price below the fair maket value; to yield them up to those who have lawlessly entered upon them; to make even an unconditional surrender of them to the States in which they lie. There is not one of these schemes that does not violate the compact under which they are held by the United States. Let me, sir, at least remind you of the terms of the grant made by the State I have the honor to represent.

After dedicating certain portions for specific objects, among others for compensating her revolutionary soldiers, whose valor had defended them, it explicitly declares that the whole residue shall constitute a common fund, for the benefit of all the States, Virginia inclusive, in proportion to their contributions to the public expenditure. Upon these terms alone was the surrender made and accepted; and, so long as the proceeds have been required to meet the public exigencies, all the States have enjoyed the benefits contemplated by the deeds of cession. But for some years past the increased demand for lands, arising from the rapid settlement of the new States, and an inordinate spirit of speculation, in connexion with the operation of the tariff, have poured into the Treasury a redundant revenue, which the most extravagant appropriations have not sufficed to consume. It was in this state of things that Congress, during the last session, felt itself imperiously called on to make some disposition of the immense and accumulating surplus in the Treasury among the several States. The ratio adopted may not have done exact justice to each; the new States particularly, owing to the rapid increase of their population since the last census, have not received the proportion to which the ratio of federal numbers, as prescribed by the constitution, would perhaps entitle them. But still it was a beneficent measure, checking, as it did, the wasteful extravagance of this Government, and restoring to the people what justly belonged to them; and so long as from the same sources—the proceeds of sales of the public property, or the extortions of an unjust tariff—a revenue shall be collected, more than adequate to the reasonable wants of the Government, so long will I continue to vote for restoring the surplus to its lawful owners. I heed not the outcry raised about the corrupting effects of such a measure. The Government of the United States is a mere trustee; and the States, so far at least as respects the proceeds of the lands they ceded, are no more liable to be corrupted from receiving what is due to them from the United States, than if it were due from France or England. They solicit no favor; they demand only what belongs to them. They insist only upon the performance of the trust this Government has assumed, and which it would be coerced to perform, could the question be brought before any impartial judicial tribunal. It would not be

endured for a moment that this trustee should withhold property from its rightful owners, upon the plea that it would corrupt them to receive it. There is vastly more danger in leaving the funds here, than in distributing them among the States. There it may, and I trust will be, applied to the most beneficial purposes, instead of being expended in a partial system of internal improvement, or corruptly wasted, used through the banks or otherwise in political jobs. To my own State, especially, which has paid so much towards the public revenue, and except in this mode of distribution has received so little from it, I should hope for important benefits. Drained as she is of her population and wealth by a constant emigration to the West, and suffering under the infliction of a protecting tariff, the public lands present resources which, judiciously managed, may, for many years, reinvigorate her industry, enable her to carry on the local improvements in which she is now extensively embarked, and provide yet more liberally for the education of her youth. So far from looking with apprehension at the two or three millions poured into her treasury under the act of the last session, I should rejoice if from the sales of the public domain, of which she ceded so large a portion, she could for a century to come annually receive an equal amount. Whatever may be thought of distributing the general revenue, the old States which surrendered their lands, none can doubt, have a perfect right to participate in all the advantages resulting from them. They were ceded by them on the express condition of such participation. The new States, at least, the recipients of their bounty, who have been admitted by them to partake of this common stock without contributing to it, will be among the last, I should hope, who will ever deny their claim. It is one of sheer justice. Did I not think it so, I would not urge it; for it is my pride to represent a State which would disdain to ask or to accept more than her due.

Mr. BOULDIN said he would avail himself of the opportunity to express to the House, and to his constituents also, the reasons that would govern him in his vote on the amendment offered by the gentleman from Tennessee, [Mr. BELL.] He said he was more willing to do so, because he did not vote on the deposite question last session, when that bill was ordered to be engrossed and read a third time. He wished also to say to the House, and to his constituents, why he did not vote, though present when the question was taken on the engrossment, yet not present when it passed. He voted on the question of amendment to the bill as it came from the Senate, but not on the question, Shall the bill be engrossed and read a third time? He preferred the bill as amended greatly to the Senate's bill before its amendment, and voted accordingly.

Some had supposed that he had declined voting to conceal his opinion upon the subject of deposite or distribution. A few days before, incidentally, in speaking on the subject of the land bill as being similar in principle, he had expressed his opinion on distribution. This showed he could not have been actuated then by that motive.

Actual doubt, and no time given to discuss or reflect on the subject, at the close of the session, and under the previous question, necessarily put on account of the shortness of time left, and the great press of other business, prevented him from voting. Not a doubt as to the nature and character of raising money for the purpose of distribution or deposite; but an actual doubt whether it would aid or not to keep up the protecting duties—the tariff. He had no doubt but that we had the right to make restitution to the people of any money or a part of any money of which we might have robbed them, or obtained from them by any means, when it was over and above the just necessities of the Government to supply its necessary and economical wants.

To reduce the income to the wants of Government, and to reduce the tariff for that purpose, had been strongly recommended by the Executive. It was generally expected, on all hands, that it would be cut down in some degree. It was, however, then thought entirely too late in the session, and it was universally said that, at the commencement of this session, we should commence the work of reduction of the tariff and of the revenue. This was early proposed at the present session. Mr. B. had strong hopes and some fears on the subject, but voted to lay his colleague's resolution [Mr. MERCER's] on the table. This resolution sought to relinquish, on the part of the Federal Government, all claim to the money deposited by it with the States. Mr. B. did not know what effect this measure might have had on the reduction of the tariff, or on reduction generally of the revenue. The very able report of the Committee of Ways and Means, the chairman of which Mr. B. knew to be professedly, and did and does now believe to be sincerely, opposed to the protecting-duty system, seemed to brighten the prospect for reduction, which was cheering to Mr. B. and to the country.

But now, sir, (said Mr. B.,) we are again at the very crumbling brink of the grave of another session, and nothing is done. As to the report of the Senate, it promised little or nothing; what it would perform of that little he did not know. Between letting the money stay here, and the deposite bill as it was when ordered to be engrossed and finally passed—a sad alternative—Mr. B. was in doubt. Mr. B. has none now; with his loss of hope of reducing the tariff and the revenue to the wants of economy in the administration of our affairs, his doubts have vanished. It is true that the present Executive has recommended it, and the President elect has already, when questioned, declared his opinion to the same effect. Still (said Mr. B.) my hopes are gone. When I see the system of partly selling, but principally giving away, the public lands, playing into the hands of the tariff system—protective system; and when I know that these are the only means of increase or decrease in the revenue on the imposts and lands, unless we resort to direct taxation, I despair. They are the arbiters of our fate, and they are in the hands of those who are agreed to take care of those two systems, whatever may become of us. Sir, (repeated he,) I despair. The Executive can do nothing for us, let him try ever so hard.

This system of one tenth part selling, and the other nine parts giving the public lands, has a force and operation in it that has wholly escaped me heretofore. I know that, last session, there was something about the business that I could not see through. Whether it was want of vision in me, or whether the whole subject was a muddy stream, impenetrable to the human eye, I did not know. But, though muddy then, it is now as clear to me as the mountain limestone water—the pure limpid fountain, transparent as the air.

It is no longer a muddy pool to me. No, sir, I can now see a pin's head and point in ten feet water. I now see we shall not get the tariff down, we shall not materially reduce the revenue. I am willing (said Mr. B.) to let the compromise part of the tariff stand. I am willing to take off all the impost duties; I am willing to stop the sale of the public lands; I am willing all or any part of these things to bring down the revenue, but come down it must for me. I am willing to suspend all the rules, and set out this minute and spend all the balance of the time we have in doing it in a manner the best for all concerned. But it must come down, and that immediately, (said Mr. B.,) or I will vote to send any part, or all, back to the people. If I cannot get all, I will send what I can get. I will put it into the right pock-

ets in every instance, if I can; I will come as near as I can.

Mr. B. said he knew it was unconstitutional thus to take it from the people in this way, and would be so to do the like again, and so it would be to keep it; and so long as we thus continue to take, I will continue to give back; and if I cannot do it unconditionally, I will lend it, deposite it. Strange thing, this—take the people's money away from them, and then lend it to them. But if I can do no better, I must do that.

We cannot stop taxing the people. How absurd! Why tax them? Why sell their property? Do you need money to carry on any necessary work? No. Any debts to pay? Surely none. Well, why not take off the duties? We are answered by the honorable gentleman from Massachusetts, [Mr. LAWRENCE,] whose intelligence is well known, and whose equanimity of manner and temper is admirable; the even current of whose feelings has never been rippled, as far as I have seen, until there was a report made proposing to take off some of the burdens of the people—take off a portion of the taxes. The gentleman immediately was horror-struck at such a proposition. And why not do it? His answer is, that it will ruin our manufactures. I did not know I had any manufactures, (said Mr. B.) If they are ours, I will ask to draw my share, as a partner, of the annual profits and proceeds. Were I to put this to the gentleman, he would be struck with wonder again that I should want to draw a portion of the profits arising from his manufactures. When you are taxing, they are our manufactures; when you go for part of the profits, they are my manufactures.

That gentleman was kind enough to offer a word of advice to our constituents, telling them a thing we never would tell them: how much better it was for them to pay high prices and taxes than low ones and no taxes, and how much money was made by it. I will return that part of the obligation that rests on me as a slaveholder and tobacco planter, and whose constituents are generally so, by sending a word of advice to his constituents. I will advise them never to mind *our* manufactures, so far as to pay high prices or taxes for their sake, until they are allowed to draw some share as owners or partners. This word *our* manufactures has hookwinked many a one; as many in the North as in the South. My life (said Mr. B.) to a ninepence, if a man in the neighborhood of *our* manufactures, and not a partner, will offer his services, and publicly explain to the people their profit and loss in *our* manufactures, and stand to their interest with integrity and faith, at the next elections *our* manufactures would represent the interest of themselves at home, and the people would have a representative here to represent their interests in this hall.

Sir, (said Mr. B.,) there are some rich men interested deeply in keeping up the duties and taxes; but the great mass of society in the North have no more interest in them than I have. But, since we cannot take off the duties, let us stop selling the land. Ruinous, says the squatter, to me. Well, go and settle on it till 1842, and I will charge nothing for improvement, and give you pre-emption. This will ruin me, says the speculator in lands; I can never sell out my purchases, if you do this. It will break me up, says the half-sell half-buy system interest.

Sir, (said Mr. B.,) there can be more patronage exerted by this mode of using the public lands than can be by means of all the honors and legitimate revenues put together. See, sir; sell a thousand dollars worth of land at reduced prices—this carries but one thousand dollars into the Treasury. Yet there may be favoritism in it, and the land may purchase as much patronage, as much power, as much corruption, as much, in short, of any thing, as a million of dollars; for the land may be worth that sum, and often is. Yet this does not strike the eye like an outfit to France.

If we sell the people's land for the best price we can, it is a thing that is no way mysterious. If we offer to give it away to the States and Territories, it is easily understood. But if we offer to sell for less than we can get for it, it is hard to be understood. How much is gift, and how much is sale? Who is it given to, and in what proportions? I should like to know this. I know it is not given to the people generally.

If a man have a thing, he has the undoubted, indisputable right to give it away, but seldom does so. He has certainly the right to take less, when he sells a thing of his own, from one man than from another. But this must be to a favorite. He has a right to a favorite, and to benefit him if he wish. If an agent or trustee hold property for sale for the benefit of his principal, to save the balance or enhance its value he might give a part away. He might even give away the whole, to save the owner himself. Yet, in both these cases, the owner would likely wish to know to whom it has been given, and how much was given.

But suppose your agent or trustee were to offer to sell your property for less than he knew he could get, would you, Mr. Speaker, keep him or dismiss him?

Mr. B. said he would close by reiterating that he had no hope of ever getting out of the claws of these two systems—the half-sell half-buy system, and the protecting-duty system—unless he could break up the alliance between them; and perhaps distribution or deposite might do that. If not, the case is hopeless, and he would send as much home to the people as he could, as being the best hope in a hopeless case.

On the motion of Mr. MANN, of New York, to amend,

Mr. BOULDIN said he should vote against this amendment, for the same reason that had induced him to sustain the motion of the gentleman from Tennessee—simply because that, he was now sure, was the best we could get, if we got that; not that either was right, or even tolerable, but as a hard case of dire necessity.

Mr. LANE said that, as soon as the committee should become composed, so that he could be heard, he would proceed to address them with that brevity suited to the close of a protracted sitting of ten hours. He was not ambitious to address a wearied and impatient audience. That his apology must be found in the injustice of the proposition upon which he is called upon to vote—a proposition so manifestly oppressive to that portion of the people he had the honor to represent, that to give a silent vote would be reckless to his own duty, and regardless of their interests.

The proposition now to be determined, and the only one in order for debate, is to distribute the surplus revenue among the several States, agreeably to the representation in this branch of Congress. To distribute, (said Mr. L.,) because no one believed a cent of it will ever be called for, or returned by the States.

The money proposed to be divided has been collected, not from the old States, not agreeably to the representation in this House, but from the whole people; and, whether regarded as arising from the sales of the public lands or upon duties upon merchandise, it has been paid according to population, not representation, in direct proportion to the amount paid for land and the consumption of imported articles. That if any disproportion in the collection of the amount proposed to be returned to the people exists, it is because the people of the new States have purchased more of the public lands than those of the old.

The gentleman from Virginia [Mr. ROBERTSON] has informed the committee that he will sustain the proposition, in order that his constituents may participate in the

benefits arising from the sales of the public lands, and prevent them from being taken by force or fraud.

Sir, (said Mr. L.,) the people of the new States ask for nothing unequal or unjust; nor would they take from the people of the old States that to which they are not entitled, either by force or fraud, nor will they silently submit to be plundered by the old States upon this floor.

Sir, while the honorable gentleman from Virginia [Mr. ROBERTSON] is so liberal in attributing force and fraud to the new States, is he aware that he is advocating a proposition that would take the money from the pockets of the people of the new States, and place it in the pockets of his own constituents? That would place millions of dollars in the hands of the people of the old States, which had been drawn from the pockets of the people of the new, not by force, not by fraud, but by votes upon this floor, by unjust, unequal, and unconstitutional legislation?

The white population of Indiana is greater than that of Virginia or Kentucky. As proof of this fact, it is only necessary to refer the committee to the votes polled at the late presidential election. Indiana gave several thousand more than Kentucky, and the State of Ohio many thousand more than Pennsylvania; yet, sir, this proposition would give to Virginia three times as much as to Indiana, the former having twenty-one members on this floor, the latter but seven. The State of Kentucky would receive double the amount paid to Indiana, the one having fourteen, the other seven members in this House. At the same time, no gentlemen would risk his reputation for veracity by saying the population of Indiana did not exceed Kentucky, or that the people of Indiana had not contributed more to the sum to be divided than the people of Kentucky. So with Ohio; she would receive one third less than Pennsylvania. This disproportion, in a greater or less degree, would hold good with all the new States, compared with the old.

Sir, the injustice of the proposition is palpable at first blush, and ought not to receive the countenance of any honorable man on this floor. Mr. L. said he put it to honorable gentlemen from the old States to say if such a proceeding would be generous or magnanimous. What is the principle proposed and urged upon the committee? No more or less unjust or oppressive than to impose taxes upon the people of the new States, according to their numbers, *per capita*, beyond the wants of the Government, and then return to the people of the old States, not only what had been taken from them, but one half of the amount taken from the new. In other words, to return to the people of the new one half the sum to which they were entitled, and the other half to the old States, over and above the amount to which they are in justice entitled.

To call this force, to call it fraud, would be terms too mild; it would be oppression in the exaction, and plunder in the division.

[Here Mr. ROBERTSON explained.]

Mr. L. said he was aware that, by the provisions of the constitution, all direct taxation for the wants of the Government had to be made according to the representation upon this floor; and that, if the money had been drawn from the States in that manner, such a division, such a return, would be just, because equal. That, however, is not the case; the money to be divided has not been drawn from the States in that proportion, but according to population, regardless of representation, here or elsewhere.

Sir, what has produced such an extraordinary change in the opinions of honorable members? A few years since it was proposed to divide among the States the money arising from the sales of the public lands, by the land bill, originating with a distinguished Senator in another part of this House. It passed the Senate and this House by an overwhelming majority. By the provisions of this bill, each of the new States in which the public lands were located received large donations of land, and twelve and a half per cent. out of the proceeds of the sales within the State; and the balance was divided equally among the States, based upon the census of 1830, which is the basis of the present proposition. This was intended to make up in some degree for the increased and increasing population of the new over the old States.

In this there was something generous, magnanimous, on the part of the advocates of the bill, towards the people of the new States, compared with the present proposition. The same gentlemen in this House who were the advocates of that bill are now the advocates of this proposition. Are honorable gentlemen prepared to give the reason and the cause for such a sudden change having passed over the vision of their political dreams? Is it to be found in the action of the people of the new States, in relation to recent and former elections of an important character? Surely not; no gentleman will admit this, though any one would be at a loss to find any other reason for such a change.

Mr. L. said the gentleman from Kentucky [Mr. UNDERWOOD] had, with an air of confidence, given the committee his reasons for supporting the proposition: that the money in the hands of the deposite banks increased the executive influence of the General Government; that it was not only improperly deposited, but used for political purposes to influence public opinion; that his honorable friend desired its removal from the pet banks, (as he is pleased to call them,) because these banks, or those who manage them, are the friends of the administration, and use the money for their own benefit.

Mr. L. said he was equally desirous for the removal of the money of the people from the possession and control of the banks, because they are, so far as his part of the country is concerned, most decidedly opposed to the administration and all those who sustain it; that they use the power that the public deposites give them for political purposes, and not for the public good; not to accommodate the people, whose money it is, but to advance the interest of the favored few; in short, to shave and oppress the people with the money of the people.

One word in reply to the honorable gentleman from South Carolina, [Mr. THOMPSON.] He urges, with his wonted zeal and eloquence, the adoption of the amendment, because it will take the possession of the money from the Federal and place it in the hands of the State Governments; that if left in the power of the Executive it will be used to corrupt the people; that in the hands of the State authorities it cannot be employed for any such purpose: the people of the States are incorruptible. Sir, (said Mr. L.,) if the people of the States of this Union are incorruptible, he would like to have the gentleman inform the committee who it is he apprehends would be corrupted by the Executive of the Federal Government. To conclude, Mr. L. said he had too much confidence in the justice of the members of the committee to suppose they would for a moment entertain such a proposition. He would, therefore, not detain the committee at so late an hour.

Mr. CAMBRELENG obtained the floor, and said he would willingly waive all opportunity to speak, but made an earnest appeal to the committee to take the question.

The amendment of Mr. MANN was then rejected, without a division.

The question on the amendment of Mr. BELL was taken by tellers, and also disagreed to: Yeas 71, nays 73.

Mr. CUSHMAN intimated his intention of submitting an amendment.

On motion of Mr. CAMBRELENG, the committee then rose and reported the army and fortification bills, as amended, to the House.

Mr. UNDERWOOD moved an adjournment; which prevailed: Yeas 70, nays 51. And so

The House adjourned, at 9 o'clock P. M.

SATURDAY, FEBRUARY 25.

RELATIONS WITH MEXICO.

The unfinished business of the morning hour was the report, with the accompanying resolutions, reported yesterday by Mr. HOWARD, from the Committee on Foreign Affairs, on the subject of the relations between the United States and Mexico.

Mr. CAMBRELENG said he did not see the chairman of the Committee on Foreign Affairs in his place, and he would, therefore, move that the further consideration of the subject be postponed until to-morrow.

Mr. McKIM said he would state, for the information of the House, that his colleague [Mr. HOWARD] was very unwell, and not able to attend to his duties here.

Mr. ADAMS hoped that the chairman of the Committee of Ways and Means [Mr. CAMBRELENG] would name some other day than Monday; Tuesday, if he pleased. He hoped that, as so many weeks had passed over without an opportunity having been given to present petitions, and as Monday was the last day on which they could be presented during the present session, another day would be fixed on.

Mr. CAMBRELENG then moved Tuesday; which motion was agreed to.

And so the further consideration of the subject was postponed until Tuesday next.

CULTIVATION OF SILK.

Mr. ADAMS, from the Committee on Manufactures, to whom had been referred a resolution of the House, instructing them to inquire into the expediency of promoting the culture and manufacture of silk in the United States, reported thereon at length.

Mr. A. said that this report had been made at the present session, though, probably, it was not perfectly in order. The resolution referring this subject to the Committee on Manufactures had been adopted at the last session of Congress; and the committee, at that time, charged one of its members, (Mr. Judson, a Representative from the State of Connecticut,) who had offered the resolution, with the duty of collecting the information alluded to. That gentleman had been subsequently transferred to another department of the Government, and had resigned his seat in this House. He had not ceased, however, to prosecute his inquiries; and, at a late period of the present session of Congress, the chairman of the Committee on Manufactures [Mr. ADAMS] had received a letter from him, (Mr. Judson,) containing the substance of the information which had been collected, and which was very valuable. Mr. A., therefore, as the chairman of the committee, reported that letter as a part of his report, and asked that it might be received as such. The letter was short, and he asked that it might be read.

The same having been read, Mr. A. moved that the report, together with the letter, be laid on the table, and printed; which motion was agreed to.

Mr. A. moved that 5,000 extra copies be printed.

The House consented to consider the motion at this time, and the same was agreed to.

POST OFFICE BILLS.

Mr. CONNOR, from the Committee on the Post Office and Post Roads, reported the following resolution:

Resolved, That the House will go into Committee of the Whole on the state of the Union on Monday, immediately after the reading of the journal, for the space of one hour and a half, for the purpose of considering two bills reported by the Committee on the Post Office and Post Roads, for the erection of a building for the Post Office Department, and a bill to provide for additional clerks in the Post Office Department and Auditor's office, and for other purposes.

The SPEAKER said the resolution would require a vote of two thirds for its adoption.

Mr. STORER moved to amend the resolution by adding "and all the bills reported from the Committee on Revolutionary Pensions;" which amendment was rejected.

Mr. JARVIS suggested to the gentleman from North Carolina [Mr. CONNOR] to modify his resolution so as to name "Monday, immediately after the reading of the journal," and then to say, "and all other bills which the committee may see fit to take up."

The SPEAKER said that this resolution having been reported from a committee, it would not be competent for the gentleman from North Carolina to modify it.

Mr. CONNOR said he would adopt the first suggestion of the gentleman from Maine, [Mr. JARVIS,] and moved to amend the resolution by striking out the hour of eleven, and inserting "immediately after the reading of the journal."

Mr. ADAMS hoped that no other business would be allowed to interfere with the presentation of petitions on Monday.

And the question on the amendment of Mr. CONNOR was taken, and decided in the affirmative. So the amendment was agreed to.

Mr. JARVIS moved to amend the resolution by adding, at the end thereof, "and all such other bills as the committee may see fit to take up for consideration;" which amendment was rejected.

Mr. JOHNSON, of Virginia, moved to amend the resolution by including the bill in relation to the extension of the pension system; which amendment was rejected.

Mr. CAVE JOHNSON moved to lay the whole subject on the table; which motion was rejected.

Mr. LANE moved to amend the resolution by including the bill granting a right of way through the public lands to the Maumee Branch Railroad Company; which amendment was agreed to.

Mr. BOON asked if it was in order to restrict the committee, by specifying in the resolution the time which should be allotted to them for the consideration of these bills.

The CHAIR said the matter was within the power of the House.

Mr. ADAMS called for the yeas and nays on the adoption of the resolution; which were refused.

And the question on the adoption of the resolution was then taken, and decided in the negative: Yeas 88, nays 57—two thirds not voting in the affirmative. So the resolution was rejected.

UNITED STATES BANK.

Mr. GALBRAITH, from the select committee upon the subject of the United States Bank, reported the following joint resolution:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That until the notes of the late Bank of the United States, which may have been returned since the 3d day of March last, redeemed from the funds of the said bank, shall cease to be reissued by its officers, directors, trustee or trustees, and until the amount due to the Government from said bank shall be settled to the satisfaction of the Secretary of the Treasury, the notes of said bank, and the notes of any bank to which its funds and estate may be transferred in trust for the payment of its debts

and discharge of its obligations, shall not be received in payment of any debts due to the Government of the United States, or taken in exchange or deposite in any of the banks selected as depositories of the public money; and the Secretary of the Treasury is hereby directed to adopt such measures as he may deem necessary to carry this provision into effect.

The resolution having been read the first time, and the question being on the second reading,

Mr. LINCOLN said he was somewhat surprised that a report should have been made from a committee of which he was a member, without his having had either the honor or the opportunity of being present when it was agreed to. It was one of the most extraordinary propositions he had ever heard. It proposed that no bank, which should receive the outstanding bills of the late United States Bank, should have its own money receivable in payment of debts of any kind due to the Government; it was, in short, to discredit the notes of any bank in the Union which should receive such bills. But, before he entered into a consideration of the character of the resolution, he begged leave to put one or two interrogatories to the chairman of the select committee. And, in order that that gentleman might see the pertinency of the interrogatories, he (Mr. L.) would state what had been his own observation of the course of proceeding in relation to this resolution.

Immediately after the constitution of this committee, a notification was made to its members to meet, for the purpose of considering the various propositions committed to it for examination, discussion, and action. At that meeting, he believed, all the members but one were present. No distinct action was had, but there had been a general sentiment, so far as he had understood the remarks of the different members of the committee, unfavorable to any definite action at that time; but there had also been a distinct understanding that, whenever the chairman of the committee should think it advisable that the committee should again be assembled, a meeting should take place on notice given by him. The committee voted no adjournment, but left it to the discretion of the chairman, [Mr. GALBRAITH,] enlightened as he (Mr. L.) had hoped that gentleman would show himself to be, to reassemble the committee at such time as he might elect. Accordingly, some time afterwards, Mr. L. received a notice to meet the committee in one of the rooms of the House. Within fifteen minutes of the time appointed for the meeting of the committee, coming up, he met the chairman of the committee going down from the Capitol, who informed him that the committee had not assembled; that he had been at the room, but that no one was there. Soon afterwards, he (Mr. L.) was again notified to meet the committee. He came up, looked into the room in which the committee was to assemble, and in every other committee room on the first and second floor. He then came into the House. He beat up messenger-boys and doorkeepers, to inquire for the chairman; but he could neither see nor hear of him; and, after wandering about the purlieus of the palace for some time, he gave up the search as fruitless. He found neither the chairman nor any member of the committee; and when he did at last chance to meet him, he (Mr. L.) told him he must return a *non est inventus* against him. He (Mr. L.) was then notified to meet on another occasion. He came the third time. In the committee room he met the chairman and two other members of the committee; and, after discussing the subject, (not a word of a report was said,) and after inquiring what it was proposed to do, he was informed that this resolution was one thing which he wished to bring forward. But there were only four members present; three at first, one coming in afterwards; and he was notified that a meeting would be held at the private chambers of the committee on that evening. But he heard nothing about a report, nothing about a bill.

[It is necessary here to explain that Mr. L. alludes to the report and bill which were presented by Mr. GALBRAITH a few days since, from the same select committee; the latter of which provides for the infliction of pecuniary penalties for reissues of the notes of the late Bank of the United States.]

On the evening referred to, Mr. L. said it was impracticable for him to attend, in consequence of other duties. The next evening he understood that a report had been made, not one word of which had been submitted to him; and that a short bill of a single section had also accompanied the report. Of this, no notice had been given to him; nor had he been notified of any other meeting on the subject, save that in the private chamber alluded to.

He now wished to inquire from the chairman of the committee whether a majority of the committee were present when the report and bill were agreed to; whether the report was read before a majority; and whether a majority agreed that the report and resolutions both should be reported to the House. And, if so, why the resolutions were not reported at the same time as the report accompanied by the bill.

Mr. GALBRAITH said it was true there had been two or three ineffectual attempts to get the committee together in the Capitol, but he was not aware that this was in consequence of any neglect on his part. He certainly had given due notice to all the members of the committee who were in the city, and it was no fault of his that they did not attend. At the second meeting of the committee, it was suggested that it would be proper to address a communication to the officers of the United States Bank, and the gentleman from Massachusetts was present at that time, and he himself objected to this communication being sent. Nothing was then done in this matter, but it was decided that he (Mr. G.) should call another meeting of the committee, for the purpose of having a more full attendance, before they proceeded to the adoption of any measure; and he again notified the members of the committee to attend on a particular day at the room of the District Committee in the Capitol; and at that meeting there were but four present, and it was then mentioned that the gentleman from Massachusetts [Mr. LINCOLN] and the gentleman from New York [Mr. MANN] were members of a select committee, and could not attend in the morning hour, their engagements on the other select committee preventing them from so doing. It was then proposed to call a meeting in the evening; and, as there might be some difficulty in getting into the Capitol at night, they agreed the meeting should be at the rooms of one of the members of the committee. He notified the members of the committee to attend this meeting, and there were five members present at that meeting, who, being a quorum, considered the report, bill, and joint resolution, and unanimously concurred in the same, and directed him to report them to the House. In reply to the inquiry why he had not reported the joint resolution to the House at the same time he made the report, he had only to say, that when he rose to make the report, he held in his hand the report, bill, and resolution, and intended then to report them to the House; but immediately after the report and bill were disposed of, the hour for reports having expired, and a motion being made to proceed to the orders of the day, he was thereby excluded from reporting the joint resolution at that time. Mr. G. then, for the life of him, could not see why the gentleman complained of this proceeding. He had given all the members notice; and if they did not choose to attend the meetings of the committee, it was their own fault.

Mr. LINCOLN said this resolution involved grave considerations, and should have had the most serious attention of a committee, instead of being brought thus hastily and secretly before the House. Mr. L. was proceeding in his remarks, when

Mr. CAMBRELENG called for the orders of the day.

MEMORIAL OF THE U. S. BANK.

Mr. INGERSOLL rose and stated that he learned from the Speaker that he had in his possession a memorial from the president, directors, and company of the Bank of the United States, which might obviate the necessity, in the mind of every gentleman, of further proceedings upon the resolution offered from the select committee. He therefore asked leave of the House for the Speaker to present the memorial, and requested the Speaker to do so.

Leave being granted, the Speaker presented the following memorial; which was read:

To the Senate and House of Representatives in Congress assembled:

The memorial of the president, directors, and company of the Bank of the United States, respectfully represents: That having recently seen, among the documents printed by Congress, a report of the Secretary of the Treasury, in which he laments that he has not been able to settle with the bank, and invokes the aid of Congress, they deem it proper to state that they are now, as they always have been, ready and anxious to settle; and that not the slightest delay, nor the least obstacle of any kind, can justly be ascribed to them. This they propose to render obvious in a few words.

In a settlement between the Government and the bank, one of two courses was necessary. The first was to wind up the whole business of the institution, and divide the proceeds; a mode inevitable, had the bank ceased its operations on the 4th of March. But, as the institution continued, with no change except the retirement of a single partner, it was deemed a process equally harsh and useless to force the country to pay sixty millions of debts at a moment of general embarrassment, merely to balance the books of the bank; and the second mode was therefore preferred—that of estimating the value of the stock on the 4th of March, and paying the Government its proportion. This was the easiest, and simplest, and fairest mode of adjustment. It was obviously the mode contemplated by Congress, who, on the 23d of June, 1836, authorized the Secretary of the Treasury to receive payment "in such instalments, and payable at such times, and with such rates of interest, as he shall see fit to agree to." To estimate the value of the stock was, therefore, the first step towards the settlement. Accordingly, soon after the Secretary received his authority from Congress, a report was made by a joint committee of three members of the late bank, three of the new, and three impartial umpires, connected with neither, stating the value of the stock. This valuation on the part of the bank was transmitted to the Secretary, with an offer "that all the materials upon which it is founded will, of course, be submitted to any examination which you may desire to make;" and that the bank "would be equally ready to adopt any mode which may be deemed expedient for making such a division of the assets of the bank as may assure to the Government its just and ample proportion." To this communication the Secretary answered on the 19th and 20th September, as follows: "I have cheerfully accepted your offer to permit an examination to be made of the materials upon which that report is founded;" and will appoint three gentlemen "to investigate those materials, and report to me their views upon them, and also the proper basis of a settlement." These commissioners accordingly visited the bank, and, after nearly four months, reported. It was naturally presumed that, when they made their report, the Secretary would inform the board of directors whether their valuation accorded with that of the bank, or in what respect it differed, so as to enable the board to accept the terms or to offer others, or in some mode advance the settlement. It is much to be regretted that such a course was not pursued. But, since the month of September, when the Secretary apprized the board of the coming of the commissioners, who were to report their estimate to him, no communication of any kind whatsoever was made to them by the Secretary; but while they were waiting to know whether their valuation was acceptable to him, or in what it was deemed deficient, they were surprised by a communication, not to them, but to Congress, stating the failure of his negotiation. They regret this, because, if the board had been made acquainted with the wishes of the Government, as explained in the report now made to Congress, they would have instantly and cheerfully acceded to them. That regret is deepened by another measure of the Secretary, which seems alike unauthorized and unfortunate.

The act of Congress of the 23d June, 1836, directed the Secretary to "receive the capital stock belonging to the United States in the late Bank of the United States, in such instalments, and payable at such times, and with such rates of interest, as he shall see fit to agree to, and also to settle and adjust the claim for surplus profits accruing on said capital stock, on such terms as he may think proper."

When this act passed it was perfectly well known to every member of Congress that, for nearly four years preceding, there had been a disputed question of law between the Government and the bank, in regard to damages on a bill of exchange, which the bank had in vain urged the Executive to pursue before the judicial tribunals. The subject had been often before Congress—before the Committee of Ways and Means in 1833, who proposed no measure in regard to it—before the Committee on Finance of the Senate, who, in their report of the 18th of December, 1834, declared that the right of the bank was "founded in strict law;" that "the retainer was avowedly made to procure a submission to the courts and juries of the country;" and that, "if the Government thinks itself wronged by such proceedings, the law prescribes the manner in which it shall seek redress." With the full knowledge of these facts, when Congress authorized the Secretary to settle with the bank for the capital stock and the surplus profits, they certainly could not have intended to refuse the receipt of this capital stock and surplus profits, unless the bank should surrender, unconditionally, its right to a judicial trial of the question which one of their own standing committees had decided in favor of the bank. Yet, without any the slightest authority from Congress, the Secretary, as appears by the public documents, has determined that he will never settle with the bank without a previous surrender of its rights—declaring that, "preliminary to a final adjustment of this interest, the Treasury Department would require that the bank should pay that portion of the dividend on the stock of the United States which had been withheld for damages on the draft upon the French Government." Now, it is manifest that this is a proceeding which Congress did not authorize, and can scarcely sanction. It cannot be that the Congress of the United States, after passing a law declaring the mode in which questions between the Government and the citizens are to be adjudicated, and after seeing the bank pursue exactly that mode, will now endeavor to force the institution out of the path of law, by refusing to adjust other interests, which have no connexion whatever with that controversy.

The original claim of damages was a necessary act of duty by the bank, in favor of the Government, who, if there was any right to draw the bill, had an equal right to the damages. The pecuniary interest involved was and is a matter of indifference. It was only the tone assumed in regard to it, and the evident design of forcing the bank to abandon its rights, which gave importance to the claim, and forbade the surrender of it. The board of directors would deem themselves faithless, not merely to the institution, but to the cause of constitutional freedom, if they could be thus driven from the courts of justice by any menace from an executive officer. They have accordingly decided the question deliberately and irrevocably. If the proffer of a judicial decision is accepted by the Government, the bank will cheerfully abide the result. But until then there should not be, and there cannot be, any surrender, or concession, or compromise.

The board of directors will now make one final offer to settle, and they make it directly to your honorable bodies, so as to avert the hazard of any further mediation. They learn, from the printed report of the Secretary, that the commissioners would have recommended the following terms of settlement:

To value each share of the stock at $115 58, and receive payment for it by equal instalments, payable in September, 1837, 1838, 1839, and 1840, with six per cent. interest until paid.

The board of directors agree at once to those terms, and are ready to carry them into execution.

They do not stop to inquire whether this be not too much. They prefer that it should be too much. They will never differ with Congress about mere sums of money, and are specially anxious to terminate their connexion with the Government in a manner satisfactory to all parties.

By order of the board:

N. BIDDLE, *President.*

Mr. INGERSOLL then proceeded to state that the memorial went the whole length of adopting the terms of settlement which the Secretary of the Treasury was understood to desire. The stock held by the Government has been valued by the commissioners appointed by the Department at $115 58; and they propose that payment shall be made, by equal instalments, in September, 1837, 1838, 1839, and 1840, with six per cent. interest till paid. To this the bank distinctly accedes. What more can be desired? He therefore moved that the memorial be referred to the Committee of Ways and Means, and that it be printed; which was agreed to.

On motion of Mr. CAMBRELENG, the House then proceeded to the orders of the day.

ARMY APPROPRIATION BILL.

The House then took up the amendments of the Senate to the "bill making appropriations for the support of the army and navy for the year 1837," which had been reported to the House from the Committee of the Whole, with sundry amendments made thereto.

The first amendment of the committee to the Senate's amendment, making an appropriation for equipping the militia, was concurred in.

Mr. TOUCEY then renewed the amendment made by him in Committee of the Whole, as follows:

"Appropriating $100,000 for the payment of the Connecticut militia called into the service during the last war, in the following cases: First, those called out to repel actual invasion. Secondly, those called out under State authority, and afterwards received into the service of the United States. And thirdly, where they were called out under the requisition of the President of the United States, or any other officer of the United States."

Mr. TOUCEY explained that this amendment was in conformity with the law paying the Massachusetts militia in like cases. The principle was well established, and he could not see on what grounds gentlemen could object to this amendment. The Government had admitted this principle in the case of the Massachusetts militia as much as seven years ago, and he appealed to gentlemen to grant the same justice to the militia of Connecticut.

Mr. LINCOLN said, at the last session of Congress, a committee of the House had reported in favor of this claim, and hoped it might be adopted. He then intimated an intention of moving an amendment to this amendment when it should be in order to do so.

Mr. HARDIN opposed this claim, on the ground that Connecticut had received larger amounts of the money of the Government for fortifications and internal improvements, in proportion to her population, than perhaps any other State in the Union.

Mr. INGHAM said that, although that was a question of more than ordinary interest to the people of Connecticut, as involving a claim of that State upon the General Government of nearly one hundred thousand dollars, it was, in his judgment, quite as important to know whether Congress would constantly refuse to pay a demand against which no serious objection could be raised. The claims of Massachusetts, resting on precisely analogous grounds, had been recognised and paid, but no disposition had been shown to meet those of Connecticut; and he was desirous of having the question settled, whether Connecticut was entitled to the same justice which had been dispensed to Massachusetts and other States. The claim was for services rendered by the militia, and disbursements made, during the late war with Great Britain. By a resolution of the last session it was referred to the Committee on Military Affairs, which reported a bill for its liquidation and payment; and the amendment, which was proposed and lost in Committee of the Whole on the state of the Union, and which was then under consideration, was a literal transcript of the substantial parts of that bill.

But, said Mr. I., it was asserted by the honorable gentleman from Tennessee that this amendment could not be incorporated into this bill. That, indeed, was a new discovery; for there was no rule of the House opposed to it; and, in point of fact, that very bill had been so amended, both in the Senate and in the House, as to make provision for the payment of the Tennessee volunteers in 1836, or, in other words, to pay the militia of Tennessee. The two cases were, in principle, perfectly analogous; and the only tangible difference between them was, that the demand of Tennessee originated within the last twelve months, while that of Connecticut had been of twenty-two years' standing. The bill appeared to be competent for meeting the claims of the Tennessee volunteers; and, when the amendment for that purpose was offered, no such objections were heard from the gentleman; but, when it was proposed to satisfy other claims by a similar amendment, the gentleman immediately discovered that such a proceeding was not in order. They had been told that it was proper to provide in that bill for the claim of Tennessee, because it had been subjected to the examination of the Committee of Claims. True, and the claim of Connecticut had been subjected to the examination of the Committee on Military Affairs. They were both standing committees of that House, and equally entitled to its confidence and respect. The objection, at best, was a mere matter of form; and, if it was intended to act upon the subject at all, a more suitable opportunity could not be presented.

Gentlemen have said that they were ready to meet this claim whenever the bill reported by the Committee on Military Affairs should come up in its order. But

wherefore not meet it at once? The claims of other States had been transferred to, and incorporated in, the bill under consideration, instead of being suffered to remain on the calendar, and come up in their order; and where could exist the validity of the objection against the claim of Connecticut taking the same course? It was well understood by every member there, that unless the amendment should be incorporated into the bill, the subject could not possibly receive the action of that Congress. Mr. I. hoped, therefore, that he should hear no more said about taking up this claim in its order, and especially by gentlemen who proposed to be friendly to it.

It was said by the gentleman from Kentucky, [Mr. Hardin,] that about $200,000 were appropriated at the last session of Congress to improve the harbors within the State of Connecticut, and that she was "a favored State." It would be difficult to see the precise bearing of this fact, even if it were correctly stated, upon the question before the House. It was true that Congress did, at the last session, so far open its eyes to the neglected condition and just claims of Connecticut as to appropriate about $55,000, not $200,000, as stated by the gentleman, to advance the interests of commerce in that State. What was meant by the declaration that she was "a favored State," Mr. I. knew not, unless it was an act of favor to refuse payment of her honest claims upon the General Government, which had been due more than twenty years.

But the gentleman did not stop there. He had asserted that the Executives of some of the New England States, during the late war, withheld the command of their militia, when in the service of the United States, from the officers of the United States; and that he would never consent to pay for the services of militia under such circumstances; and the gentleman said he wished to know if this claim was not obnoxious to that objection. Sir, (said Mr. I.,) I will advert to the history of that claim; and, when I shall have done so, I greatly mistake the character of the honorable gentleman if he himself would not be willing to vote for its payment.

During the first year of the war, but little expense had been incurred for the defence of that State; but, in June, 1813, the frigate "United States," and her prize, "the Macedonian," were driven into her waters for protection, by a superior naval force of the enemy. They were removed a short distance from the Sound to a place of greater security, where they remained until the close of the war. The coast, throughout its whole extent, was immediately laid under a strict blockade, which was rigidly enforced until the peace of 1815. There was imminent danger that the enemy would debark in the vicinity of New London, pass over land to the ships in the river, and destroy them. To prevent such an occurrence, the militia were immediately called out in sufficient force, placed under the command of a brigadier general in the service of the United States, and posted on both sides of the river, between the British squadron and the ships. In consequence of this movement, these vessels were preserved; but the enemy soon commenced the pillage and destruction of private property. Numerous vessels were taken in Long Island Sound; and in April, 1814, a great amount of shipping was destroyed in Connecticut river. In August, of the same year, an attack was made upon the village of Stonington. The skill and gallantry with which the place was defended were matters of history, and required no commendation. The commerce of the State was suspended, and almost entirely prostrated, from June, 1813, to the close of the war. It was one of the most gloomy periods of their political history. Differences of opinion as to men, and the course of policy pursued by those in power, greatly embarrassed the administration of the General Government. The militia, however, with the most patriotic motives, rallied for the preservation of the public property—the ships of war. They did preserve them. They were saved from recapture and destruction by the enemy through their patriotic efforts. They devoted their time, they expended their money, and they hazarded their lives, for the protection of the property and honor of the nation. The enemy were compelled to recede, and the ships remained in security until the close of the war. The great and wanton destruction of private property, during that period, was justly attributable to the fact that the national vessels occupied the waters of that State, and were defended by her militia; yet (said Mr. I.) they asked no compensation for the vast amount of individual loss and suffering, but simply remuneration for services rendered, and disbursements actually made, in defending our ships of war, when they were unable to defend themselves. A more meritorious claim could not, in his opinion, be imagined. It had subsequently, in 1816, been presented to the Government for allowance, with all the vouchers and evidences in its support; but was rejected, for the reasons stated by the gentleman from Kentucky, and which he (Mr. I.) would now briefly consider.

The militia in question had been called into service under a requisition of the National Executive, and commanded by an officer of the National Government, until the 12th of September, 1814, when the command was assumed by a major general of militia, under the Executive of the State.

No change, however, occurred in the plan of operations, but the campaign was properly and successfully conducted.

It was (he said) well known that a difference of opinion existed between the chief Executive of the Union and the Executives of several of the New England States, in reference to the true construction of the 3d section of the 1st article, and the 2d section of the 2d article, of the constitution of the United States, relating to the militia of the several States when called into the actual service of the United States. An opinion was entertained, by many of the distinguished jurists in New England, that the militia of the States, when in the service of the United States, should continue to be commanded by their own officers, and not by those of the General Government. This opinion was embraced both by the Executive of Massachusetts, and by the supreme court of that State, to which the question had been submitted. Assuming such to be the true construction of the constitution, the Governor of Massachusetts refused to submit the militia of that State to the command of the officers of the General Government. The Governor of Connecticut, having also adopted similar views, accordingly, on the 12th of September, as already stated, transferred the command of the militia near New London to a major general of that body. The Executive of the United States properly resisted such a forced construction of the constitution, and refused to allow any claim for the services of militia rendered under circumstances of that character. At a subsequent date, however, when the asperity of party contests had, in some measure, subsided, Mr. Monroe, at that time President of the United States, was induced, by the solicitations of the State of Massachusetts, then urging her claim, to review the subject; and though he strictly adhered to his former construction of the constitution, under which the claims of Massachusetts and Connecticut had been disallowed, yet in view of the modified tone of public sentiment, and the disclaimer by the then Executive of the former State of the principle maintained by his predecessor, he thought it advisable to waive the objection. In a special message upon this subject, communicated to Congress on the 23d of February, 1824, he says:

"I have been led to conclude, on great consideration, that the principles of justice, as well as a due regard for the great interests of our Union, require that this claim, in the extent proposed, should be acceded to. Essential service was rendered, in the late war, by the militia of Massachusetts, and with the most patriotic motives. It seems just, therefore, that they should be compensated for such service in like manner with the militia of the other States. The constitutional difficulty did not originate with them, and has now been removed. It comports with our system to look to the service rendered, and to the intention with which it was rendered, and to award the compensation accordingly, especially as it may now be done without the sacrifice of principle. The motive, in this instance, is the stronger, because well satisfied I am that, by so doing, we shall give the most effectual support to our republican institutions. No latent cause of discontent will be left behind. The great body of the people will be gratified, and even those who now survive, who were then in error, cannot fail to see, with interest and satisfaction, this distressing occurrence thus happily terminated. I therefore consider it my duty to recommend to Congress to make provision for the settlement of the claim of Massachusetts, for services rendered in the late war by the militia of the State, in conformity with the rules which have governed in the settlement of the claims for services rendered by the militia of the other States."

Upon the communication of that message, and also upon a memorial from Massachusetts, Congress proceeded to the consideration of the subject, and, after the most mature deliberation, adopted the views of the President, determined to allow the claims, and an act was accordingly passed providing for their settlement. Under that act a great proportion of them had already been paid; and it only remained for Congress, in the present instance, to follow the same course of proceeding, and leave no further sources of jealousy or complaint. The two cases were, in all respects, precisely parallel, and the objections to them the same. Massachusetts and Connecticut had proceeded together in their difficulties with the General Government, and were, nearly at the same time, found to entertain different political sentiments. He was not (he said) and never had been one of those who approved the peculiar opinions that had given rise to those difficulties, but he believed that no consideration of that nature ought to influence him, or any other member of the House, in determining the merits of this claim. Adverting once more to the character of the claim, he would no longer detain the House. The Connecticut militia were not called into service by State authority, but under a requisition of the President; and the motives with which that call was responded to, the nature of the services rendered, their importance in securing the national property from destruction, were all facts which could not fail to commend their claim to the most favorable attention of Congress. It had never been met by any legislative enactment, but was rejected by the President, rather on the ground of expediency than positive law. The only objection ever offered to their validity had been waived by him who was principally instrumental in raising it. It had been abandoned by the President, and the payment of similar claims to the State of Massachusetts had been directed by Congress. After some further remarks, Mr. I. concluded by expressing a hope that, in the room of any further delay, the amendment under consideration would be adopted.

Mr. MANN, of New York, remarked that the State of Connecticut was not asking a favor at the hands of the General Government, but a mere simple act of justice. She was fairly entitled to the claims she now set up, and similar claims had been heretofore paid. It was not long since that a claim of the same general character, at least, had been paid to the State of Georgia, due from the time of the Revolution, amounting to between two and three hundred thousand dollars. Massachusetts, however, had been paid her claims under precisely similar circumstances, and based on the identical principles, to that of Connecticut. He was at a loss to perceive the justice of refusing this appropriation.

Mr. WHITTLESEY, of Connecticut, gave a history of the claim, and referred to the action of the Legislature of the State as an evidence of the feeling among the people on the subject. He also insisted that there was no incongruity in ingrafting it upon the present bill, for the separate bill would not be reached this session. It had been demonstrated by his colleague that Connecticut had received a very small pittance, compared with others, and in reference to her geopraphical position on the seaboard, of the appropriations of the General Government; and all he would then add was, that the history of the country showed that Connecticut had poured out her blood as freely, during the hour of peril, as any other State of the confederacy.

Mr. UNDERWOOD inquired if the proposed payment was intended to include those who fought and those who refused to muster under the authority of the United States, because he wished a distinction to be drawn.

Mr. TOUCEY replied, and showed the precise analogy between the cases of Connecticut and Massachusetts.

Mr. McKAY would vote for it, not only because he believed the claim to be a well-founded one, and just in itself, but because it was identical with the precedent set in the case of Massachusetts.

The amendment of Mr. TOUCEY was then agreed to, without a division.

Mr. McKAY then renewed his amendment to pay the claims of North Carolina for the services of her militia during the late war with Great Britain, in the cases enumerated in the act approved the 31st of May, 1830, entitled "An act to authorize the payment of the claims of the State of Massachusetts, for the services of her militia during the late war, and also the claims of said State for disbursements, &c., on account of the war," the sum of $30,000.

Mr. McKAY briefly advocated the claim, on the ground of its being strictly analogous to that of Massachusetts.

Mr. MERCER was not satisfied that the analogy had been clearly made out.

Mr. OWENS inquired if it had undergone investigation by any committee of the House.

Mr. McKAY replied that it had been submitted to the Committee of Claims during the last session, but no report had been made.

Mr. PARKER objected to this mode, which had too much prevailed in the Senate, of ingrafting amendments upon bills with which they had no necessary connexion. It was a practice he had always disapproved of, and which he would never sanction.

The amendment of Mr. McKAY was then agreed to: Yeas 86, nays not counted.

Mr. DUNLAP offered the following amendment, originally submitted by him in Committee of the Whole:

"*And be it further enacted*, That the volunteers in the State of Tennessee, who equipped themselves, and marched to the place of rendezvous, and tendered their services, according to the proclamation of the Governor of said State, in the year 1836, and were not received into the service of the United States, be paid the same, by the paymaster general, that is allowed by this act to be paid to those volunteers who were received into the service of the United States, and immediately discharged, on the commandants of the companies thus refused re-

turning, on oath, to the Secretary of War, complete returns of the number of officers and men in their respective companies, to be paid out of any moneys in the Treasury not otherwise appropriated."

Mr. D. said if the members of the House would but examine the claims of those intended to be provided for by the amendment he had just offered, he had no doubt they would with equal liberality vote for his amendment. The facts are these. The Governor of Tennessee was called on by General Gaines and the Secretary of War, during the year eighteen hundred and thirty-six, for volunteers, at different periods; and the Governor issued a proclamation, calling on the citizens of Tennessee to volunteer their services, and rendezvous at Fayetteville, in West Tennessee, and Athens, in East Tennessee, mounted and equipped, to perform a six or twelve months' campaign. There rendezvoused at those places of rendezvous more volunteers than were called for by the Secretary of War, and only a portion of them were received and mustered into service; the remainder of them, that had marched from one to two hundred miles at their own expense, who were at all the expense of purchasing horses and clothing, for a campaign of six and twelve months, had to return home at their own expense, without ever having received one cent for their expenses or services. Now, sir, the class provided for in the bill are those who marched to the place of rendezvous under the call of General Gaines, and were mustered into the service of the United States, and immediately discharged. They receive by this bill pay for six months' clothing, amounting to about thirty-four dollars each. There has not been the first voice heard on this floor against paying this last class of volunteers; and I would like any gentleman to show why one of this class of volunteers should be paid, and the others not: they were alike meritorious and patriotic, and they were at the like expense of purchasing horses and clothing. The expenses of those who were received into service were paid, and those who were not received had to pay their own expenses. If there ever was a claim that ought to be paid, Mr. Speaker, this is one. The patriotism of the citizens of Tennessee was called on by the Executive of the State, and if Congress refuses to remunerate the patriot citizens who thus marched to the standard of their country, you may call in vain for their services hereafter. They will not know whether they would be received; and if they should not, they must be at the expense of equipping and supporting themselves, without the least prospect of receiving any compensation from their Government for all the expense they would necessarily incur. Sir, if this Government wishes the services of her citizens in time of war, they must act with justness towards them, and let them know that if more of them tender their services than are required, those who are not received shall be paid all their expenses.

Mr. HUNTSMAN then addressed the House as follows:

Mr. Speaker: I solicit the attention of the House to the amendment proposed by my colleague, [Mr. Dunlap,] which contemplates the payment of those Tennessee volunteers who marched to the place of rendezvous, and were not received into the service of the United States. These troops promptly assembled at their country's call; they incurred considerable expense in procuring such horses, rifles, clothing, and equipments essential for the Florida campaign, and marched, some of them, upwards of two hundred miles to the place of rendezvous at Fayetteville, in Tennessee, with an intent to do battle against the enemies of their country. They had no constitutional scruples in regard to passing boundary lines; all they desired to know was, where were the enemies of their country; for with the enemy the business was to settle. They were some of the same men who marched to Florida, Pensacola, and to Orleans, during the last war. And as to those hardy sons of the West, all they ever want to know, on such occasions, is, that the Government needs their services, and, one thing more, where its enemies are to be found. Be it in the East or the West, the North or the South, be it by land or water, they are, and always have been, ready to march at a moment's warning to meet the enemy. This is a spirit of chivalry that ought to be encouraged instead of being repressed. What is the case before us? These troops, with the most patriotic motives, repaired to the place assigned; but some arrived in the morning, some at mid-day, and some at night.

The patriotism which burns in the bosom of every Tennesseean brought more to the place of rendezvous than the number required by the Government; and those who happened to arrive at the ground first in the morning were received into the service, and discharged; those who arrived in the evening were not received. I will ask the members of this House, and every man in the United States, what difference is there in the merit of these two classes? They both volunteered for their country's service; they both incurred considerable expense; left their homes, their families, to the injury of their private affairs, with the same object; travelled to the same point. One class was immediately received, mustered into service, and discharged, fed at the public expense. The other class, although at the same spot, for the same purpose, and at the same time, after marching upwards of two hundred miles, are not only rejected, but disallowed even one day's provision for themselves, or forage for their horses; those who were received and discharged performed not one jot or tittle more service than those who were rejected; they deserved as much precisely as they who were accepted. I invoke the justice and the magnanimity of Congress to allow the second class the same compensation you do the first; for their losses will be great enough then in buying horses, clothes, arms, and equipage, they would not have purchased but for the prospect of serving their country; many of them, in addition to this, lost the business or employment in which they were engaged, and suffered serious injury thereby. Neither the justice of the country nor the policy of the Government requires at our hands that we should refuse payment to these meritorious men.

After some remarks by Mr. WHITTLESEY, of Ohio, in opposition to the amendment, it was disagreed to, without a division.

Mr. BELL (in the unavoidable absence of his colleague, [Mr. Peyton,] whose attendance was required, by order of the House, on one of the select committees) renewed the amendment offered by Mr. Peyton in Committee of the Whole, as follows:

"For the pay of the Tennessee volunteers who were called out and mustered into the service the 10th of December, 1812, dismissed provisionally in April, 1813, called again into the service in September, 1813, and discharged finally on the 10th of December, 1813, five months' full pay, which they have never heretofore received."

The amendment was disagreed to, without a division.

Mr. LAWLER moved to amend the amendment by adding an appropriation of $15,000, as one month's pay to the volunteers of the State of Alabama, who marched to the place of rendezvous at Vernon, but who were not mustered into the service of the United States, in consequence of the neglect of the officer of the Government to whom the duty had been assigned.

Mr. DENNY wished to inquire from the gentleman from Alabama [Mr. Lawler] to what officer allusion was made in this charge of neglect. He (Mr. D.) would like to know whether there was any foundation for the

charge. He was not disposed to pass censure, even by implication, without knowing why, and of what nature the charge might be.

Mr. LAWLER said that the evidence in this case had been referred to the Committee on Military Affairs, and it was not in his power at this moment to turn to it. He would, however, state the facts as they were known to exist. He was not prepared to give the name of the officer alluded to. The troops had been called on to rendezvous at Vernon, in Alabama; they had marched a hundred miles for that purpose, and the Government officer failed to attend to muster them. They remained some days, and then were compelled to disband.

Mr. DENNY said he had no objection to pay these volunteers, if they had performed any service which entitled them to be paid. But he objected to any member's getting up in his place here and charging an officer of the United States Government with neglect of his duty. This was not doing justice to an officer of the army; let him be arraigned before the proper tribunal. The gentleman from Alabama got up here, and, for the purpose probably of making his claim in this case stronger than it really was of itself, made an indirect charge against an officer of the United States. He (Mr. D.) thought this proceeding was gratuitous.

It might be, as the gentleman had stated, that they assembled at the place alluded to, and were not mustered into service; and, if so, he (Mr. D.) would say, let them be paid, if the case came within the provisions adopted for the regulation of the claims of volunteers. But it was improper thus indirectly to make a charge of neglect, when no evidence of the kind appeared. There were not facts before the House to justify it in sanctioning such a charge; and why should the words of the amendment be at war with the facts? If the gentleman was in possession of any facts, let him make them known in the proper place.

Mr. LAWLER said that, in proposing this amendment in its present shape, he had no intention of wounding the sensibilities of the gentleman from Pennsylvania, [Mr. DENNY,] or of making a charge against the conduct of any officer of the Government. He had simply intended, in justification of the rightful claim of these volunteers on the justice of Congress, to state what the fact was, without any purpose of arraigning this officer before the country for the neglect of his duty.

But if this was the true and only objection of the gentleman to this amendment, he (Mr. L.) would obviate all cause for objection, by modifying the language in that particular; and he would then see whether any other objection would be raised against one of the plainest and most just propositions that had ever been presented to the House.

Mr. L. then modified his amendment, so as to leave out the words "because of the neglect of the United States officer to whom the service was assigned."

After some remarks from Messrs. MERCER, CRAIG, LAWLER, CAMBRELENG, MARTIN, CHAPMAN, and CAVE JOHNSON,

The question was taken, and the amendment was rejected.

Mr. OWENS renewed his motion, made in Committee of the Whole, to amend the amendment by adding the following:

"That the sum of twenty thousand dollars be appropriated to reimburse the State of Georgia for money expended, or to be expended, by said State, in payment for the services of volunteers in the Creek and Seminole wars, for losses sustained by them, and medical attendance furnished them, during said service, or in going to or returning from the place of rendezvous; the said volunteers not having been regularly mustered into the army of the United States, and, under the existing laws, not entitled to pay, but authorized to be paid by an act of the Legislature of the State of Georgia, passed 26th December, 1836, provided that good and sufficient evidence be furnished the War Department that the said volunteers, in said act designated, have been paid by said State, in conformity with its provisions."

And, without debate, the amendment was rejected.

Mr. FORESTER moved to amend the amendment by inserting after the words which relate to the payment of the volunteers "of Kentucky, Tennessee," &c., the words "including the companies in the State of Mississippi mustered into the service." Agreed to.

The question then recurring on concurring with the Senate in its amendment, as amended by the House,

Mr. HARDIN asked the yeas and nays; which were ordered.

And, after some remarks from Messrs. MASON of Ohio, LINCOLN, CRAIG, TOUCEY, and GRAVES,

The question was taken, and decided in the affirmative: Yeas 123, nays 56.

So the amendment, as amended, was agreed to.

And the question recurring on concurring with the Senate in their several amendments, as amended by the House, it was decided in the affirmative.

So the several amendments, as amended, were agreed to.

FORTIFICATION BILL.

The House took up the "bill making appropriations for certain fortifications of the United States for the year 1837," reported from the Committee of the Whole with amendments.

The amendments of the Committee of the Whole having been concurred in,

Mr. BUNCH then moved an amendment to the Senate's amendment, to insert after the word "Mississippi," the words "including the companies in Mississippi mustered into the service;" which was agreed to.

Mr. CLAIBORNE, of Mississippi, said that on two previous occasions he had expressed his views at length upon the proposition under consideration. He now merely rose to state that he could not be induced to acquiesce in the amendment, but for the fact that no returns or muster rolls had been sent on from Mississippi, except for two companies. He made this statement for himself and colleague. If the muster rolls could be found at the War Office, he would insist, and he knew this House would allow, a full and fair compensation to every Mississippi volunteer. Under present circumstances, (there being no muster rolls, no papers upon which the Committee of Claims could make an estimate or report,) he could only regret that those who had sacrificed so much to obey the summons of their country must remain unpaid until the next session.

The amendment making an appropriation of $50,000 for fortifications at New London having been read,

Mr. McKAY moved a proviso, that this sum should be expended on Fort Griswold, or a new fortification to take its place; which was agreed to.

Mr. PARKS then renewed his amendment appropriating $80,000 for fortifications at the mouth of Penobscot river; which was agreed to.

DISTRIBUTION QUESTION.

Mr. BELL then renewed his amendment, offered last evening to the bill, as follows: That the money which should be in the Treasury of the United States on the 1st of January, 1838, reserving the sum of five millions of dollars, should be deposited with the several States, according to the 13th, 14th, and 15th sections of the "act to regulate the deposite of the public moneys," approved 23d of June, 1836.

Mr. GRAVES addressed the House in favor of the amendment.

Mr. REYNOLDS, of Illinois, said he was utterly astonished that a subject so palpably plain and easy to comprehend, and so manifestly just and right within itself, should meet with such opposition as it did in this House.

If I were turned out into the wide world in search of plain and simple propositions, (said Mr. R.,) I would at once settle down on the one before the House. Its latitude and longitude, and all its various bearings, can be marked with mathematical precision. No one can misunderstand it, "if he has an eye to see or an ear to hear." To give back to the people their own money, which is not wanted for the expenses of Government, seems to me to require no argument to support it.

This is the proposition now before the House. Any argument to sustain such a self-evident truth will obscure it, and add nothing to its standing in the mind of any individual.

My astonishment is greatly increased to see my personal and political friends oppose the measure. For the good sense and honesty of those friends I have the most profound respect and veneration. I am proud that I am honored with their confidence. This friendship has made a lasting impression on my heart, so that I am the more aggrieved to know that we may separate on this subject. I hope we will not disagree on such a proposition, which is so conducive, in my opinion, to the best interests of our country.

I cannot see any necessity for a party action on this subject. My political friends, with whom I have had the honor to act, cannot discover any grounds on which to separate. I have been found "working in the harness" with them on all occasions, and will continue to observe the same course, let the fate of this proposition be decided one way or the other. I am not one of those individuals to condemn my political friends if they do not act in every particular as I do. On this occasion, they may possess some powerful reason of which I am ignorant. I am one of the militia in our household. I do not aspire to be a violent partisan, so as to follow party, with my eyes shut, against common sense and the good of my country.

This being my situation, it may be the cause I cannot see the reasons by which some of my political friends are influenced on this subject. It is not unreasonable to see parties organized in every country. They are in this republic, and it would not require the talents of a philosopher to see that they exist in this House. In order to advance the best interests of the country, certain measures must be pursued. These measures ought to be founded on principle, to advance the common welfare of the country. To prosecute these measures parties must be formed and organized. I have always understood that this was the object of the great democratic party in the United States. To advance the best interests of my country was, and is still, my object in acting with this party. I have been with it "time immemorial." "The memory of man runneth not to the contrary." Being in this situation of mind and body, I appeal to my compeers, my political friends, to unite and act together on this subject, which to my mind is so eminently calculated to advance the welfare of the country. The militia of our party at the last session of Congress achieved a victory on this self-same subject, and thereby restored to the people their own money, after deducting from it all the appropriations which the public good required. These troops, without their file leaders, captains, or sergeants, associated together, and, with the good of their country stronger impressed on their hearts than any party discipline, achieved the victory above alluded to. I hope I will have the pleasure to see the same men act in the same manner on the same subject, this year, as they did the last. There is nothing in the nature of the subject to change the principle on which we acted at the last session of Congress. The people, to my knowledge, have not remonstrated against the act of the last session on this subject. In the name of God, can we expect that the people will be displeased to have returned to themselves their own money, which the public expenditures do not need? The militia, I may term them the national guard, will again assemble around the national standard, and, without the interference of their drilled and drilling officers, sustain this proposition, which will, in my opinion, be hailed by our countrymen as one of the best acts of this or any other session of Congress.

Mr. Speaker, this proposition standing pre-eminently above the necessity of argument to sustain it, I will consider some of the objections which are urged against it. It is contrary to the rules of this House to consider arguments which have been made in the Committee of the Whole. Although these arguments were used with no doubt powerful effect in the committee last night, yet we are not at liberty to speak of them in this House. This is, in my opinion, like many other rules, positively against common sense, and against the advancement of the public business. The members composing the Committee of the Whole are the same who constitute this House, have the same faculties and reasoning powers in one case as in the other, and, I presume, have the same sentiments concerning this proposition in this House at this time as they expressed last night in the Committee of the Whole; yet we cannot combat these arguments here, and show their fallacy. The general and common-place objection is, that there will be no surplus revenue in the Treasury to distribute. This argument was suggested to me by my friends who sit near me before I had the honor to address the Chair. It is to my mind an objection that is not even blessed with a relationship to good sense. It is an orphan in the world, without a godfather. Most objections, even if they are without foundation, can employ some sort of arguments to sustain them; but it is not the case with the one before us. Even the simplest statement of the case ought to put it to rest forever; that, if no surplus, no distribution. If there is no surplus revenue, the act of Congress will remain a dead letter in our statute books, and will be, in that respect, similar to a thousand other inoperative paragraphs in these books. I cannot see why a provision cannot be enacted, to be perpetual, and lasting forever, in relation to this policy. If it be right in one year, it will be proper and right at any other and at all other times. It would be a singular provision for a miller to have a wastegate to let the surplus water off his mill-dam for one year alone, and let the accumulation of water at other times break his dam. This may be considered a very humble comparison; but it is one known to every body, and is, in my opinion, applicable to the case before the House.

Mr. Speaker, I can compare our situation to that of people in a steamboat, in danger of exploding from an excess of steam. What is to be done in such a case? Do you think, sir, that any man of common sense on board the boat would deliberately keep up the steam, and endanger the vessel and all on board, by inevitable explosion? The prompt remedy would be to let off the steam. So with the surplus. Let it off. Yet I have no fears of the United States exploding if the surplus revenue remain in the banks, or in the pockets of the people.

The conspicuous figure an honorable gentleman recently exhibited on this occasion has made a lasting impression on my mind, and such as I hope the House will indulge me in noticing. The gentleman, with all that sage solemnity with which he is so eminently gifted, attempted to raise the curtain of futurity, and permit

us, the uninitiated, to take a glimpse at the awful things which would take place, if the proposition to distribute succeeded. The dissolution of the Government was approaching to probability, and he himself was laboring under the awful responsibility of warning the world "to flee from the wrath to come." Moreover, if I recollect correctly, he advanced an idea that he then considered the Government of the United States as resting on his back. This speech brought forcibly to my mind the fable of Colonel Atlas, of ancient times, "sustaining the heavens on his shoulders." One story had in it about as much truth as the other. The *locus in quo* of these Government dissolutions has been changed from the South to the North.

Mr. Speaker, another objection urged against this measure is, that the proposition is not attached to its "yokefellow;" the amendment is not made to a proper and appropriate bill. I would appeal to the good sense of the members, who are now honoring me so much with their attention on this occasion, if it be not a singular time now, at the close of a short session, to make this objection. If we had time to devote to etiquette, and nice and strict ceremony, then the argument might be considered. These *secundem artem* gentlemen must have more time than we now have, to urge these objections with any hopes of success. I am not at all acquainted with nice dandyism; but I am told, by their rules and regulations, a person is the most genteel to wear a suit of clothes all of the same color; yet I see around me gentlemen clad in different colors, and still appear to a great advantage. So it will be with the amendment to the bill before the House. The proper officers of the Government will both find it and execute it, if we pass it.

Mr. Speaker, another objection is, that it is improper, and even some say it is unconstitutional, to raise a surplus fund for distribution. It would be extremely unwise to collect money and distribute it to the people again. I have no hesitation in saying that such an idea never once entered the heads of the framers of the constitution. It would be not only unwise, but absurd, to suppose the people would permit such an idle ceremony to go on, without either honor or profit to themselves. This proposition does not impose the necessity on Congress to raise a revenue to distribute it. It only provides, if there exist a surplus in the Treasury on the 1st of January, 1838, then, and in that event, to distribute it among the States in the proportion mentioned in the amendment. Such surplus existing in the Treasury is a misfortune; but it is one from which we can be relieved with the greatest ease. In Governments, as in other things, we cannot expect perfection. The object of Government, in this respect, is to raise a revenue proportionate to the wants of the Government; but it is not in the power of the human mind, it is not in the compass of human wisdom, on all occasions, to make the revenue correspond with the expenditures of the Government. The means by which we raise our revenue are such that we cannot expect to make the one equal to the other on all occasions. When we have not enough revenue, we borrow to make up the *deficit*. When we have too much, why not send it back to the people in their State Legislatures?

I have, on all occasions, voted for every proposition to reduce the tariff duties, and to abridge the sales of the public lands in such manner as for the revenue to meet the wants of the Government. I think Congress has the power to remodel what is called "the compromise act." The sales of the public lands should be confined to actual settlers, and that at reduced prices, for lands which have been in market for a number of years. If this course had been pursued, and the proper reductions made, we would have had no trouble on the subject of the surplus revenue. I make no charges against the chairman of the committees having these subjects in their charge, of neglecting their duties; but I do not see why both the subjects of the sale of the public lands and the reduction of the tariff duties might not have been acted on at the present session. I was at all times ready to act on them, with or without speeches.

It is agreed on all sides that money is a dangerous neighbor, and has a corrupting influence. It is like Satan in the garden of Eden. Gentlemen who contend against this amendment say that this money will corrupt and injure the people and their State Legislatures by distributing it.

Mr. Speaker, I cannot discover the force of the argument that induces them to arrive at this conclusion. It may impose on the State Legislatures more business and responsibilities in the discharge of their duties; but it cannot have a necessary tendency to corrupt the people.

If this proposition be rejected, and the money deposited in the pet banks, what will be the consequences? There is, to say the least of it, more danger of corruption in the latter case than in the former. These banks are private corporations, and responsible to nobody, further than they are bound by dollars and cents. They have the power, and will act to the best advantage to make money, and to retain the money that may be deposited with them. They are sharp and shaving and skinning in their operations, and will move in very acute angles to make money.

I will present to the House another view of these banks, as to their solvency. It was in former days very fashionable for banks to break and become insolvent to a vast amount of money. This is a matter of history known to every body, legislative, judicial, or otherwise. The country may again be visited with such a calamity as heretofore, and the banks, from one end of the confederation to the other, may either become insolvent or collapsed to such extent as to be unable to pay the governmental deposites. The Government has already lost vast sums by banks. The surplus funds being deposited in these banks, thus situated, and liable to insolvency, I would ask any candid man to say in which situation would the money be the most secure—in the banks, or in the hands of the people, managed by their State Legislatures? It seems to me that no man can lay his hand on his breast and say that the money is as secure in the banks as with the people themselves. If the public money be intended for deposite only, in the possession of the States it is safe. If it never is to be returned, then it is also safe in the people's own pockets.

Mr. Speaker, it seems unreasonable to me that the banks should use this public money, with all their liabilities to insolvency and their natural tendency to skin, and that, too, without profit to the Government, when the same money may be safe in the hands of the people, and used to their own advantage.

[At this time the hour (three o'clock) had arrived, when the House took a recess.]

EVENING SESSION.

The House met at half past four o'clock. The pending question was on the amendment to the amendment proposed by Mr. BELL, and which was under discussion when the House took a recess.

Mr. HARDIN moved a call of the House.

Mr. E. WHITTLESEY suggested that the House should take up, with a view to reference, the bills on the Speaker's table, passing over such as would create debate.

Mr. YELL objected. The bill first on the list was the land bill, and he would not consent, under any circumstances, that that should be passed over.

Mr. E. WHITTLESEY said he would then withdraw his motion. If the gentleman from Arkansas [Mr. Yell] was willing to sacrifice the whole business of the country to that one bill, so be it.

Mr. McCARTY said there was a Senate bill on the table, to the reference of which his friend from Arkansas would, he was sure, not object; and that was the bill making appropriation for the Cumberland road. Mr. McC. moved that it be taken up and referred.

Mr. YELL objected. He had himself two or three bills on the table, which he was very anxious to have referred; but he would rather that they should all go down together, than that the land bill should be put aside.

And, the question on the motion of Mr. Hardin having been taken, a call of the House was ordered.

And, the roll having been called, one hundred and one members answered to their names.

Mr. ANTHONY moved a suspension of the proceedings on the call; which motion was rejected.

The Clerk proceeded to call the names of the absentees,

When Mr. GRENNELL again moved a suspension; which motion was rejected.

The roll of absentees was gone over, and there appeared one hundred and sixty-two members present.

On motion of Mr. CAMBRELENG, all further proceedings on the call were suspended.

The amendment to the amendment having, on motion of Mr. MERCER, been read,

Mr. HARDIN called for the yeas and nays; which were ordered.

Mr. BOON inquired if it was in order now to offer another amendment.

The SPEAKER said it was not in order to offer an amendment to an amendment.

Mr. C. ALLAN said that, as the question before the House was extremely important, and as there was not a large number of members present, he would move a call of the House; and on that motion he asked for the yeas and nays; which were ordered, and, being taken, were: Yeas 72, nays 121.

So the call was rejected.

The question then recurred on the adoption of the amendment to the amendment, and it was decided in the affirmative: Yeas 114, nays 92, as follows:

Yeas—Messrs. Adams, Alford, Chilton Allan, Heman Allen, Anthony, Bailey, Bell, Bond, Boon, Bouldin, Briggs, Buchanan, Bunch, John Calhoon, William B. Calhoun, Campbell, Carter, Casey, George Chambers, John Chambers, Chetwood, Childs, Nathaniel H. Claiborne, Clark, Connor, Corwin, Crane, Cushing, Darlington, Dawson, Deberry, Denny, Dunlap, Everett, Forester, Fowler, French, Graham, Granger, Graves, Grayson, Grennell, Griffin, Hiland Hall, Hard, Hardin, Harlan, Harper, Samuel S. Harrison, Hawkins, Hazeltine, Henderson, Hiester, Herod, Hoar, Hunt, Huntsman, Ingersoll, William Jackson, Janes, Jenifer, Henry Johnson, Kennon, Kilgore, Lane, Laporte, Lawrence, Lay, Luke Lea, Lewis, Lincoln, Love, Lyon, Job Mann, Samson Mason, Maury, May, McCarty, McComas, McKennan, Mercer, Montgomery, Morris, Parker, James A. Pearce, Pearson, Pettigrew, Phillips, Pickens, Potts, Reed, Rencher, John Reynolds, Robertson, William B. Shepard, Augustine H. Shepperd, Shields, Slade, Spangler, Sprague, Standefer, Steele, Storer, Sutherland, Taliaferro, Waddy Thompson, Underwood, Vinton, Washington, White, Elisha Whittlesey, Lewis Williams, Sherrod Williams, Young—114.

Nays—Messrs. Ash, Barton, Beale, Bean, Beaumont, Black, Bockee, Borden, Bovee, Boyd, Brown, Burns, Cambreleng, Chaney, Chapman, Chapin, John F. H. Claiborne, Cleveland, Coles, Craig, Cramer, Crary, Cushman, Doubleday, Fairfield, Farlin, Fry, Fuller, Galbraith, James Garland, Gholson, Gillet, Grantland, Haley, Joseph Hall, Albert G. Harrison, Haynes, Holt, Hubley, Huntington, Ingham, Jarvis, Joseph Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Klingensmith, Lansing, Lawler, Gideon Lee, Joshua Lee, Leonard, Logan, Loyall, Lucas, Abijah Mann, Martin, William Mason, Moses Mason, McKay, McKeon, McKim, McLene, Miller, Muhlenberg, Owens, Parks, Patterson, Patton, Franklin Pierce, Dutee J. Pearce, Phelps, Pinckney, Joseph Reynolds, Rogers, Schenck, Seymour, Shinn, Sickles, Smith, Taylor, Thomas, John Thomson, Toucey, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Webster, Thomas T. Whittlesey, Yell—92.

So the amendment to the amendment was adopted.

Mr. MANN, of New York, moved to amend the amendment by inserting after the word "States" the following: "in proportion to the ratio of the representation of such States in the House of Representatives of the Congress of the United States."

Mr. M. wished merely to say that, in offering this amendment, he asked for nothing more than the vote of the House besides the principle contained in it, which presented the question whether the principles of the constitution of the United States were to be adhered to or not.

Mr. YELL said that, before the vote was taken on this important subject, he wished to say but a few words; and he would be as brief as possible, because at this late day he was not disposed to detain the House, and thus obstruct the general course of business. He deemed it proper to avail himself of the occasion to briefly and freely express the reasons which had governed his course in relation to the proposed amendment to the bill; and this he was bound to do, in justice to himself and the young and flourishing State he had the honor to represent. I voted, Mr. Speaker, (continued Mr. Y.,) against the amendment proposed by the gentleman from Tennessee, [Mr. Bell,] because I am of opinion that this bill, if passed, and sanctioned by the President, (and I trust that it never will receive the countenance of that distinguished man and illustrious statesman,) will at once establish a system demoralizing and corrupting in its influences, and tend to the destruction of the sovereignty of the States, and render them dependent suppliants on the General Government. The power and patronage of this Government should not thus be perverted for the base purpose of degrading and withering the independence of the States; that glorious independence, Mr. Speaker, which, sneer at it as gentlemen may who come from particular sections of the Union—sections, sir, where aristocracy is getting the mastery of our democratic and federative principles—must be the last bulwark of liberty. But, sir, I am opposed to this measure on other and not less tangible grounds. Sir, I behold in this plan of distribution, what every enlightened mind can readily discover, a deep and a matured plan, conceived and nurtured by the high tariff party, to continue and consolidate their odious scheme of injustice and oppression. And, strange as it may appear, it is now advocated, and probably will receive the votes of gentlemen from the Middle and Southern States, once the uncompromising opponents of the tariff principle, but who now are ready to fall at the foot of Baal, and sacrifice former principles and professions for the purpose of filling their State treasuries at the expense of the people—by recognising and establishing a system of taxation as oppressive as it is unconstitutional. And, sir, the brave and hardy people of the young and vigorous State which I have the honor to represent are called on to subscribe to such heresies and denationalizing dogmas. The man who expects any thing of the kind from the people of Arkansas knows

but little of their character; or, knowing it, would basely misrepresent them, and bow at the temple of Mammon.

This measure of distribution, since it has been a hobby horse for gentlemen to ride on, has presented an anomalous spectacle. The time yet belongs to the history of this Congress, when honorable gentlemen from the South and the West were daily found arraying themselves against every species of unnecessary taxation, boldly avowing that they were opposed to any and all tariff systems which would yield a revenue beyond the actual wants and demands of the Government. Such was their language but a few weeks or months ago; and, in proclaiming it, they struggled hard to excel each other in zeal and violence. And now, sir, what is the spectacle we behold? A system of distribution, another and a specious name for a system of bribery, has been started; the hounds are in full cry; and the same honorable and patriotic gentlemen now step forward, and, at the watchword of "put money in thy purse; ay, put money in thy purse," vote for the distribution or bribery measure, the effect of which is to entail on this country a system of taxation and oppression which has had no parallel since the days of the tea and ten-penny tax—two frightful measures of discord, which roused enfeebled colonies to rebellion, and led to the foundation of this mighty republic. But we are told, Mr. Speaker, that this proposed distribution is only for momentary duration; that it is necessary to relieve the Treasury of a redundant income, and that it will speedily be discontinued! Indeed, sir! What evidence have we of the fact? What evidence do we require to disprove the assertion? This scheme was commenced the last session; it has been introduced to this; and let me tell you, Mr. Speaker, it never will be abandoned so long as the high tariff party can wheedle the people with a siren lullaby, and cheat them out of their rights by dazzling the vision with gold, and deluding the fancy by the attributes of sophistry. Depend upon it, sir, if this baleful system of distribution be not nipped in the bud, it will betray the people into submission by a species of taxation which no nation on earth should endure.

Mr. Speaker, I will not wantonly impugn any man's motives, nor will I speak to wound any man's sensibility; but I must be permitted to speak plainly and with candor, and I trust no one will deem me discourteous if I frankly remark that the conduct of certain Southern gentlemen, in relation to this subject, has been, to say the least of it, equivocal, and has almost tempted me to doubt the evidence of my own senses. Are they sincere and disinterested? It is not my province to doubt them; but let me say, sir, that they appear to demonstrate by their acts a degree of insincerity, if their former professions can be relied on; for, though once loudly clamorous against the tariff, they are now found engaged, by means not decidedly indirect, opposing any measure that has a tendency to reduce taxation. They assail the land bill, because it would reduce the tariff some $15,000,000 or $20,000,000; and show most clearly and conclusively, by their votes, that they will not go for those measures of reduction for which the South has so long contended. Their only object now appears to be the creation of a redundant Treasury, for the miserable purpose of distribution.

Mr. Speaker, this scheme of accumulation and distribution presents to the world a spectacle equally to be deplored and ridiculed. To combat it with argument would be to waste the time of the House and the country in discussing an absurdity. The whole system is not only wrong, but it is contemptible. What is it, sir? Ay, sir, what is it? It is a scheme to tax the South and West, to protect the manufactures of the North—of New England—that section of the country which is now engaged in generating agitation and strife, for the openly-avowed purpose of sapping the institutions of every State south and west of the Potomac, and rendering them mere colonial dependencies, the servile hacks and serfs of New England. It is a scheme to tax you and me, sir, and the Sergeant-at-arms, if you please, by the way of analogy, for the purpose of putting into our pockets ten cents out of every dollar that the hand of oppression took out of our pockets. The scheme, sir, to say nothing of its injustice, is contemptible; it is unworthy of the enlightened age in which we live; it sets all the principles of political economy at defiance, laughs Adam Smith, Say, Ricardo, and Bentham, to scorn; and where, let me ask, was the world ever before regaled with the spectacle of a people's taxing themselves to the tune of millions, for the purpose of paying the surplussage back again, at a discount of ninety per centum; taking from the citizen a dollar, for the purpose of giving him ten cents? But, sir, I will not discuss a proposition so monstrous.

Mr. Speaker, I appeal to gentlemen to say if they are prepared to oppose a proposition to reduce the revenue to the wants of the Government, by reducing the tariff on imports, or by the passage of a land bill, if they were certain that the surplus was to remain in the Treasury. I am satisfied that no gentleman would vote for a system which would tend to fill the Treasury, without a certainty of their receiving a portion of the plunder; and yet we find those very men, by their votes, filling your public coffers so as to enable them to receive their portion of the spoils.

Sir, (continued Mr. Y.,) I enter my protest against a system of bargain and corruption, which is to be executed by parties of different political complexions, for the purpose of dividing the spoils which they have plundered from the people. If the sales of the public lands are to be continued for the benefit of the speculators who go to the West in multitudes for the purpose of legally stealing the lands and improvements of the people of the new States, I hope my constituents may know who it is that thus imposes upon them a system of legalized fraud and oppression. If, sir, my constituents are to be sacrificed by the maintenance of a system of persecution, got up and carried on for the purpose of filling the pockets of others to their ruin, I wish them to know who is the author of the enormity. I had hoped, Mr. Speaker, and that hope has not yet been abandoned, that, if ever this branch of the Government is bent on the destruction of the rights of the people and a violation of the constitution, there is yet one ordeal for it to pass, where it may be shorn of its baneful aspect. And, Mr. Speaker, I trust in God that, in its passage through that ordeal, it will find a *quietus*.

Mr. Speaker, I was perfectly astonished to see such a proposition as the one before us emanating from the gentleman from New York, [Mr. MANN;] and, sir, I would like to know if it is to be considered a "premonitory symptom" of the coming administration. If it is to be considered in such a light, I, for one, wish to know it, though a warm supporter of the President elect; for if it be his policy to plunder one portion of the country to fill the pockets of the other, I shall withdraw my support from that distinguished man; but where I shou'd go, sir, would be a matter of doubt and uncertainty. Sir, I hope that Mr. Van Buren contemplates no such policy; and the gentleman from New York, in starting this monstrous measure, has, I hope, acted on his individual responsibility. But if this scheme should succeed, Mr. Speaker, my constituents are to be sold to the manufacturers of the North; they are to be plundered of half they are worth by this unholy scheme or combination; and, when I contemplate these facts, I am astonished to see the proposition of the gentleman

from New York, which proposes to take two thirds of the spoils, which the amendment of the gentleman from Tennessee [Mr. Bell] would give them, and divide it among the large States.

Mr. Speaker, before I resume my seat, let me say that if a firm effort had been made to reduce the tariff to the wants of the Government, and it had failed, if the land bill now on your table had been taken up and negatived, and all attempts to get rid of a redundant Treasury had proved unavailing, in that event I should not have interposed an objection to a distribution, for the best of reasons. It would then have been the duty of the National Legislature to distribute or loan to the States such surplusage as might be on hand, after defraying all the expenses of the Government. Then, sir, in such an event, I should not have hesitated to vote for the distribution, because I should consider the money more safe in the hands of the people than in any Government bank, subjected to the temptations of the speculator, and to frauds and failures. But, sir, if this distribution must take place, if the people must "touch the coin, though it do blast them," I hope that something like honor will be manifested in the manner of disposal; and, let me add, sir, if the plunder must come to us, I hope that my constituents, unlike him of old, who accepted the thirty pieces of silver, may be accused, not indeed of betraying the Saviour of mankind, or of betraying their country, a kindred enormity, but of having been forced to participate in a revel among the spoils of the people, contrary to their own wishes, better opinions, and sounder judgment.

I have deemed myself called upon to say thus much on this subject. I entertain no fears for the issue. I represent the wishes and opinions of the people of Arkansas—a people, sir, who, though they have just sprung into political existence, are too pure to be corrupted by your gold, too enlightened to be deceived, too brave to shrink from danger, and too patriotic, too noble, and too independent, to be sold like sheep in shambles. To them, sir, I hold myself responsible for all my public acts; and I have studied them to little purpose if my conduct on this occasion does not meet their approbation.

Mr. WILLIAMS, of Kentucky, said, though he himself was in favor of the amendment of the gentleman from New York, yet he submitted the question of order to the Chair, whether an amendment could be moved to one already adopted, which went to change its principle.

The CHAIR ruled the amendment to be in order, because it might come in as a second branch of the proposition. It would not be in order to move to strike out any part of the adopted amendment, but it would be in order to add a paragraph or a proviso to it.

Mr. BOON said that if the proposition then under consideration, to distribute any portion of the surplus revenue among the States, that may be in the Treasury on the 1st day of January, 1838, should become a law, he sincerely hoped that the amendment offered by the gentleman from New York [Mr. Mann] would be rejected by the House. Sir, (said Mr. B.,) a more unjust proposition toward the new States could not have entered into the mind of man than the one proposed by the honorable member from New York; and, more especially, the State which Mr. B. had the honor in part to represent on the floor of Congress. Sir, (said Mr. B.,) if a distribution of the surplus revenue (if any there be) shall be made upon the basis of representation in the House of Representatives, manifest injustice would be done to all the new States.

Under the census of 1830, the State of Indiana is entitled to seven Representatives upon this floor; whereas, at this time, from the increase of population since the year 1830, Indiana would be entitled to at least twelve, if not thirteen, Representatives in Congress under the present ratio of representation among the several States; whereas, in most of the old States, the increase of population since the year 1830 has not been such as to increase the number of their Representatives in Congress under the present ratio, apportioning the number of Representatives in Congress among the several States of the Union. Now, Mr. Speaker, I ask if, under this view of the subject, manifest injustice would not be done to the new States, should the amendment offered by the gentleman from New York be adopted by the House.

Mr. B. said that he had voted for the distribution bill of the last session of Congress, and he had just voted for the same principle by way of amendment to the bill now under consideration; but he would take the opportunity then afforded him to say that, in both instances, he regretted most sincerely that circumstances should have compelled him to vote for or against the measure. Mr. B. said that he had, on all proper occasions, opposed the policy of taxing the people for the purpose of raising a surplus revenue, to be distributed among the several States, as such a system would be to tax the many for the benefit of the few. Gentlemen might endeavor to make the system popular, by pretending to return to the dear people that which they have been instrumental in wresting from the pockets of the people, by an unholy system of taxation not demanded by the wants of the Government.

Mr. B. said that he had not yet given up to despair. He yet felt encouragement in the firm conviction that the day was not far distant when the freemen of this country would indignantly throw off the shackles that have already too long enslaved them, and would not longer be humbugged by false pretences of having returned to them the money which has been wrested from their pockets by a system of over-taxing the many for the benefit of the few. The people are now told by a certain class of politicians that there is remaining in the Treasury a considerable amount of money over and above the wants of the Government, which ought to be returned to, and distributed among, the dear people of the several States. And how, I ask, is it to be effected with advantage to the great body of the tax-paying community? Why, sir, after an odious and unjust system of taxation has been fastened and riveted upon the people, by which a large surplus revenue is produced, and after deducting about twenty-five per cent. for collecting the same, it is then most graciously proposed to distribute the remainder thereof among the several States, in order that it may again return to the dear people, whose interest and future welfare are always so near the heart of the political demagogue.

The tax-paying people of this country first earn the money that pays their taxes under the authority of law, by the sweat of their brow, and by the sweat of their brow they will have to re-earn their respective portions of the surplus revenue when it shall have been deposited in the State treasuries. The true question to be decided by the people of this country is, shall there be a new and novel policy introduced in this Government, which has for its object the raising of a surplus revenue for distribution among the States; or shall the taxes of the people be reduced to the legitimate wants of the Government? This is the only true issue to be made before the people; and to this question the public mind should be particularly drawn by all those who stand opposed to monopolies, and all privileged orders of every character whatever.

The people will be fully satisfied in a short time, that the depositing of the surplus revenue in the several State treasuries will not have the effect of again returning to the people their respective portions of the money that has been unnecessarily and unrighteously drawn

from their pockets by an unjust system of taxation by the General Government. Mr. B. said that, in looking into this subject of creating a surplus revenue to be distributed among the States, he could view it in no other light than having a direct tendency to destroy the independence of the State Governments; and if possible to do so, to corrupt the people themselves with their own money. The question of every wise legislator in Congress should be as to the best mode of reducing the taxes already imposed on the people so as to raise a sufficient amount only of revenue to supply the legitimate wants of the General Government, and not as to what shall be done with the surplus revenue. Reduce the burdens of taxation now imposed upon the people to the wants of the Government, and leave the surplus where it should be—in the pockets of its rightful owners.

Mr. McKEON said he was satisfied, from the course the debate had taken, that a general impression existed that something ought to be done, and without delay, to remedy the difficulty in which the country was now placed by its overflowing Treasury. He, in common with many who had addressed the House on this subject, believed that a reduction of the revenue ought to be attempted; and he thought that a favorable opportunity was now presented to gentlemen who were anxious to reduce our receipts, to exhibit the evidence of their zeal. The tariff bill offered a fair opportunity. He inquired of the Chair if it would be in order to offer, as an amendment, the bill of his colleague, [Mr. CAMBRELENG,] or the bill from the Senate in relation to a reduction of the tariff. [The CHAIR said it would not.] Sir, if it is not in order, I must submit. I am disposed to believe that if distribution is now before us, the measures which would reduce your revenue might not be out of place. On every side it is admitted that your income far exceeds the wants of the Government; and yet, it appears, we are called upon to continue legislation calculated to keep up this strange system. I was one of that small minority which, at the last session of Congress, voted against your deposite bill, as it was called, but a distribution bill in fact. I have seen that minority more than doubled on the vote just taken. I have not regretted, as yet, the opposition which I gave to the system of distribution: I saw in the scheme the means of fastening upon the country a high tariff. Opposed, as I am, to raising unnecessary revenue from the people; educated in the school of politics which insists that the Government should be administered economically; that the industry of the people should not be taxed beyond what is absolutely required for the wants (and those wants limited) of the Government, I could never assent to the doctrine which sanctioned unnecessary taxation, and plundered the poor for the base purpose of enriching the public coffers. Gentlemen say this is returning the money to the people. I am aware it is by this plausible argument they wish to deceive the people into a support of this new principle. All I ask is, that gentlemen will not take the money from the people. It never can be returned to the individuals from whom it is taken. It is taken from every human being who consumes an article of food or raiment. You tax the bread the poor man eats, the coal that warms him, the blanket that covers him. You plunder him in various ways, and proclaim, at the same time, the fact of an overflowing Treasury. Why, sir, is not this the purest form of oppression? Is not this exercise of power of taxation not for the purposes for which the Government was formed, but for other purposes, sufficient to arouse the people? Who will insist that, by any process, the same amount of money collected, which is abstracted, can be returned to the same individual?

I am astonished to find upon this floor the strange association which is presented of those who have been distinguished as the opponents of a high tariff united with those who have been its inflexible and warmest supporters. I am more astonished to find gentlemen who are known to belong to that sect in this country characterized by devotion to a strict construction of the constitution, advocating a doctrine which, some years since, was denounced by a Senator of the highest standing as unconstitutional, dangerous, absurd, and inexpedient, and would convert the Government into an office of collection and distribution. I refer to one who has been looked up to as the head of that ultra strict construction school. And yet we find those who profess to follow these lights, and to be guided by this wisdom, proclaiming their attachment to this same principle of distribution. Not a man of them who would not denounce any plan to interfere with the domestic arrangements of the several States; and, nevertheless, are promoting, indirectly, the very measures they are opposed to. What must be the result of your distribution? The States will rely upon the General Government; they will turn their eyes towards this Capitol as the point from which golden streams are to be poured forth upon them to carry on their internal improvements; you will make the States dependent upon the General Government, instead of this Government dependent upon the States: in a word, you will change the whole form of your Government, you will destroy its nature, and, instead of having it simple and economical, you will transform it into one complicated and extravagant. The gentleman from Arkansas says that New York is willing to go into the robbery.

[Mr. YELL here explained by saying that New York objected to the measure; but, if there was to be a robbery, that they had no objection to rob the small States of the most they could get.]

Mr. McK. continued. New York asked, in this or any other matter, nothing more than justice. Her members on that floor were divided on the question last year: amongst them an honest difference of opinion existed. His colleague's [Mr. MANN's] amendment was intended to remedy some of the injustice of the last act. It proposed to distribute according to the manner in which the money was raised. New York, from her vast population, was entitled to a large amount under any ratio of distribution. Under the last act, she was deprived of a very large amount to which she was, by every principle of equity, entitled; and no objection ought to be made to inserting the amendment. As for himself, (Mr. McK. said,) with or without the amendment, he should not sustain the proposition. He could not consent to add another link to the chain which would manacle those who were anxious to relieve the people from oppressive taxation—taxation which never would be submitted to by the American people when discovered to be without reason; that people would, from this very discussion, see the question of distribution on the one side, and reduction on the other, and he had no doubt what directions would be given by them to their representatives. The people would soon be heard, demanding legislation of a different character from that now before us. They would soon insist that measures should be taken to check the revenues derived not only from your customs, but from your public lands. To the members on that floor who were desirous of having any action on either of those great topics, he made an appeal whether they could hope for success so long as this policy of distribution should be maintained. To those who were anxious to preserve the commercial community from agitation by disturbing and driving into unnatural channels the capital raised by the revenues of the Government, he appealed whether they were willing to entail upon the country, by a second division, a system which must necessarily agitate the mercantile operations of the nation. We had the experience of the

past year, and it ought not to be lost upon us. For himself, he hoped that, although the session was drawing rapidly to a close, still that some movement should be made to bring down the receipts to the economical wants of the Government. In such reduction he saw safety and prosperity for the country; in the distribution he saw danger and difficulties.

Mr. MANN modified his amendment, so as to put it in the form of a proviso.

Mr. TURRILL then demanded the previous question, but the House refused to second it: Yeas 75, nays 110.

The debate was then resumed.

Mr. VANDERPOEL said he would vote for the amendment of his colleague, [Mr. Mann,] though he had voted against the bill of the last session—a vote of which he was rendered prouder and prouder by every additional day. He would vote for the amendment of his colleague, not because he favored the principle of distribution, for it was a principle so obnoxious to him, that, do what you please, he could not vote for or compromise it; but if we must have distribution, let us, at least, have such a ratio as shall possess something like the semblance of justice. The amendment of his colleague provided that the surplus should be distributed according to the same rule by which the money was raised by taxation from the people. The rule for distribution adopted by the act of last session was wholly indefensible.

Mr. V. said he had very attentively noticed the yeas and nays upon the proposition for this new distribution, which had just been carried; and though he had often heard of Yankee acuteness and sagacity, though he had often, while he had been connected with the deliberations of this House, seen them most strikingly exemplified, he had never seen them more signally illustrated than on this occasion. Gentlemen from the tariff districts of the East, and many gentlemen from the South, in relation to the subject now before us, were going hand in hand, and sailing in the same boat; but, without much disparaging the sagacity of gentlemen from the South, he must be permitted to use an old and homely adage, and say that the Yankees "best knew on which side their bread was buttered." He had, as he had observed, often had occasion to admire the cold, keen, and calculating sagacity of the sons of the East, especially when contrasted with the more impetuous temperament which characterized another quarter; and the vote which had just been taken afforded a new subject for such admiration. Look over the yeas and nays just taken and recorded, and see whether you can find a single gentleman representing a high tariff manufacturing district who has voted against this second and most mischievous plan of distribution. While one Southern gentleman here and another there drops off and goes for distribution, opposed as it is to the principle of reduction, the tariff representatives of New England march off in solid phalanx, in support of this scheme. Sir, they know well what they are about. Their keen sagacity has told and disclosed to them what their policy is tending to. They know that the policy of distribution is opposed to the policy of reduction, and therefore they go to a man for the former. He (Mr. V.) was surprised to see gentlemen from the South drawn into a scheme for the support of the high tariff policy.

[Mr. Mason, of Ohio, here called Mr. V. to order for making personal reflections; and the Chair decided that Mr. V. was not out of order.]

Mr. V. said he had not made, nor did he intend to make, any personal reflections. Gentlemen were, no doubt, pure and patriotic in the course they were taking; but he surely had a right to say that the gentlemen who represented high tariff districts knew best what they were about; that this miserable and demoralizing scheme of distribution would serve long and copiously to oil their spindles, and give new impetus to their shuttles, whilst its effect would be any thing but benignant upon the Southern planting States. He had a right to say, and he would say, that this plan of distribution number two exhibited an amalgamation of differing parties, and that some opposed to a tariff, and others in favor of a high tariff, were here now found in a most unnatural union. Year after year had the high ultra-tariff party in former years addressed to you the horse-leech cry of "Give, give us more protection." The general sentiment of the country now is, that they had been most inordinate and unreasonable in their demands for protection. Their cupidity had well nigh dissolved the Union. Their own laws and their own measures had swelled your revenues much beyond the wants of the Government; and now they found themselves in a position of much peril. He could not say that he was destitute of all sympathy for them, as the manufacturing interest in his district was a very important one. It embraced many gentlemen for whom he had a high regard. Still he must and would repeat what he had said shortly after the commencement of this session, that if the alternative were presented to him, "Bring down your revenue at once to the wants of the Government, or perpetuate this policy of distribution," he would not hesitate to go for reduction. If gentlemen would not pass the land bill, if they would not do any thing to terminate the evil of a plethoric Treasury, and avert the evils inseparable from perpetual distribution, they leave us, who deprecate those evils, no option; we must go at the tariff, and strive to bring it down to the wants of the Government. Was there any gentleman here of such superficial vision as not to be able to see that the present movement was an effort to fix permanently on the country, by the seductive feature of distribution, a rate of taxation far beyond the necessary wants of the Government?

Though he (Mr. V.) came, as he had said, from a district which embraced many manufacturers, yet he could not, and would not, on that account, support measures, however favorable to them, which went to inflict unnecessary and oppressive taxation on the great body of the people. Did he speak in the hearing of men who knew something of the human heart? And would they not assent to the doctrine, that if you give the State Legislatures, year after year, a lick or a taste of the money which you unnecessarily draw from the pockets of the people, a reduction of duties will never take place? He must repeat, that he most profoundly regretted the course which several gentlemen from the South were taking, who, for the pitiful sum of money which might directly come to their States, were willing to run the hazard, the awful hazard, of fixing for a long series of years an onerous system of unnecessary taxation upon themselves and their constituents. Let me (said Mr. V.) wash my hands of all participation in such a policy. He would endeavor to ascertain, by a proposition which he would offer when it was in order, who were the gentlemen who preferred reduction to distribution. He would, before this subject was disposed of, by way of testing the sense of gentlemen, bring forward an amendment, which was the substance of the bill reported by the Committee of Ways and Means, to bring down the revenue to the wants of the Government. He would then see how many gentlemen here were on better terms with distribution than with reduction.

Mr. McCOMAS rose and addressed the Speaker. He said that heretofore he had remained silent in this debate, and thought it was better to act upon the question than to waste the precious time of the House in fruitless discussion. But from the gratuitous remarks of the gentleman from New York [Mr. Vanderpoel] he felt himself compelled, in defence of himself and those whom he acted with upon this question, to make a few remarks.

The gentleman seems to feel a deep concern for the interest of our constituents. He thinks they are misrepresented upon this floor. Mr. McC. said he had no doubt but that his constituents would feel under lasting obligations to that honorable gentleman for his kind interposition, for his able and manly defence of their interest on this floor. If they did not, he should think it base ingratitude, as the honorable member was, out of the superabundance of his kindness to them, compelled, as a matter of necessity, to misrepresent his own constituents. He said this generous disinterestedness could not fail to meet its reward in the approbation of a grateful and generous people. Mr. McC. said he would assure the gentleman that that was the character of the people he had the honor to represent here.

The honorable gentleman seemed to be struck with horror at the idea of Southern gentlemen voting for this bill. He has exhibited the tariff, in its most frightful form, to their imaginations, and gravely inquires if it is the policy of Southern gentlemen to rivet a protecting tariff on the South. Mr. McC. said this scarecrow had been too recently dug from its grave to inspire him with any terror. He thought the veil of the gentleman was too thin to conceal his true course from the gaze of the Southern people. The South was not so completely harnessed in party shackles as to be rallied by this war-whoop, to make a common cause against the passage of this bill. They have been too long fed by empty professions. They look upon this question in a sober light; they say to these friendly gentlemen of the North, whose burden of song is free trade and a reduction of duties, why is this measure not effected? What prevents the passage of a law to that effect? Has not the administration a majority in both Houses of Congress? Is it not in their power at any moment to take up that subject in preference to all others? Sir, it is too plain; this pulse feeler, or tub to the whale, will not do.

Mr. McC. said the bill for reduction had been introduced at an early period of the session, and had been quietly sleeping on the table to the present time; the people in the South all this time anxiously waiting to see the action of Congress upon the subject. Where was the zeal of the gentleman for the South all this time? Sir, it slept upon the table with the bill. How can we account for the new-born zeal of the gentleman, at this late hour of the night, to wish to have appended to that bill a bill ripping up and changing the whole tariff laws of the country? Does that gentleman think that a question so complex in its nature, and combining such a variety of interests as the subject of the tariff, can be adjusted in fifteen minutes? Mr. McC. said that this subject might be plain to the mind of that gentleman, yet he confessed it was one of great difficulty to him, and he was not prepared to vote upon a bill making such radical changes in the settled policy of the country, without hearing it amply discussed, in all its bearings. And no man could believe that a measure of such magnitude could be properly matured at this late period of the session; nor did he believe that it was ever intended to be discussed or passed this session.

[Here Mr. CAMBRELENG interrupted Mr. McCOMAS, and said that, from the extraordinary course of the present Congress, he had not been able to have the appropriation bills acted on.]

Mr. McCOMAS replied that the administration held the destinies of all these matters in their own hands, and could give them any direction they pleased. The Southern people would be amused when they came to learn that their zealous advocate for State rights and a strict construction of the constitution, and for a reduction of the tariff, avowed himself, at the same time, a representative of a tariff district. It seems to me the honorable gentleman has over-cropped himself. He will find it a difficult matter to look both ways at the same time. To use a homely figure, he reminds me of the Indian who complained that he often suffered from cold because his blanket was too short. When he covered his head his feet were naked, and when he covered his feet his head was naked. So, sir, upon the whole, I think the honorable member had better attend strictly to the interest of his own constituents, and leave the interests of other people to their representatives.

The honorable gentleman expresses great alarm for the public morals of the people. He says, if you deposite the public revenue with the States, it will corrupt the people. Does that gentleman think that the honest yeomanry of the land, the salt of the earth, are more easily corrupted than the agents of this Government? The gentleman underrates the intelligence of the American people, if he thinks they will believe such logic. The honorable gentleman is not aware of the consequences of the position he assumes. He affirms it boldly, that the Government has taken this money unjustly from the people's pockets, and yet they have no power to give it back to them. Sir, this is a monstrous proposition; because the Government has unjustly taken the people's money, they have the right to keep it!

The gentleman apprehends great danger for fear the people will become corrupted if they receive back their money; yet he is not at all alarmed for this pure and incorruptible Government to receive it. He sees no danger from the alarming influence of executive patronage. He fears no danger that it will corrupt the office-holders of the country, or that it may be wielded, in the hands of the agents of the deposite banks, to effect political purposes, by being lent out to favorites, or used as banking capital of the country, and give rise to wild and reckless speculation. All he seems to fear is, if the poor fellows who dug it out of the earth should even receive one dollar apeice, that they will immediately become rascals. Sir, I think the gentleman will have some difficulty to convince his own people of that fact.

The honorable member complains of Yankee shrewdness, and supposes by their calculating coolness they have overreached Southern gentlemen; that they were voting for the bill with a view to keep up the tariff; that they well knew upon which side of their bread the butter was. Mr. McC. said he, like the gentleman, had a very exalted opinion of the political sagacity of his Northern brethren, and that they would be very apt to find upon which side of the bread the butter was. But he said he had heretofore thought the gentlemen from New York had discovered more political sagacity than the delegations of other States. While some of them could see so clearly as to tell upon which side of their bread the butter was, the delegation from New York had no difficulty on that subject, as they generally had butter on both sides of their bread. That they collected much the largest portion of impost duties at that port, and that it contributed in no small degree to aid their banking operations. Another honorable gentleman from that State [Mr. MANN] thinks the country cannot stand another distribution; that it would dissolve like flax in the fire. Mr. McC. said that he had seen the Union dissolved so often, since he had been in Congress, that his mind had become familiarized with the catastrophe. He was of the opinion that the gentleman was mistaken; instead of a dissolution of the Union, it was a dissolution of some of his safety fund banks.

The gentleman has said that we are taxing the people for distribution. This appears to be a talismanic word with those gentlemen who wish to keep the money. Mr. McC. denied that one dollar of the surplus money was raised by taxation. It was from the sale of property. It was from the sale of public lands, the common property of the people of all the States. He said it had not

occurred, he supposed, to those wise lecturers, that the customs for the last three years had not paid the expenses of the Government, or any thing like it; and but for the extraordinary sales of the public lands, we should not have one surplus dollar in the Treasury, but, on the contrary, we should have been bankrupt. And yet we are continually told, if we divide out the sales of the public lands among the people, it is levying a tax upon them. Sir, if putting money in the people's pockets is taxing them, then they will not be apt to complain of the burdens of taxation. The fund accruing from the sales of public lands has, in my judgment, been improperly put into the national Treasury. Mr. McC. said he believed it was a direct violation of the deed of cession, made by Virginia to the Federal Government. By that deed, it will be seen that all the land that remained unsold, after the objects of the grant had been complied with, was to be the common property of all the States, Virginia inclusive.

It must be admitted by all that, under the articles of confederation, Congress could not have given any other direction to this fund, as it will be recollected that at that time we had no common treasury but in the event of foreign war, and that treasury was made by a direct tax on real estate, with the improvements thereon, in the several States: and, as to the common burdens of the Government, each State paid its own delegates. It is admitted that Congress could not, under the articles of confederation, have put the sales of the public land in the common treasury; but I am told that we are not under the articles of confederation, but under the constitution. Here I might rest the argument, and call upon gentlemen to show me the grant in the constitution that confers such a power upon Congress. The Federal Government is a Government of limited powers—all powers not delegated are reserved to the States, respectively. This Government must be confined in its action to the specific grants of power, and all powers necessary and proper to carry into effect those grants. Men may differ about incidental powers—about the means necessary and proper to carry into effect the granted powers; but I imagine there can be no difference of opinion when there is no such power conferred or granted in the constitution.

But, to place the question beyond doubt, I will refer the House to a part of the 3d section of the 4th article of the constitution, and also the 1st section of the 6th article: "The Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory and other property belonging to the United States; and nothing in this constitution shall be so construed as to prejudice any claims of the United States, or any particular State." Again: "All debts contracted, and engagements entered into, before the adoption of this constitution, shall be as valid against the United States, under this constitution, as under the confederation." If the compact between the United States and the Federal Government was binding under the articles of confederation, all the rights they held are secured to them under the constitution. Congress has no power over that part of the public domain ceded by Virginia to the Federal Government, but to make needful rules and regulations to carry the compact into effect agreeably to the deed of cession. The Federal Government is only an agent for the States. And what would you think of an agent, to whom you had committed the management of your slaves and farm, if he was to contend that making needful rules and regulations for farming operations meant that he was to put all the income into his pocket?

Let me give the House the opinion of General Jackson upon the subject:

"The constitution of the United States did not delegate to Congress the power to abrogate these compacts. On the contrary, by declaring that nothing in it 'shall be construed so as to prejudice any claim of the United States, or of any particular State,' it virtually provides that these compacts and the rights they secure shall remain untouched by the legislative power, which shall only make needful rules and regulations for carrying them into effect. All beyond this would seem to be an assumption of the undelegated power."

Mr. McC. said he supposed that General Jackson ought to be regarded as good authority for the prevailing party in the present and coming administration. If Congress have usurped the land fund, let them give it back to the States, that the State Governments may be strengthened to resist the action of this Government. Let no man say that he is a State-rights man who votes against returning to the States the surplus fund arising from the sale of the public domain. Let no man say that he is opposed to the Federal Government making internal improvement, as long as he votes to keep a vast surplus unemployed in the Treasury, tempting Congress to make extravagant and wasteful expenditures of the public money. Let no man say that he is a friend to internal improvement by the States, as long as he votes to deprive them of the only available means of doing so. Sir, this is too plain a question; the people well understand it. The administration has attempted to reduce the sales of the public lands to actual settlers, by a bill that few members of the new States themselves can swallow. It is not my purpose to discuss the land bill at this time. I mean to call the attention of Western gentlemen to this question in its true light. Suppose you reduce the tariff seven millions, and in 1842, or before that time, the amount of revenue collected will not support the Government: from what source will the deficit be made up? Three alternatives are presented to the country: first, to increase the price of public land, and increase the revenue from that source; to increase the tariff upon imports; or to call for the surplus money deposited with the States. Is the country prepared for either event?

To call upon the States for the money deposited with them would be a ruinous policy. Many States have already embarked in extensive works of internal improvement upon the faith and credit of that money—improvements that are opening a thousand avenues to wealth and prosperity, and will enable these local communities to develop their full resources; and to call for that money now would be political madness, and few men would like to take the responsibility of such a measure. Gentlemen make long and labored arguments to prove, what nobody denies, that Congress may repeal the compromise act. Sir, I am not in favor of collecting more revenue than is wanted for an economical administration of the Government; yet, in bringing the Government to that standard, some respect should be paid to the great and leading interests of the country; to the time and manner this thing should be done; and, sir, without a more urgent necessity than now exists, we should await the operation of the compromise bill. Sir, the foundation of this Government was laid deep in the principles of compromise. The same elements of discord existed at the formation of the Federal Government that exist now. The constitution was formed by mutual concession of all parties; and, to be administered fairly, it must be done in the same spirit. Sir, it cannot be forgotten that this Government, in the course of its administration, called Northern capital from the ocean, and compelled its owners to employ it upon land; and by a series of legislation, whether right or wrong, in some measure plighted the faith of the Government to that policy. Sir, the painful controversy between the North and the South upon this question is fresh in the recollection of this House—a controversy that shook this confederacy to its centre; yes, sir, a controversy that threatened a dissolution of

this Union, and the arraying brother against brother in deadly and mortal combat—an event that every trembling patriot must have regarded as the funeral knell of departing liberty.

Sir, I have not forgotten the feeling that inspired the community at the passage of the compromise act. It was like the rays of the morning sun dispelling the gloom of night. The countenance of every man, woman, and child, beamed with joy. Scarcely had the smile left their countenances before the chairman of the Committee of Ways and Means presented a bill breaking up that arrangement, and again opening that vexed question; and with it reviving all the angry feelings of party strife and political warfare. Sir, we of the South should indulge in no unkind feelings toward our Northern brethren; they belong to the great political family with ourselves, and claim, and justly too, a proud equality with the people of any portion of this Union. Sir, I hope the House will excuse me for the time I have consumed in the desultory and unpremeditated remarks I felt myself called on to make, and I will now take my seat.

Mr. PICKENS said he came from a State which would be affected very little by either ratio of distribution that might be adopted; it made very little difference to South Carolina what ratio of distribution might be established. Her combined representation in both Houses bears nearly the same proportion to the combined representation of all the States, as her representation in this House bears to the whole representation here. But he, (Mr. P.,) if he gave any opinion on the subject, was bound to confess that he considered that ratio which had been adopted last year a more just and equitable one than the ratio now proposed to be made by this amendment, according to the representation on this floor alone. It ought to be borne in mind that the revenue to be distributed did not accrue from direct taxation; on the contrary, it was a fund principally derived from the sale of lands. Mr. P. did not consider that branch, strictly and technically speaking, public revenue; at least it did not arise from taxation, because those persons who had paid this money had received a full equivalent for the same; there was a *quid pro quo* on both sides; and this was not taxation, it was a sale; the parties therefore from whom this money was derived had not been taxed. He (Mr. P.) had heard it urged that those States where public lands were sold raised immense revenue, as if it were a burden; whereas, their people had received a full consideration for all the money they had paid into the Treasury. This was important to be considered. Now, in determining the ratio of distribution or deposite of funds thus derived, it would be difficult to fix any ratio exactly equal. But he (Mr. P.) was most willing—nay, he was most anxious—to adopt that ratio which came nearest to strict justice; and it certainly appeared to him that the ratio based upon the mere ground of representation in this House was not the most just, because the fund was derived not from direct taxation, but from sales of public lands and imposts. According to the most generally received doctrine, (but which was not strictly true,) import duties were paid according to consumption, and consumption was according to population. In this point of view, a distribution according to representation in this House would exclude two fifths of a certain class of our population in a certain section of this Union, and would not do justice. But, further, it was well known that in certain States there had been a large increase of population since the last census. For instance, there was Alabama, Mississippi, Louisiana, Arkansas, Missouri, Illinois, Indiana, and Michigan; some of these States had doubled their population, and more justice would be done them by the combined ratio than the single. The ratio of both Houses combined would approach nearer justice than any other we could adopt.

The funds raised from the sale of public lands were strictly trust funds; and this Government was created a trustee under the grants of territory from Virginia, North Carolina, South Carolina, and other States, which were, to a great extent, limitations on the trust power. The act ceding these lands is in these words: "That the said lands shall be considered as a common fund, for the use and benefit of such of the United States as have become or shall become members of the confederation or federal alliance of said States, Virginia inclusive, according to their usual respective portions of the general charge and expenditure; and shall be faithfully and *bona fide* disposed of for that purpose, and for no other use or purpose whatsoever."

Mr. P. then maintained that it was the duty of the Government, after all demands against it were satisfied, to deposite the surplus remaining, so that the States should receive the "use" and "benefit," as far as possible, intended by those States originally ceding the lands. He contended that it was not only sound policy, but our duty. The question as to a deposite of the surplus revenue was one between the safety and propriety of State corporations, selected as deposite banks, and the States themselves; and how any gentleman could hesitate between the two systems, he was at a loss to perceive. The one system gave us the unknown and dangerous power of banks, the other the faith and the stability of the States; and, whatever benefit might arise, the citizens of the States could receive it, instead of corporations with exclusive privileges.

But (Mr. P. said) it was not his desire, at that time of night, and that late day in the session, to trespass upon the time of the House with a full discussion of these points. He should not have said a word on this occasion, had it not been for the remarks of the gentleman from New York, [Mr. VANDERPOEL.] That gentleman began his singular speech with an analysis of the votes that had been given on this occasion; and he (Mr. P.) thought that the gentleman, in reading a lecture, as he had done, to the North and to the South, had travelled, he must say, rather out of his sphere. The gentleman had made use of a homely adage—true, not very polished in parliamentary language, yet calculated to illustrate his lecture he had said that those gentlemen who represented the manufacturing interests, "from their Yankee cunning, well knew how to discern on which side their bread was buttered."

He (Mr. P.) would retort upon that gentleman, and would say that it appeared to him clear enough that those gentlemen who, on every occasion, and on every question, unchangeably advocated and supported the political interest of a political party on this floor—they, they were the men who knew well "on which side their bread was buttered." Yes, sir; when the Treasury was full, they knew well, to use his own adage, where the butter for their bread came from; and then, sir, we never heard a whisper of what they now talk so much about—of reducing the revenue to the wants of the Government. No, sir; they knew so well how their bread was buttered, that they did not then talk of diminishing the quantity. But now, when it is proposed to distribute this surplus, they cry out in loud, and, they would fain make the country believe, in patriotic accents, for reducing the revenue to the wants of the Government! It must be left in the pockets of the people—the dear people!

Sir, when the Treasury was full to overflowing, in December, 1835, then the President himself, in his annual message, declared that "Congress should not disturb the principles on which the compromise act was passed;" and, further, he says: "If the unexpected balance in the Treasury should continue to increase, it would be better to bear with the evil until the great

changes contemplated in our tariff laws have occurred, and shall enable us to revise the system with that care and circumspection which are due to so delicate and important a subject," &c. This was the language of the leader of this party then—that the compromise ought not to be touched. And now gentlemen wheel to the right-about, and declare that this compromise ought not to be regarded. Why this gross and palpable contradiction? Sir, the reason is too manifest. When the President was willing to maintain the compromise bill, he had the treasures of the country in his hand; he had seized them in defiance of law, and he intended to use them, and he did use them, for his own base and profligate party purposes! Then, sir, there were no measures in agitation to take them out of his hands, to distribute them; and then, sir, he was willing they should continue to pour into the Treasury; then he was willing there should be no curtailment in the sources of corruption; then, sir, he did not dream of reducing the revenue to the wants of the people! No; then the compromise bill was to be kept sacred! Then, indeed, sir, the dependents of the Treasury and the political party of the gentleman [Mr. Vanderpoel] knew well on "which side their bread was buttered." Now, sir, however, things have changed their aspect; and now we hear these same gentlemen talk in patriotic strains of reducing the revenue, of diminishing this fund of corruption! Now they read lectures to the Southern people, proclaiming themselves the peculiar guardians of their interests! devoted to the anti-tariff interests of this country! And why, sir, do we now hear this whining, these feeling professions of love for the dear people? Because this political party now dread that this surplus should pass out of their hands for just and safe deposite in the States, to whose people it rightfully belongs. Yes, sir; they love to hold in their own hands the money which they have used for purposes of fraud and bribery, and by means of which they have succeeded in foisting into power the minion of their political idol. They have used a league of banks, through which they have broken down the consecrated barriers of enlightened freedom, and have forced by foul means a man upon the confederacy who has no claims to the gratitude of his country. And, now that they have succeeded, as things begin to change, they preach about reducing the revenue to the wants of the Government, and talk about corruption! In their eagerness to keep still fast hold of the money, in their fear of seeing it slip from their grasp, they talk of its dangerous effects, of its corrupting the States, of its corrupting the people! and read us, who vote for this just distribution, lectures to warn us in their paternal love to beware of its dangerous consequences!

Sir, I could not sit still in my seat and hear this language held in the face of facts by those who have been the instruments of corruption, of subverting the power of the States by their employment of this money, by binding down the independence of the States to the footstool of executive power, by their unlimited control over this very surplus revenue. And now, after all this, they come here and call out for justice, and descant upon corruption with purity on their lips and any thing else in their hearts!

When a representative of the New York dynasty holds this language, and talks of bringing the revenue down to the wants of the Government, it is easy to see the motive; it is easy to see that they are alarmed at the tendency of things. If it were in order, and not so late, I would allude to some facts; but I do not choose to do so at present. And he would ask the gentleman [Mr. Vanderpoel] if he himself did not, last session, in a speech, maintain that the compromise act was not to be touched, that it ought not to be; I ask the gentleman if I report him right.

[Mr. Vanderpoel acquiesced to it.]

Then, how does the gentleman come here now to call upon us to break it up? He now rises here, and has the hardihood to preach lectures to us about our rights, our duties, and our interests! I repeat, sir, they have changed their course; they contradict their own actions. When there were thirty-seven millions in the Treasury, at their unlimited control, then the compromise act was not to be touched; but now, when the money is in danger of slipping out of their hands, and there is danger that those who are in possession of the power of the country shall lose their source of corruption; when the measure of distribution is proposed, they who before were of the opinion that the compromise act should be held sacred, now read lectures to the South, and give us warning against the measure of distribution, as if we were thereby about to bring a revived tariff upon our country! Who brought upon us the tariff of 1828? The President elect and his political friends. They voted for it, and passed it in the Senate by a majority of one vote. Are these the men the South are to be taught to look up to as their guardians and protectors—guardians ready to swindle and betray them? What do we now see before our eyes? These very men are now holding up before this House a bill to reduce immediately the tariff, in utter defiance of the compromise, for the benefit of the South, while another bill has just been sent us here from the Senate, framed by the very same party, avoiding almost entirely the interests embraced and secured by the compromise, and which is to be held out for the benefit of the North. If this party who are now in power are sincere in their professions, and intend to act immediately upon this subject, why not unite on one bill and pass it? Why produce division and confusion by two bills in direct conflict?

Mr. P. said he was willing to do the best he could, under all the circumstances of the case; and he was not willing to take on implicit faith the representations and kind professions of gentlemen who are ever ready to do lip service, but who have always deserted us in time of need, from the Missouri question down to the tariff of 1828—gentlemen who represent no settled interests, but a political party, for political purposes and political effects. Sir, I trust no politician by profession. It is because I dread the power and faithlessness of politicians, as connected with the treasures of this Government, that I now desire to force the surplus from their foul grasp, by depositing it with the States. I am for this deposite, because I desire to break down corruption and bribery here, and to give power, independence, and blessing, to the States of this confederacy. Without this disposition of the surplus, a corrupt dynasty here must be forever uncontrolled.

Mr. PEARCE, of Rhode Island, rose and said he thought it necessary for every gentleman to exercise a little philosophy on the present occasion. He (Mr. P.) had voted generally with the honorable gentleman from New York, [Mr. Vanderpoel,] but he had not entered into collision with any one in the vote he had given. He thought it did not come with good grace from New York to oppose this bill, on the ground that Rhode Island, Delaware, and other small States, received a small fraction more than they were entitled to. He confessed it was not, perhaps, pleasant to come from a small State; for, if it gained a little but once in a hundred years, there was no end to the reproaches made on that account. Mr. P. asked if it was fair and liberal in New York not to be satisfied? New York might be called the ruling city; there they generally had seven or eight millions on hand, of which they were always receiving the benefit, and yet they were not satisfied. And yet it might be shown that New York had received nearly seven millions more than it was entitled to. When he (Mr. P.) saw that

great State arrayed to deprive the small States of the little which they received, he felt himself called upon to lift up his voice against it. He (Mr. P.) had voted against the amendment of the gentleman from Tennessee, [Mr. BELL,] because he was not willing to record the idea that there would be a surplus revenue to divide among the States; he did not wish to give an argument in favor of a bill which his honorable friend from New York [Mr. CAMBRELENG] had called a free-trade bill; he did not wish to see that bill introduced; but, if there should be a surplus to divide, it might be provided for by a bill afterwards, to be brought in for that purpose; and then, in such an event, he should go upon the ground that it ought to be divided according to the ratio of the States, and not upon the ratio of the representation in the House.

Mr. DENNY, in reply to the observations of Mr. VANDERPOEL, observed that he [Mr. VANDERPOEL] had not pointed out who were the true horse-leeches, crying "give, give." He contended it was not the States to which this appellation ought to be applied, but, on the contrary, to the banks. They had the money for their benefit; among them it was distributed, and the country called upon them to disgorge. They were the true leeches; they held on; and if gentlemen voted in the views of that honorable gentleman, [Mr. VANDERPOEL,] they would still be permitted to hold on. We are (said Mr. D.) in possession of a surplus which is not derived from revenue, but from the sale of the public lands. The honorable gentleman [Mr. VANDERPOEL] alleges that the distribution of this surplus among the States will have a most ruinous tendency; it will make the Union a mere rope of sand. These he (Mr. D.) thought extraordinary arguments; we shall live over all this; the danger which the honorable gentleman threatens is not to be apprehended; but, on the contrary, great danger is to be apprehended if such a surplus is left at the discretion of the Government, to be loaned out at its pleasure to banks in every section of the country, thus enabling the Government to exercise a control over all parts of the Union, of an extent and of an intensity without parallel in any country in the world. But the honorable gentleman, [Mr. VANDERPOEL,] instead of going into the merits of the case, and placing these things in their true light, has adopted a different course, and has contented himself with passing in review the different votes which have been given by different gentlemen on this question. Why is this? Why has he not rather discussed the real merits of the question? Instead of the merits of the case, he has brought into the field the feelings of gentlemen, as if the better to operate by an appeal to feelings rather than to argument. He [Mr. VANDERPOEL] has spoken of the horse-leech, and has characterized by this appellation his own constituents. Let them judge for themselves how far they merit the term. To him it appeared New York was more deserving the term than any other section of the country; for, out of twenty-two millions from the customs, New York received thirteen millions, which was paid there; and who, then, he would ask, was the horse-leech?

Mr. ROBERTSON said he would not be so unreasonable as to detain the House at that late hour. He rose merely to make his acknowledgments to the gentleman from New York, [Mr. VANDERPOEL,] who had so kindly undertaken to represent the State of Virginia. The gentleman had only followed the example of the State from whence he came, in taking the old Commonwealth under his especial protection; and, as one of her representatives, (said Mr. R.,) I feel myself bound, with all due humility, to acknowledge the favor. Those whom she has confided in to represent her, it seems, have mistaken her interest and their own duty. We have been outwitted, the gentleman tells us; gulled by a Yankee trick into the support of a measure which will fasten upon our constituents the present ruinous tariff. The Northern gentlemen very consistently urge a distribution of the surplus, in order (says the gentleman from New York) to prevent the success of any plan for reducing the revenue and diminishing the high rate of duties; and we of the South, who vote with them, are the dupes of their superior cunning. Sir, the gentleman himself is entitled to great credit for his own wonderful acuteness, which enables him so clearly to see through the designs of these very sagacious politicians; and it is kind in him to apprize us of our danger. I should like to have heard him assign the reasons why New York, some years past, so much in favor of distributing the surplus, is now so decidedly opposed to it. The true reason might perhaps be found to be that, having always a very large share of the public funds, she gains more by keeping what she has than by coming into a fair division. But, without attempting to account for the motives which influence others, I will very frankly tell the gentleman the reasons that induce me to vote for a distribution. Sir, it is with no view, as he would insinuate, of keeping up the present tariff, but with a view to counteract it. Is it to be endured that the gentleman from New York, who belongs to the dominant majority—to that party which professes so strong an interest for the South, and so much hostility to this tariff—should taunt Southern gentlemen of the minority with a design to co-operate with the North in keeping it up? If he and his party are sincere in their professions, why have they, who wield the whole power of legislation, permitted the South so long to be plundered by this unjust system of taxation? Why suffer it to oppress us for a day, when they have the power at any moment to repeal it? Why has the scheme of reduction proposed during the present session been permitted, until this late day, to slumber upon the table?

Sir, it is because we have no confidence in their professions that we are compelled to take the only means left us for redress, by restoring to the people of the South what this democratic majority continues to exact from them. It is this consideration—the conviction that the surplus revenue, whether derived from the sales of the public property or from the operation of an oppressive and unconstitutional tariff, belongs to the people, and would be worse than wasted by being left to the disposal of this Government—that induced me to support the proposition last year for distributing it. Upon the same principles, until the ruling party shall reduce the tariff, or take some effectual method for limiting the revenues to the just wants of the Government, I will vote for a distribution; I call it a distribution, because in truth no one expects a dollar will ever be called for by this Government. Only consider, sir, what would have been our present condition, had the act of the last session not been passed. We found in the Treasury, on the first day of January last, an unexpended balance of about fourteen millions remaining of the sums appropriated for the service of the last year; about six millions more it is thought remained unexpended, in the safe keeping of the disbursing officers. We distributed among the States about thirty-seven millions, making, together, about fifty-seven millions; add to this the estimated amount of receipts into the Treasury during the current year, and you would have had an aggregate sum of ninety or one hundred millions of dollars, perhaps even more, to be disposed of at the present session. What, sir, should we have done with it? We appropriated, last year, about twenty millions more than could be expended. Should we have been called upon still to increase our extravagant and enormous appropriations to accumulate still larger balances? Yes, sir; and then we should have applied all that could not be wasted in useless fortifications, splendid

custom-houses, high salaries, and corrupt jobs of every sort, to carry on an unjust system of internal improvements in the Northern and Western States, from which the Southern people would, as usual, have derived little or no benefit. Sir, it is true, as the gentleman from New York says, the people of the South have been gulled; they have been gulled with promises of retrenchment long enough, while suffering from the oppressive exactions of this Government, and have at length, I trust, awakened to a proper sense of their rights and of their interest.

A word, sir, in conclusion, on the amendment of the gentleman from New York [Mr. MANN] before me, proposing a distribution among the States in the ratio of their representation on this floor. I had intended to vote for that amendment, but further reflection has brought me to a different determination. It does not adopt, any more than the provisions of the deposite act which the gentleman from Tennessee [Mr. BELL] has preferred, the ratio prescribed by the constitution. That ratio, the ratio of federal numbers as it is called, it is impracticable at this time to apply; and though some of the States, particularly the smaller ones, get under the deposite act more than their just proportion, and some consequently less, the standard proposed by the gentleman from New York would, I am inclined to think, rather increase than lessen the inequality. The new States, at least, would be seriously injured by the change; and, as exact justice cannot be administered to all by either plan, I am willing to adopt that which most nearly approaches it, and which is likely to give the most general satisfaction.

Mr. HOAR felt induced to ask permission of the House to give his grateful acknowledgments for the compliment which had been paid to the people of the North by the gentleman from New York, [Mr. VANDERPOEL.] That gentleman, under the name of Yankees, had particularly directed his compliments to the State to which he (Mr. H.) had the honor to belong. He was not disposed to take his [Mr. VANDERPOEL'S] remarks as the gentleman had intended them; he had uttered the words as a reproach and a sarcasm; but, though such was their import and intention, he (Mr. H.) claimed them as sober truth; he thought it was true, in relation to Massachusetts, that she knew, as the honorable gentleman had said, "on which side of the bread the butter lies." By this expression he understood that Massachusetts was reproached as not being ignorant of what would conduce to the benefit of their section of the country, and what would operate to its peculiar injury, but without regarding the welfare of the whole. But, sir, the Massachusetts people well understand that the butter lies on that side of the bread which bears the general welfare of the whole country; that the best contract and the best legislation is that which is most equitable; that this alone, in the nature of things, can be permanent; and such being the fact, he took it as a compliment paid to the people of the North, and to Massachusetts in particular. There were laws in existence, the laws of the land; and on the faith of the permanency of these laws the people of the North had guided and directed their course and their conduct; the pursuits of the whole country were predicated upon these laws; and if the North knew that it conduced to the safety and benefit of the country that laws of such importance should not be forever vacillating and changing; if the North knew that the permanency of rules on which the business transactions of the country were all based, or if, in the words of the honorable gentleman, the North knew on which side of the bread the butter is, he considered it as a compliment, and returned thanks accordingly, while he would only say he wished that others knew the same thing themselves, which surely they ought to know. If the laws by which the pursuits of the whole country were guided were to be changed on every slight pretence, and the citizens were to be beaten about from land to ocean and from ocean to land, nothing but bankrupcty and ruin could befall those who had relied upon the laws for stability and protection. He therefore deprecated the idea held forth by the gentleman from New York, [Mr. VANDERPOEL,] that because there was a surplus revenue derived from lands, therefore the whole policy of the country must now undergo a change, and laws which every one imagined fixed were to be subverted by a momentary crprice.

Mr. H. then proceeded to show that he did not advocate taxation for the sake of distribution; that man, he thought, would deserve a straight jacket, who would think of such a thing; but he viewed this money, not as the proceeds of taxation, for it came from the sale of lands, not from taxes of any kind imposed upon the people. Mr. H. concluded by laying down this proposition: that of all curses which can be inflicted upon a country, a course of legislation characterized by sudden changes, compelling the citizens frequently to change their pursuits and employment, is the greatest curse; this he held to be a proposition which no one could deny. The reverse of this is the side of the bread on which the butter lies.

The question was then taken upon agreeing to the amendment of Mr. MANN, and decided in the negative.

Mr. CAMBRELENG then submitted the following proposition, by way of amendment to Mr. BELL'S amendment, which he said he would do without one word of debate:

Be it further enacted, That from and after the 31st of December next, in all cases where duties are imposed on foreign imports by the act of the 14th of July, 1832, entitled "An act to alter and amend the several acts imposing duties on imports," or by any other act, which shall exceed 20 per centum on the value thereof, one third part of such excess shall be deducted; from and after the 30th of June, 1838, one half of the residue of such excess shall be deducted; and on the 30th of December, 1838, the other half shall be deducted; any thing in the act of the 2d of March, 1833, to the contrary notwithstanding.

SEC. 2. *And be it further enacted*, That, from and after the 30th September next, the duty on salt shall be, and the same is hereby, repealed.

Mr. HARDIN said it was certainly too late in the session take up the subject of regulating the whole of the tariff.

Mr. BELL raised the point of order whether such a proposition, being of a distinct and substantive character, in no way analogous either with the bill or the amendment, could be moved; and, also, that it was the same as a bill already before the House.

The CHAIR (temporarily occupied by Mr. BRIGGS) decided against the point, on the ground that the amendment was not the same as the bill in question.

Mr. CAMBRELENG asked for the yeas and nays on the adoption of his proposition.

Mr. MERCER then took an appeal from the decision of the Chair that the amendment was in order.

The CHAIR [Mr. BRIGGS] having stated the grounds of his decision, that the amendment was not the same, in many material points, as the bill on the subject of the tariff before the House,

Mr. MERCER insisted upon his point; and

Mr. WILLIAMS, of Kentucky, asked for the yeas and nays on the appeal, but the House refused to order them; and, after some remarks from Mr. REED,

Mr. CAMBRELENG drew the attention of gentlemen to the fact that they had themselves called for this proposition. With regard to the point of order, he

would only remark, in the first place, that the proposition of the gentleman from Tennessee was itself actually a part of a proposition before the Committee of Ways and Means. There were a number of memorials sent to that House on the subject of a distribution of the surplus revenue, and referred to the Committee of Ways and Means. Resolutions of State Legislatures and other propositions, also on the same subject, had been referred to that committee. Nor was that all. That committee had reported on the subject, and the proposition of the gentleman from Tennessee was only one half of that reported on by that committee.

In the second place, the one proposition was just as much in order as the other, for the subject of both was the same. Mr. C. did not pretend that both were not a violation of the spirit of the rules; but inasmuch as the House had admitted the proposition of the gentleman from Tennessee, it could not, consistently with itself, but admit the converse of that proposition. If they voted contrary to the decision of the Chair, they would be virtually voting down their own proposition, at least against the propriety of ingrafting it upon this bill.

Mr. WARD said he always felt disposed to sustain the Chair, where he could do so consistently; but he regretted to say that, in the present instance, he felt compelled to differ from its decision—not, however, on the ground taken by the honorable gentleman from Virginia [Mr. MERCER,] who had taken the appeal, but on the ground that, by the 41st rule of the House, it is expressly laid down that no motion or proposition on a subject different from that under consideration shall be admitted "under color of amendment." Now, it was clear to Mr. W's mind (and he must confess that he felt no little surprise that there should be a difference of opinion on the subject) that the proposition now sought to be ingrafted on this bill had not even the most remote analogy with it. Each was of itself a distinct and substantive proposition, having no identity with, nor even bearing upon, the other. Would gentlemen point out what possible affinity there was between the plan for distributing a surplus or supposed surplus of the public revenue and the appropriations for the ordinary expenditures in fortifications?

But, asked the gentleman from Virginia before him, [Mr. PATTON,] if the original amendment were admissible, wherein consisted the inadmissibility of this amendment? Mr. W., for himself, would give the gentleman a response. He held the one to be just as inadmissible as the other; and who would contend that "two wrongs make a right?" He thought the decision of the Chair, in admitting the original amendment of the gentleman from Tennessee, an unsound one, and the present embarrassment demonstrated it. To that amendment he had the same objection as to the present, and nothing but his known disinclination to raise a question of order, and the unparalleled accumulation of public business to be acted on in the short space of four days, prevented his then taking an appeal from the decision of their presiding officer. Thus much as to the applicability of the rules.

Mr. W. had, however, other and strong objections, applying both to the original proposition and the proposed amendment—objections which, though they had no immediate connexion with the point of order, yet they grew out of it. Without arrogating to himself the power of prescience as to what the Chief Magistrate might do, should this proposition be adopted by the two Houses of Congress, or without pretending to be an exponent of the opinions of that venerable patriot, yet his principles and sentiments were so well known that every gentleman must acknowledge that the whole bill would be jeoparded by ingrafting upon it this scheme of distribution. Let him ask, then, were gentlemen prepared to assume the responsibility of defeating this bill altogether? Were they willing, for the sake of adopting a favorite scheme, the policy of which was at least questioned, to hazard the loss of a bill, the expediency and necessity of which was felt by all? Had gentlemen so soon forgotten the labored and untiring efforts of members of the last Congress to relieve themselves from any participation in the loss of the fortification bill two years ago? He repeated that he did apprehend the loss of the bill if this measure should be ingrafted on it, and he appealed to honorable gentlemen not to do that by an indirect vote which they would spurn to do directly; for an affirmation of the decision of the Chair, and the subsequent adoption of the amendment, would, he insisted, be virtually a vote against the bill itself.

One word as to the principle involved in the measure itself, and Mr. W. would take his seat; for the opportunity had gone by when long speeches could be made. He was opposed to the scheme of distribution, as provided for by the amendment. He had opposed it at the last session, and recorded his vote against it; and he never had, nor did he believe he ever should have, cause to regret that vote. A majority of that House was of a different opinion, and Mr. W. was compelled to yield, after doing all that the constitution empowered him to do to arrest its passage—that of recording his vote in the negative. In conclusion, he again made an earnest appeal to the House to reverse the decision of the Chair; for by that alone could they insure the passage of the appropriation bills for the necessary wants of the Government. Should the House affirm the decision of the Chair, and then vote down the amendment, its friends, under that decision, would renew it on the other appropriation bills, and one or all of them would be inevitably lost. Mr. W. here enumerated some of the more important bills; among which were, besides the fortification bill, the harbor bill, the civil and diplomatic bill, the Cumberland road bill, &c. For these reasons, thus hastily expressed, Mr. W. should vote to reverse that decision; and he sincerely hoped that, in that vote, he would meet with the support of a majority of the House.

Mr. HAYNES* said he had yet to learn that, when a proposition had been entertained and passed to dispose of the whole revenue of the country, except the sum of five millions of dollars, by a distribution among the States, it could be out of order to consider a motion to reduce that revenue. It was the greatest absurdity to contend that, while we had been considering a plan to distribute the public money, it was not in order to entertain a proposition to reduce or regulate its amount. He said it was obvious to him that this scheme of distribution was intended to prevent any future reduction of the public revenue. If the point of order now raised shall be sustained, (and there seemed to be a strong probability that it would,) it would furnish conclusive evidence that the distributors were, in fact and in prin-

* *Note by Mr. H.*—The remarks of Mr. HAYNES were made upon a question of order. That question of order was this: Mr. BELL had moved an amendment to distribute, upon the principles of the deposite act of the last session, the surplus revenue over five millions of dollars, which might be in the Treasury on the 1st of January next. After that amendment had been adopted, and one offered by Mr. MANN, of New York, to regulate its deposite by the standard of representation established for the regulation of direct taxes, had been rejected, Mr. CAMBRELENG offered an amendment to reduce the tariff of duties on foreign imports. Mr. CAMBRELENG's proposition was objected to, as out of order. That objection was sustained by a majority of the House, and justifies and sustains the position taken by Mr. HAYNES, that the distributing party intend that the public revenue shall never be reduced, if they can prevent it.

ciple, opposed to any reduction of the revenue whatever.

He would now take leave to warn Southern gentlemen, those whose constituents were opposed to a high tariff and system of distribution, that they were making common cause with a party utterly and entirely opposed to a reduction of the tariff, as they were also opposed to any and every diminution of the public revenue.

The point of order was then further discussed by Messrs. MERCER, PARKER, and REED.

The question was taken on the appeal, and decided in the negative: Yeas 94, nays 97, as follows:

Yeas—Messrs. Alford, Ash, Barton, Beale, Bean, Black, Bockee, Bouldin, Bovee, Boyd, Brown, Burns, Cambreleng, Chaney, Chapman, Chapin, J. F. H. Claiborne, Cleveland, Coles, Connor, Cramer, Crary, Cushman, Dawson, Doubleday, Dromgoole, Dunlap, Fairfield, Fry, Fuller, James Garland, Gholson, Gillet, Graham, Grantland, Grayson, Haley, Joseph Hall, Hamer, Hannegan, A. G. Harrison, Hawkins, Haynes, Hazeltine, Holt, Huntington, Huntsman, Jarvis, Cave Johnson, J. W. Jones, Benjamin Jones, Klingensmith, Lane, Lansing, Lawler, Gideon Lee, Joshua Lee, Leonard, Lewis, Logan, Loyall, Lucas, Lyon, Abijah Mann, Martin, William Mason, McKay, McKeon, McKim, Montgomery, Moore, Morgan, Owens, Parks, Patterson, Patton, Franklin Pierce, Phelps, Pinckney, Joseph Reynolds, Rogers, Seymour, Shields, Shinn, Sickles, Thomas, John Thomson, Toucey, Turrill, Vanderpoel, Wagener, Wardwell, Thomas T. Whittlesey, Yell—94.

Nays—Messrs. Adams, Chilton Allan, Heman Allen, Anthony, Bailey, Beaumont, Bell, Bond, Borden, Buchanan Bunch, John Calhoon, Campbell, Carter, Casey, George Chambers, John Chambers, Chetwood, Childs, Nathaniel H. Claiborne, Clark, Corwin, Crane, Cushing, Darlington, Deberry, Denny, Elmore, Evans, Everett, Forester, French, Granger, Graves, Hiland Hall, Hard, Hardin, Harlan, Harper, Samuel S. Harrison, Henderson, Hiester, Herod, Hoar, Hubley, Hunt, Ingersoll, Ingham, William Jackson, Janes, Henry Johnson, Kilgore, Lawrence, Lay, Luke Lea, Lincoln, Love, Job Mann, Samson Mason, Maury, McCarty, McComas, McKennan, Mercer, Morris, Muhlenberg, Parker, Dutee J. Pearce, James A. Pearce, Pearson, Pettigrew, Phillips, Pickens, Potts, Reed, Rencher, John Reynolds, Schenck, William B. Shepard, Augustine H. Shepperd, Slade, Sloane, Sprague, Standefer, Steele, Storer, Sutherland, Taliaferro, Waddy Thompson, Underwood, Vinton, Ward, Washington, White, E. Whittlesey, Lewis Williams, Sherrod Williams—97.

So the House reversed the decision of the Chair.

The question then recurred on the amendment, as amended.

Mr. MARTIN then submitted the following amendment to the amendment:

"That the sales of the public lands shall cease from and after the passage of this bill, except to actual settlers upon the public land, upon such rules and regulations as shall be presented by the Secretary of the Treasury, with the approbation of the President of the United States, and which shall not be inconsistent with the following instructions:

"1st. That no one settler shall purchase a larger quantity than two sections.

"2d. That two years' residence upon the land, after the purchase, shall be necessary, and shall be satisfactorily proven to the Secretary of the Treasury before the patent issues.

"3d. That the price of the public lands to the settler shall be regulated as follows: To the purchaser of a quantity of land not exceeding one quarter section, fifty cents per acre; not exceeding one half section, seventy-five cents per acre; and to the purchaser of a section, or more, one dollar and twenty-five cents per acre."

The CHAIR decided this amendment to be out of order.

Mr. MARTIN appealed from the decision of the Chair, and called for the yeas and nays; which were ordered, and were: Yeas 116, nays 68, as follows:

Yeas—Messrs. Adams, Alford, Chilton Allan, Heman Allen, Anthony, Bailey, Barton, Beale, Bell, Bockee, Bond, Borden, Bouldin, Buchanan, Bunch, John Calhoon, Campbell, Carter, George Chambers, John Chambers, Chaney, Chetwood, Childs, Nathaniel H. Claiborne, Clark, Connor, Corwin, Crane, Cushing, Darlington, Dawson, Deberry, Denny, Elmore, Evans, Everett, Forester, French, Graham, Granger, Graves, Grayson, Grennell, Haley, Hiland Hall, Hard, Hardin, Harlan, Harper, Samuel S. Harrison, Hawkins, Hazeltine, Henderson, Hiester, Herod, Hoar, Hubley, Hunt, Huntsman, Ingersoll, Ingham, William Jackson, Joseph Johnson, John W. Jones, Kennon, Kilgore, Laporte, Lawrence, Lay, Luke Lea, Lincoln, Love, Job Mann, Samson Mason, Maury, McCarty, McComas, McKennan, Mercer, Montgomery, Morris, Muhlenberg, Parker, Dutee J. Pearce, James A. Pearce, Pearson, Pettigrew; Phillips, Pickens, Potts, Reed, Rencher, Rogers, Schenck, William B. Shepard, Augustine H. Shepperd, Slade, Sloane, Sprague, Standefer, Steele, Storer, Sutherland, Taliaferro, Underwood, Vinton, Ward, Wardwell, Washington, Webster, White, Elisha Whittlesey, Thomas T. Whittlesey, Lewis Williams, Sherrod Williams, Young—116.

Nays—Messrs. Ash, Bean, Beaumont, Black, Bovee, Boyd, Burns, Cambreleng, Casey, Chapman, Chapin, J. F. H. Claiborne, Cleveland, Coles, Cramer, Cushman, Doubleday, Dromgoole, Dunlap, Fairfield, Fry, Fuller, James Garland, Gholson, Gillet, Grantland, Joseph Hall, Hamer, Hannegan, Albert G. Harrison, Haynes, Holt, Huntington, Jarvis, Cave Johnson, Henry Johnson, Klingensmith, Lane, Lansing, Lawler, Gideon Lee, Leonard, Lewis, Logan, Loyall, Lyon, Abijah Mann, Martin, W. Mason, McKay, McKim, Moore, Morgan, Patterson, Patton, Franklin Pierce, Phelps, Pinckney, John Reynolds, Joseph Reynolds, Seymour, Shinn, Sickles, John Thomson, Toucey, Turrill, Vanderpoel, Yell—68.

So the decision of the Chair was affirmed by the House.

The question was then taken on the amendment of the Committee of Ways and Means, as amended by Mr. Bell, and decided in the affirmative: Yeas 110, nays 84.

So the amendment was concurred in.

The next and last amendment made in Committee of the Whole, and coming up on the question of concurrence, was the appropriation of $40,000 for fortifications at the mouth of Connecticut river.

After a few remarks from Mr. McKAY, expressing his opposition to the appropriation at this time, on the ground that a survey had not yet been made,

The question was taken, and the amendment was non-concurred in.

The question then recurred on the engrossment of the bill for a third reading.

Mr. VANDERPOEL called for the yeas and nays; which were ordered.

Mr. PATTON said he desired to say a few words before the question was taken, not for the purpose of discussing the principles of the deposite act, but for the purpose of explaining distinctly the grounds of the vote he was about to give, and which might perhaps otherwise be misunderstood. I was one of those, Mr. Speaker, (said Mr. P.,) who zealously and strenuously supported the bill of the last session, directing the deposite of the surplus revenue with the States. I considered it and

intended it bonafide as a deposite, and not as a distribution; and in that point of view, and looking to the actual circumstances in which we were placed, I then thought it a most salutary, necessary, and constitutional measure. I have seen nothing and heard nothing which has at all shaken my confidence in the wisdom of that law; concurring fully in the denunciations against any system of raising revenue for the purpose of distribution as inexpedient, unjust, and unconstitutional, I am utterly unable to comprehend the force or justice of the effort which is made to apply these denunciations to a measure which proposes to deposite with the States that revenue which has been unnecessarily taken from the pockets of the people, which it is found impossible to expend, even by the most liberal appropriations of every kind, and which, if not thus deposited, must remain deposited with numerous banks, and the benefit of this common property of the whole, in the shape of interest, discounts, &c., be employed by those immediately interested in those institutions, instead of being placed in such a situation, under the control of the Legislatures of each State, that the benefits and advantages of these funds, unnecessarily and improperly drawn from the people, may be, to some extent, and to a very considerable extent, diffused among those from whom it was improperly taken. All the declamation which has been written and spoken, all the apprehensions which have been expressed as to the danger of corrupting the people and the States, and laying them prostrate at the footstool of this Government, are bugbears which do not frighten me in the least. I have, therefore, no difficulty whatever in sustaining the principle of the deposite act, and renewing its provisions, for the disposition of a surplus, which accumulates in spite of all the efforts I can make to repeal or modify those unjust and oppressive laws by which this surplus is raised. It is, in my opinion, the best possible disposition that can be made of such a surplus. While these are my opinions, I have voted against the introduction of the amendment proposed by the gentleman from Tennessee to this bill. I think it an inappropriate place for the law. This is a bill making the regular and ordinary appropriations for the completing and armament of our fortifications. It is strictly an appropriation bill; and the practice is very irregular, and will be productive of great confusion and mischief in our legislation, if subjects so incongruous, measures so various and inconsistent with each other, shall be jumbled together, and especially if the ordinary and annual appropriation bills shall be made the basis on which to pile acts of original legislation, distinct and independent of the annual provisions for satisfying demands created by past and permanent laws. This is one reason for my voting against the amendment offered by the gentleman from Tennessee. I had a further objection: the present Congress goes out of existence in a few days; before the emergency contemplated by the amendment can exist, a new Congress will have assembled. As yet, it is uncertain whether there will be any surplus; and it will be time enough, when Congress meets here next December, to dispose of the surplus, if it shall then exist, as that Congress may think right.

This measure, therefore, seems to me to be premature, unnecessary, and not altogether delicate to our successors; and although it is very probable, nay, almost certain, if I should be here at that time, and should find a large surplus, that I should be in favor of such a disposition of it as is contemplated by the amendment, still it seemed to me better to leave that matter to those who come after us, and whose business it seems more properly to be than ours. My objections, then, to the amendment have been on points of form and points of time, and not on grounds of hostility to the deposite of an inevitable surplus with the States, as has been already done. I had some faint hopes, too, that some modification of the tariff would take place, which would very much diminish, if not prevent, any surplus, which possibly might in some way be impeded by the success of a deposite bill. I attach, however, very little weight to this consideration, no more than I do to the other idea, that the passage of this amendment will interfere with the success of the land bill which has been sent to us from the Senate. If I thought the passage of the land bill would be impeded by the enactment of this deposite amendment, it would furnish an argument in favor of that amendment which would overrule and ought to overrule all objections as to form and time; for I have no hesitation in saying that I consider that land bill more impolitic, more pernicious in its practical operations, than the strongest opponents of those measures think the tariff and the deposite bill, and more unjust and more clearly unconstitutional than either of them.

For these reasons, Mr. Speaker, I have constantly, since this amendment was proposed, voted against its incorporation with the fortification bill; and when it was decided by you, and acquiesced in by the House, that the amendment was in order as an amendment to this bill, I very cheerfully voted still further to amend the amendment by attaching to it a bill to reduce the revenue by a modification of the tariff. But the House have determined that the amendment of the gentleman from Tennessee is in order; that it shall be incorporated with this bill; and, the bill being thus amended, the question is now presented whether the bill shall, as thus amended, be engrossed; in other words, whether the objections to the passage of the deposite provision at this time and in this form are so strong that we must sacrifice the appropriations for the fortifications; whether we shall rather make no provision for the ordinary and annual expenses of completing and improving the defences of the country, than give our sanction to the deposite provision. While I have opposed the introduction of this amendment, for the reasons above stated, although I would have voted against the passage of a distinct bill for the purpose contained in the amendment, as being premature, unnecessary at this time, and perhaps somewhat indelicate to the next Congress, still my objections to the deposite provision are not such as to warrant me in refusing to give my vote for it, when the alternative is either to vote for that, or to vote against the appropriations for keeping up, completing, and arming our fortifications. I shall not hesitate, therefore, to vote for engrossing the bill.

The question was then taken on the third reading of the bill, and decided in the affirmative, 112 to 70, as follows:

YEAS—Messrs. Adams, Alford, Chilton Allan, Heman Allen, Anthony, Bailey, Bell, Bond, Boon, Borden, Bouldin, Briggs, Bunch, John Calhoon, Campbell, Carter, Casey, George Chambers, John Chambers, Childs, Nathaniel H. Claiborne, Clark, Connor, Corwin, Crane, Cushing, Darlington, Dawson, Deberry, Denny, Elmore, Evans, Everett, Forester, French, James Garland, Graham, Granger, Graves, Grayson, Grennell, Haley, Hiland Hall, Hard, Hardin, Harlan, Harper, Samuel S. Harrison, Hazeltine, Henderson, Hiester, Herod, Hoar, Hunt, Huntsman, Ingersoll, William Jackson, Henry Johnson, Kilgore, Lane, Laporte, Lawrence, Lay, Luke Lea, Lewis, Lincoln, Love, Lyon, Job Mann, Samson Mason, Maury, McCarty, McComas, McKennan, Mercer, Montgomery, Morris, Parker, Patton, Dutee J. Pearce, James A. Pearce, Pearson, Pettigrew, Phelps, Phillips, Pickens, Potts, Reed, Rencher, John Reynolds, Robertson, William B. Shepard, Augustine H. Shepperd, Shields, Slade, Sloane, Sprague, Standefer, Steele, Storer, Sutherland, Taliaferro, Waddy Thompson, Underwood, Vinton, Washington, White, Elisha Whittlesey, Thomas T. Whittlesey, Lewis Williams, Sherrod Williams, Young—112.

Nays--Messrs. Ash, Beale, Bean, Beaumont, Black, Bockee, Boyd, Brown, Burns, Cambreleng, Chaney, Chapman, John F. H. Claiborne, Cleveland, Coles, Cramer, Cushman, Doubleday, Dromgoole, Dunlap, Fairfield, Fry, Fuller, Gholson, Gillet, Grantland, Joseph Hall, Hamer, Hannegan, Albert G. Harrison, Hawkins, Haynes, Holt, Huntington, Jarvis, Joseph Johnson, Cave Johnson, Klingensmith, Lansing, Lawler, Gideon Lee, Leonard, Logan, Loyall, Lucas, Abijah Mann, Martin, William Mason, McKay, McKim, Moore, Owens, Parks, Franklin Pierce, Pinckney, Joseph Reynolds, Rogers, Schenck, Seymour, Shinn, Sickles, Smith, Thomas, John Thomson, Toucey, Turrill, Vanderpoel, Wagener, Wardwell, Yell--70

So the bill was ordered to a third reading.

On motion of Mr. CAMBRELENG, the bill (having been previously engrossed) was read a third time and passed.

On motion of Mr. BELL, the title of the bill was so amended as to add to the end the words "and for other purposes."

The House adjourned, at ten o'clock.

Monday, February 27.

This being petition day, Mr. CAMBRELENG said that as there were only two days left on which bills could be passed between the two Houses, and as it was usual, at the close of the session, for gentlemen to lay their petitions on the table, because no action could be had thereon, he would move a suspension of the rule for the purpose of proceeding with the consideration of the appropriation bills.

Mr. A. MANN demanded the yeas and nays on that motion.

Mr. ADAMS said he hoped the motion would not prevail. This was the last day on which petitions could be presented, and he had a number in his possession which he was very desirous to present.

Mr. HAYNES rose to a question of order. He inquired whether a motion to suspend the rule was debatable.

The CHAIR said it was not.

Mr. ADAMS then moved a call of the House; which was not ordered.

Mr. LINCOLN hoped that the yeas and nays would be taken on the motion to suspend the rule, this being the last day for the presentation of petitions; but they were not ordered.

And the question on the motion to suspend was taken, and decided in the affirmative: Yeas 112, nays 21.

So the rule was suspended.

On motion of Mr. CAMBRELENG, the House resolved itself into a Committee of the Whole on the state of the Union, (Mr. Pierce, of New Hampshire, in the chair,) on the appropriation bills generally.

Mr. SUTHERLAND moved that the committee proceed to the consideration of the bill No. 895, being the old harbor bill.

Mr. CAMBRELENG hoped the committee would not take up that bill. He moved that the committee proceed to the consideration of the bill making appropriations for the civil and diplomatic expenses of the Government for the year 1837.

And, the question being taken on the motion of Mr. Sutherland to proceed to the consideration of the old harbor bill, it was decided in the affirmative: Yeas 76, nays 65.

HARBOR BILL.

The bill having been read through,

Mr. SUTHERLAND said he wished simply to remark to the committee that this bill made appropriations for no new works, nor was it his intention to offer any.

Mr. CHAPIN moved an amendment appropriating $7,000 for the continuation of the works at Buffalo harbor.

Mr. C. said he had proposed the amendment under consideration, because an appropriation of seven thousand dollars for works at Buffalo harbor was recommended in the estimates of the engineer department accompanying the report of the Committee of Ways and Means, which was wholly omitted in the bill. The harbor bill, reported by the Committee of Ways and Means, provided for works already commenced under the authority of an act of Congress. For all such works appropriations were to be made annually until they should be completed, based upon the estimates of the engineer department, to whose charge and superintendence they had been committed. The provisions of this bill do not correspond at all with the estimates furnished and laid on our tables. In some instances the appropriations called for are omitted altogether, in others they are largely reduced. The aggregate of the estimates of the department for the year 1837 amounts to the sum of two millions three hundred and twenty-one thousand five hundred and thirty-six dollars; the aggregate of the appropriations for which provision is made in the bill, as reported, is the sum of nine hundred and forty-five thousand dollars, falling short of what is required by the engineer department more than one half. Representing a district of country that has a deep interest in the improvement of harbors on the Northern lakes, he could not, consistently with a proper regard to his duty, suffer the bill to pass without expressing his dissent to the conclusions of the Committee of Ways and Means. He avowed it to be his settled conviction, that a judicious expenditure of the public treasure, having proper regard to economy and the great national objects to be effected by the speedy completion of these important works, required that Congress should respond fully to the calls of the engineer department by making liberal appropriations. He had devoted much time to the examination of this interesting subject, and was prepared to vote every dollar of appropriation to carry out and complete the present system of improving the harbors on the lakes called for by the department; and he hoped the various provisions of the bill, applicable to these works, would be amended accordingly. In the remarks he was about to submit, he should not, therefore, confine himself exclusively to the consideration of the amendment proposed, but he should take a wider and more comprehensive view of the subject, in order to call the attention of this branch of Congress and the country to the vast importance of these improvements, as connected with the internal commerce of the Northern and Western States.

At this late period of the session he was fully aware that the time of the House is too precious to be consumed in debate; he could assure gentlemen he did not intend to occupy more time than he deemed indispensably necessary, claiming for himself the privilege—a very common one—of presenting his views somewhat more in detail to the country, through the medium of the press.

The official communications annually made to Congress by the engineer department, in relation to the public works under their superintendence, are justly entitled to great consideration. Indeed, the estimates furnished by the resident engineer, and sanctioned by the distinguished officer at the head of the department, ought to furnish the measure of such appropriations, unless good cause can be shown why they should not. It might be said, without hazard of contradiction, there is not to be found in the public service a class of officers more intelligent, vigilant, trustworthy, and patriotic, than the corps of the United States engineers. Combining sci-

ence with practical experience, and an intimate knowledge of the navigation and commerce of the country, they are eminently fitted for the discharge of the public trusts confided to them. Their estimates for appropriations are founded, without exception, upon actual surveys and examinations made on the ground, and furnish the most accurate and satisfactory information that can be acquired on the subject. For one, he had great confidence in these estimates, and he hoped the House would sustain the call of the department.

It is a part of the system of national protection to provide for the improvement and construction of harbors. They are works of great importance, and of public utility, clearly within the scope of the constitutional powers of Congress, and the legitimate objects of national legislation. The General Government derives revenue from commerce, in which the States, as such, cannot participate. The improvement of the harbors on the lakes having become, therefore, a part of the settled policy of the United States, it seems to be just that expenditures for necessary works should be commensurate to the increasing commerce of the country and the magnitude of the interests involved. Vast numbers of enterprising citizens have embarked in the commerce of these inland seas, under the reasonable expectation that Congress will make adequate appropriations to finish the works already begun, and authorize others where they are needed, by which means the dangers of navigation will be diminished, and the facilities of trade increased. Such expenditures are no longer to be regarded as of partial, local, or doubtful benefit. They are objects of vast national importance, affecting, to a large extent, the internal trade of the States of New York, Pennsylvania, Ohio, Indiana, Illinois, and Michigan, and the Territory of Wisconsin, whose shores are washed by these lakes.

The strongest argument that can be suggested in support of liberal appropriations for these public works results from a simple narrative of facts, showing the increase of the commerce and navigation on the lakes. It would be instructive to present them somewhat in detail, as connected with the present argument, and for future reference.

In 1828, about the period when the present system of improving the harbors on the lakes commenced, the gross revenue collected in the district of Oswego, as ascertained from the Register of the Treasury, was only $64 65; in 1835 it was $36,424 49; and in 1836 it exceeded $52,000. In the district of Genesee, in 1828, the customs collected were only $131 26; in 1835, $26,071 74, and in 1836 they amounted to $60,000.

It appears from the transactions of the custom-house at Oswego, for 1836, that the aggregate of American vessels entered was 87,745 tons; of the same cleared, 93,323 tons. The aggregate of foreign vessels entered was 61,947 tons; of the same cleared, 60,554 tons.

During the past year, 26,998,697 pounds of merchandise were received at Oswego; of this amount, 16,039,226 pounds were destined to Canada and the upper lakes. There were also received during the same year 292,444 feet of sawed lumber, 35,217 feet of timber, and 180,000 bushels of foreign wheat.

There was, also, shipped on the canal from Oswego, in 1836, 72,239,084 pounds of property paying toll by weight; 8,390,948 feet of sawed lumber, and 192,112 feet of timber.

In discussing a subject of such vast importance to the people of the United States, it is impossible to keep out of view the immense extent and cost of the internal improvements, projected, commenced, and finished, under the authority of the several State Governments, and in the provinces of Upper and Lower Canada, which have been or will be brought to bear with wonderful effect upon the trade, commerce, and general prosperity, of the States and Territory bordering upon the lakes. The works of the General Government, in the opening of harbors, commence where the internal improvements of the States terminate. New avenues for commerce in the fertile regions of the West are opening almost daily. The canals and railroads are the commercial channels leading to and from the lakes. Most of the harbors named in the bill on your table are the points of the actual or proposed terminations of such canals or railroads. The people of the States do, therefore, expect that the General Government will provide for the protection of shipping against the winds and waves, while receiving and discharging their cargoes, by the construction of piers, and by causing the obstructions to be removed at the entrance of harbors.

In 1822 there were about 10 sail of vessels, and only 1 steamboat, on all the upper lakes. In 1836 there were 39 steamboats, 3 ships, 6 brigs, and 147 schooners and sloops, with an aggregate tonnage of 25,206 tons; 13 steamboats of the largest class, and numerous other vessels, are now on the stocks, which will be ready for the opening of navigation in the spring.

During the past year, there were 810 arrivals, and the same number of clearances of steamboats, and 1,047 arrivals of ships, brigs, schooners, and sloops, and the same number of clearances, at the harbor of Buffalo, with an aggregate of 642,060 tons. During the same season there were 108,000 passengers going west from Buffalo in steamboats. The returns of the collector of canal tolls at Buffalo, in 1836, show an increase of seventy per cent. of merchandise and property sent beyond the State of New York through the Erie canal, and an increase of tolls collected there of nearly fifty per cent.

[Mr. MERCER rose and inquired whether the appropriation for Buffalo harbor was recommended by the engineer department.]

Mr. C. said he had so stated in the outset, and that he had no further knowledge of its necessity than such estimate, which he again referred to.

The following statement, which was believed to be authentic, exhibits the astonishing increase of the commerce of Chicago and Toledo:

"At Chicago, in 1833, were but four arrivals from the lower lakes, viz: 2 brigs and 2 schooners, say 700 tons. In 1835 there were about 250 arrivals, nearly all of which were schooners, averaging about 90 tons burden each, or 22,500 tons in all. In 1836, the first arrival was the 18th day of April. From that time to the 1st day of December, 226 days, 456 vessels (49 steamboats, 10 ships and barques, 2 brigs, 363 schooners, and 8 sloops) arrived, averaging 47,550 tons, as follows: 85 ships, steamboats, barques, and brigs, at 350 tons each, 21,250 tons; 363 schooners, at 100 tons each, (many of them carry 150 to 200 tons,) 36,300 tons—or 57,550 tons in all, without including the sloops. To give a more concise view of the increase of our commerce for the years above named, we place it in the following order:

Year.	No. of arrivals.	Average tonnage.
1833	4	700
1835	250	22,500
1836	456	57,550

"As there are several vessels now on the way which will arrive here this season, we may safely state the tonnage at 60,000; being an increase of 59,300 tons in three years.

"Toledo dates its birth as a town in June, 1834. At that period the space occupied by its present site, with the exception of one or two small clearings, was a dense forest. Its population scarcely amounted to 150. Not a steamboat of the larger class entered the Maumee river that year, except the Daniel Webster, which came in on her last trip in November. But few steamboats or

schooners (we have not the means of a precise computation) entered the succeeding year, 1835. In 1836, from the opening to the close of navigation, there were, exclusive of the small steamboats that ply daily between this and Detroit, 601 arrivals, viz: 690 steamboats and 211 schooners, averaging 118,600 tons, as follows: 390 steamboats, at 250 tons each, 97,500 tons, 211 schooners, 100 tons each, 21,190 tons—making in all 118,600 tons."

Detroit, Milwaukee, Michigan city, and numerous other places of less importance, on the borders of these lakes, are making astonishing advances in trade, wealth, and population. It is said, upon good authority, that 223 vessels discharged cargoes at Milwaukee during the last season. The census of this town was taken under the act of Congress organizing the Territory of Wisconsin, and the population was ascertained to number 1,300, where, eighteen months before, there were but two families. These facts are surprising, even to those who live in this age of wonders. Every where in the vast fertile regions of the West, the country is advancing with railroad velocity, outstripping the calculations of the wildest enthusiast. The lake coast of New York and Pennsylvania, and the northern part of Ohio, have more than doubled in population within the last eight years, since the General Government began the construction of harbors; and Michigan has increased from a population of about twenty thousand, to upwards of two hundred thousand souls; from a wilderness, to a comparatively dense population of enterprising and industrious citizens.

It is impossible, at the present day, to assign limits to the future population and wealth of the States bordering upon the Western lakes. Their productive industry, owing to the fertility of the soil and other natural advantages, will soon equal that of any other portion of the United States of the like extent. The lakes, which are the natural avenues for their trade, are destined to be covered with vessels engaged in an active and profitable commerce.

A project has been set on foot to overcome the Falls of St. Mary, and open the navigation of Lake Superior, which, it is believed, may be accomplished at a comparatively trifling expense, as it will require but three locks of seven feet lift each, and a canal of less than a mile in length. By this means, more than twelve hundred miles of coast navigation would be added to the present.

The whole amount appropriated, from the commencement of the improvement of the harbors on the Northern lakes to the close of the last session of Congress, was one million two hundred and ninety-eight thousand eight hundred and forty dollars and eighteen cents. This sum has been applied to the following improvements:

Lake Ontario.

Sackett's Harbor,	$6,000 00
Improvements of the mouth of Black river,	5,000 00
Salmon river,	10,000 00
Pier and mole at Oswego,	149,820 87
Improvement at Big Sodus bay,	116,620 00
Improvement of Genesee river,	113,395 00
Improvement of Oak Orchard creek,	5,000 00
	$405,835 87

Lake Erie.

Improvement of Black Rock harbor,	$52,098 00
Improvement of Buffalo harbor,	139,594 00
Improvement of Dunkirk harbor	62,743 93
Improvement of Cattaraugus creek,	15,000 00
Improvement of Portland harbor,	10,000 00
Improving the harbor of Erie,	97,858 43
Improving the harbor of Conneaut,	30,305 65
Improving the harbor of Ashtabula	$48,149 75
Improvement of Cunningham creek,	9,781 12
Improvement of Grand river	45,598 29
Improving the harbor of Cleveland	62,557 15
Improvement of Black river	51,794 77
Improvement of Union river,	33,208 71
Pier at La Plaisance bay,	19,713 91
River Raisin ship canal,	45,000 00
	$723,403 31

Lake Michigan.

Improving the harbor of Chicago,	$122,601 00
Improving the harbor of St. Joseph's,	20,000 00
Improving the harbor of Michigan city,	20,000 00
	$162,601 00

The expenditures mentioned in the above tabular statement, it should be borne in mind, are for works extending along a coast navigation of twelve hundred miles, where, prior to 1828, no good harbors existed on the main land, except at the extremities of Lake Erie and Lake Ontario. Then, a trip from Buffalo to Detroit was considered as dangerous as crossing the Atlantic—vessels being often compelled, by sudden storms and adverse winds, when they had nearly reached the place of destination, in order to avoid being wrecked on the coast, to put back, and make the port from which they had sailed. Now, vessels of all descriptions cross Lake Erie with almost as little danger as they ascend the Hudson. The change has been wrought by the appropriations alluded to. Already twelve good harbors have been created on Lake Erie and three on Lake Ontario. These have been generally made by removing the bar at the entrance of the harbors, and by constructing piers of wood and stone to break the force of the waves, and prevent the accumulation of sand and gravel in the channels. This experiment has proved entirely successful. The object of the appropriations now asked for is, in most cases, to make these structures permanent; in some few others, it is to remove the bar between the piers.

No good harbors now exist on Lake Michigan. This fact accounts for the destruction of human lives and the loss of property which occurred on those waters during the past season. It is computed that property to the value of two hundred thousand dollars was destroyed by one storm, at and near Chicago, which was entirely owing to the impossibility of passing over the sand bar at the mouth of the river, between the piers. The following extract from the message of Governor Dodge, to the Legislature of Wisconsin, presents a clear and correct view of this branch of the subject:

"The shipping interest of Lake Michigan, for the last two years, has increased to a great extent, and little has been done to protect it. Appropriations for the construction of harbors and light-houses are of the first importance to protect our commerce, as well as the lives of enterprising citizens on Lake Michigan. Many lives, and property to a large amount, have been lost, for the want of the necessary harbors on this lake. I would suggest the propriety of asking of Congress an appropriation sufficient to cover the expenses of surveying all the necessary harbors on Lake Michigan, and the construction of such harbors and light-houses at the most eligible situations, for the security and protection of our lake trade."

The following is an extract from a memorial of the General Assembly of Indiana to the present Congress, asking an appropriation of one hundred thousand dollars for the improvement of the harbor at Michigan city, Indiana:

"That, owing to its natural and relative position, Lake Michigan may be emphatically styled, in its commercial importance, the Mediterranean of North America. The business in this lake has increased in a ratio far exceeding that of any other newly-occupied navigable waters. The amount of merchandise landed at the different points on the whole lake, it is believed, would not fall short of twenty millions of dollars. The amount landed at Michigan city alone exceeds three millions of dollars. The losses sustained by damage to vessels and merchandise on the lake during the past year, which mostly has been for want of harbors, has not been less than a million of dollars. In two years past, more than fifty lives have been lost, many of them young, intelligent, and promising, who met with a premature and watery grave for want of harbors; vessels being under the necessity of encountering the severest gales at sea, without any other hope than that of being able to outride the storm."

In 1836, five millions one hundred and fifteen dollars and ninety-three cents, as appears from the report of the Commissioner of the Land Office, were paid into the Treasury, on the sales of public lands, in the State of Michigan; yet the bill before us contains only the pitiful sum of forty-five thousand dollars for harbors in that State. This is a narrow, illiberal policy, unjust to the enterprising citizens who have emigrated from the Eastern States to settle and improve the public domain, and unworthy the character of a great and powerful empire.

The pioneers of the West may be regarded as the forlorn hope in the march of improvement. Their lot is a life of hardship, privation, and enduring toil, exposed alike to the dangers of savage warfare and the wasting diseases incident to all new settlements. They level the forest, reclaim the swamps, clear up and fence their farms, subdue and fit the soil for cultivation. They enlarge the bounds of civilization. They may be said to live not for themselves, but for their children—for the good of their country. Every consideration of justice, humanity, and patriotism, call upon the Congress of the United States to extend to those hardy, brave, enterprising citizens, who first occupy the public lands, and convert a howling wilderness into fruitful fields, to the fostering care and protection of the Government. Open to them the facilities of trade with the commercial cities on the seaboard. Enable them to send the products of their labor to market, where they may receive in exchange the commodities of the Southern States, the manufactures of New England, the teas of China, and the spices of India, at such reasonable cost that they may not be entirely deprived of the luxuries of life common to all who inhabit the old States of the Union.

The expense of transportation from Buffalo to Chicago, Milwaukee, or Michigan city, during the summer months, is about one dollar per barrel bulk; later in the season, when the weather becomes tempestuous, and the dangers of navigation increase, the price of freight advances to four or five dollars per barrel bulk, which, of course, becomes a charge upon the consumer. This enormous charge falls upon those least able to bear it; it falls upon the settlers on your public lands. The charge for freight would be nearly uniform, at all seasons of navigation, provided the harbors on Lake Michigan were made accessible to shipping, and secure against storms. This would, also, reduce the rates of insurance, which become, of necessity, a tax upon the people of the West.

It has long been the settled policy of Great Britain to extend her commerce whenever it can be done with profit, and to gain a foothold by occupying the ground in advance. With the manifest and avowed design of securing a portion of the trade of the rich agricultural States bordering on the lakes, the Parliament of Upper Canada have assumed the stock of the Welland canal, so that it has become a provincial work. It is said, upon good authority, that the Welland canal and locks are to be enlarged, so as to admit the passage of vessels of the largest capacity that navigate the lakes. The British Government is making extraordinary exertions to open a navigation for ships around the rapids of the St. Lawrence, and the work is now in progress. This important work, which is to be constructed upon a magnificent scale, it is expected, will be finished in two or three years, when an uninterrupted communication will exist between the ocean and the Western lakes for ships and steamboats of three hundred tons burden. It requires no gift of prophecy to foretell, what I do not hesitate to declare as my firm belief, that many gentlemen present will have the gratification to see British vessels discharging their cargoes at Oswego, Sodus Bay, Toledo, Detroit, and Chicago, which were freighted with merchandise at the docks of London or Liverpool.

It is stated in the journals of the day that the Parliament of Upper Canada have appropriated eight hundred thousand dollars for the construction of a railroad from Niagara to Detroit, which will form a connecting link in the chain of railroads chartered, or finished and in operation, from the city of Boston, through Massachusetts, New York, Upper Canada, and Michigan, to Lake Michigan, and extending westwardly from Chicago to Galena. A canal is also projected to connect Lake Ontario with Lake Huron, by a short and feasible route through Lake Sincoe. Such are the vast and magnificent plans of internal improvement adopted by the only Power on earth which can, from its local position, become a competitor of our maritime cities for the immense trade of the fertile and productive regions bordering on the lakes. It touches our national character not to be outdone by our powerful competitor in this noble field of commercial rivalry. Let not the golden prize be seized and borne away by another, in consequence of a spiritless and parsimonious policy on the part of the Congress of the United States.

It must be apparent to the most casual observer that Great Britain intends to avail herself for the present, and secure for the future, the advantages of her position in regard to the trade of the Canadas and the adjacent States. With this view, the British Government is strengthening and completing its system of fortifications in the Canadas, which will answer the double purpose of maintaining the supremacy of the Crown, by overawing the disaffected and disloyal among his Majesty's subjects in the provinces, and of efficient defence against the arms of the United States in the event of war.

It is a maxim in political economy, that a redundant population tends to weaken the State. The emigration of the inhabitants of the old States of the confederacy to the States and Territories stretching along and beyond the chain of Western lakes will long preserve that medium density of population so congenial to a happy and prosperous condition of society. It was a saying of the Emperor Adrian, "He had rather see the empire full of people than riches." Let the surplus population of the Eastern and Middle States pour forth into the valley of the Ohio and the Mississippi, the prairies of Michigan and Illinois, and the mineral region of Wisconsin, where the labor of the agriculturist must reap a rich reward, and well-directed enterprise cannot fail to prosper. In reference, therefore to the general welfare of the Union, no impediment should be thrown in the way of public improvements which have a tendency to encourage emigration, and keep down the increase of population within the old States to proper limits.

In the further improvement of harbors on the lakes, it is desirable that a system should be pursued having due regard to the commercial facilities which will be

most needed by the country as it advances in wealth and population. With these important objects in view, Lakes Huron and Michigan ought to be surveyed by engineers, who should be required to report all the statistical and topographical information they might be able to collect to Congress, accompanied with a general plan for the improvement of such harbors as will best serve to diminish the dangers of navigation and meet the demands of increasing trade. This would bring the prominent points into view, and throw open to the public the natural avenues for internal commerce. It would, moreover, shut the door against those applications to Congress for appropriations which originate in a spirit of speculation, with interested individuals, who seek private gains at the expense of the public. It seems to be generally admitted that those points on the lakes where the business of the country naturally centres, at the mouths of navigable streams, at the terminations of canals and railroads, do require accessible, convenient, and safe harbors; wherever such do not exist, it is believed to be the duty of Congress to provide the means for their construction.

Compare the expenditures of the General Government for objects of admitted national utility, in the new States, with the munificent appropriations for our maritime cities; for the improvement and defence of the seaboard, and the protection of our foreign commerce, wherever a sail whitens the ocean. Look at your marble palaces for custom-houses, rivalling in architectural beauty and grandeur the splendid edifices of Greece and Rome; look at your granite dry docks at Boston and Norfolk; look at the impregnable defences of your seaports; look at your line of battle ships under cover in your navy yards, all constructed at the expense of the Treasury of the United States; look at your Delaware breakwater, which has already cost the Government over fifteen hundred thousand dollars, and is only half completed—then turn your eyes to the Western lakes, and behold the unprotected condition of your internal commerce; witness the annual sacrifice of the lives of American citizens in navigating those dangerous seas; the vast destruction of property in gales and storms, owing almost entirely to the want of accessible and safe harbors for shipping. Who can fail to perceive, at a glance, the great inequality which prevails in the distribution of the favors of the Government, the marked injustice of Congress towards the neglected public interests of the West? This unequal state of things should no longer exist—a speedy remedy ought to be provided. The people of the West have the right to demand that equal and exact justice should be done alike to all portions of the Union presenting substantial claims for the consideration of Congress. They desire nothing more. In the present condition of our finances, with a Treasury overflowing, all the various branches of the public service may be abundantly provided for, and the leading interests of the country protected, which fall within the constitutional powers of Congress, without imposing the slightest additional burden upon the people.

Mr. C. said he could not conclude without expressing his acknowledgments to the Committee of Ways and Means, for raising the appropriation for the improvement of Big Sodus bay, at his own request, from five thousand dollars, as contained in the original bill, to twelve thousand. The necessity of the increase was the more urgent, as an incorporated company was now engaged in the construction of a canal, of large dimensions, to connect Sodus bay with the Erie canal and Cayuga lake. When the bar at the entrance of this harbor, between the piers, shall be removed to a sufficient depth, it will become one of the best harbors for shipping on Lake Ontario. The harbor is spacious; the water within the bar is of sufficient depth for a ship of the line; the anchorage is good; it possesses, moreover, the important advantage of being a convenient refuge for vessels in severe gales.

After some remarks from Messrs. E. WHITTLESEY, MERCER, SMITH, SUTHERLAND, and G. LEE,

The question was taken, and the amendment was rejected.

Mr. HARD moved to amend the bill by striking out "$50,000" in the appropriation for the continuation of the improvement of the harbor at the mouth of Oak Orchard creek, New York, and inserting $10,000.

After some remarks from Mr. HARD, the amendment was rejected.

Mr. PARKER moved to amend the bill by inserting an appropriation of $6,963, in addition to former appropriations, for the improvement of the harbor of New Brunswick, New Jersey.

The amendment was rejected.

Mr. McKAY moved to amend the bill by increasing the appropriation for the removal of obstructions at Ocracock inlet, North Carolina, from $12,050 to $13,085.

After some remarks from Messrs. McKAY and SMITH,

The question was taken, and the amendment was rejected.

Mr. WHITE offered an amendment providing for the establishment of a port of entry at the mouth of Laurel river, and an appropriation of $45,000 for the improvement of the Cumberland river, between the mouth of Laurel river and the city of Nashville, to be expended according to the report made by Colonel Abert, of the engineer corps, of a survey executed in the year 1835.

Mr. W. said, with all due respect to the admonition of the gentleman from Ohio, [Mr. Whittlesey,] and the gentleman from New York, [Mr. Lee,] warning the committee of the impropriety and great danger of allowing any amendment whatever to this bill, he felt it his duty to offer the amendment under consideration. And he must be permitted to say that he could not but admire the extreme modesty and generous liberality of the earnest appeals of those two gentlemen, when he reflected upon the various items contained in this bill. The committee will discover, by an examination of the different appropriations proposed in this bill, that, although there are twenty-six States in this Union, each entitled to a fair and just proportion of the public expenditures of this Government, two thirds of the amount appropriated by this bill is to be expended in the States of Ohio and New York; and out of the remaining third, Tennessee and Kentucky are to receive the pitiful sum of ten thousand dollars. And yet, notwithstanding this manifest inequality and injustice, the representatives from those two States are modestly asked to sit still, and fold their arms, and quietly look on and see themselves robbed, without raising a voice in defence of their just claim for a small pittance out of your overflowing Treasury, or daring to express their indignation at your flagrant injustice. Sir, this siren song of submission and forbearance towards this bill, as it now exists, lest you may jeopard its final passage, may lull others to sleep, whilst you carry on your insatiable plunder upon the national Treasury, in which my constituents hold a common stock. But, (said Mr. W.,) if I cannot reach your sense of justice and equity, I intend fearlessly to expose your injustice. It is objected by the gentleman from Ohio, [Mr. Whittlesey,] that this amendment ought not to be adopted, because the appropriation has not been reported by a standing committee. My reply to this objection is this: unfortunately for the States of Tennessee and Kentucky, either from a want of intellect in their members, or from a want of sagacity in the presiding officer of this House to discover it, or from some other cause, not politic, just at this time, for me to spec-

ulate upon, it so happens, out of the eighteen members who compose the standing Committees of Commerce and Ways and Means, whose duty it is to examine and report upon propositions of this kind, not one of them is from the State of Kentucky, and but one from the State of Tennessee, and he constitutionally opposed to all appropriations by the National Government for internal improvements. I do not mention this as a complaint of personal neglect. Being one of the youngest members upon this floor, in years as well as political life, I did not expect or desire to be placed upon one of those important committees. Yet I do consider that great neglect has been done towards those two States, in not placing some one of their older members upon one of these committees, through whose hands three fourths of the business of this House has to pass. Mr. W. would ask this committee to consider that it is not from any want of intrinsic merit in the measure proposed by this amendment that it does not come recommended by a standing committee, but from a want of deliberate inve-tigation and just consideration of those committees to whom this subject was referred the session before the last, and likewise this, by express resolution.

Sir, if this committee will take the trouble to cast their eyes over a list of the members composing those two committees, they will perceive that sixteen out of the eighteen are selected from the Atlantic States, and but two west of the Alleghanies: one from Ohio, [Mr. CORWIN,] and one from Louisiana, [Mr. JOHNSON,] both of which States are amply provided for in this bill. Sir, it is an old and true saying, that "charity begins at home;" and with their two committees, in the manufacture of this bill, it has remained at home. If it has passed without the limits of the various States in which the different members of the committees reside at all, its visits are like angels', few and far between. Whilst every stream of any importance emptying into the Atlantic, and every creek and branch running from the States of Ohio and New York into the Northern lakes, is to be ornamented with a splendid and magnificent harbor, large and valuable streams in the interior States are wholly forgotten and neglected.

Mr. W. said that this amendment was not offered by him as a mere matter of form, to make a display of his name upon the journal, expecting it to be voted down as a matter of course. No, sir; it is offered as a matter of substance and of just merit; and if he should succeed (as he felt confident he should, if he could retain the attention of the committee) in convincing this committee that this proposition would bear a rigid scrutiny, and a triumphant comparison, tested by merit, with any object contained among the almost innumerable items of this bill, he expected it to receive the favorable action of this committee, although it did not come before you recommended by the standing Committee of Commerce or Ways and Means. If he should fail in maintaining its intrinsic merit in comparison with other objects, he should feel it his duty to acquiesce in a vote of rejection.

Mr. W. said that, as the committee had not, during this session, had the benefit of a report from any standing committee upon this subject, and as there seems to be a lamentable ignorance in relation to the size and importance of this stream, he would briefly state, for the information of the committee, that, in the year 1835, there was a survey made of this river by one of the United States engineers, under a resolution passed by this House, the report of which survey, made by Colonel Abert, of the engineer corps, he now had before him—a report drawn with great labor, highly creditable to the intellect of its author; minutely describing the length and size of the river—its advantages for navigation—its obstructions—the character of soil in the counties contiguous to its banks—the various minerals as well as agricultural products. He said he would not weary the committee by reading the report; but if any gentleman doubts the importance of this river, and desires information, he will discover, by an examination of this report, made by one of the first officers in the service of the Government, that the Cumberland river, from its source to its mouth, is five hundred miles in length, (longer than any river within the limits of the United States that empties into the Atlantic east of the Alleghany mountains,) running through bodies of land for the distance of three hundred miles that will bear a successful comparison for fertility and variety of products with any part of the globe—abounding in minerals of almost every description—coal banks inexhaustible immediately upon its margin—salt manufactured to the amount of a half million of bushels annually at the various works, the most distant not exceeding thirty miles from the river, which quantity could be greatly increased if an additional market were opened by the improvement proposed; a stream admirably adapted by nature for navigation, with but few natural obstructions. The sum asked to be appropriated by this amendment is estimated by the engineer who executed the survey as being sufficient to remove the obstructions between the mouth of Laurel and Nashville, a distance of near two hundred miles. This reports recommends in the strongest terms the great advantages to be derived from the improvement of the navigation of this stream, at so little cost to the Government.

This subject, together with this report, has been referred to some standing committee of this House each successive session since the execution of this survey, and has uniformly received the favorable action of some committee of this House each session preceding the present; but, from press of business or some other cause, the passage of the appropriation for this object has always failed. Before the survey alluded to was made, during the session of 1833-'4, a bill passed appropriating thirty thousand dollars to the improvement of the Cumberland river in Kentucky and Tennessee; but, unfortunately for the people who reside in Tennessee and Kentucky above Nashville, the expenditure of that appropriation was confined exclusively to that portion of the river lying below Nashville. By a rigid and most singular construction of the constitution, so much of that appropriation as was intended by Congress to benefit his constituents, as well as the entire population occupying the country above Nashville, fell a victim to the executive veto, based upon a newly discovered idea that no appropriation by the General Government could be constitutionally applied above a port of entry. He said he wished it distinctly understood by the committee he did not read the constitution in this way; he wished no such inference drawn from his having associated the erection of a port of entry with the appropriation asked in his amendment. He did not believe that any act passed by Congress could either enlarge or diminish, add to or take from the constitution; but the Chief Magistrate, whose sanction has to be given to this bill before it becomes a law, does; and in order to obviate his objection, and secure the signature of the President to this bill, he had inserted a clause in the amendment providing for the establishment of a port of entry at the mouth of Laurel river, the highest point upon the Cumberland river proposed to be improved. This is his apology to the committee for presenting this singular anomaly, this strange association of the creation of a port of entry with an appropriation for the improvement of a river. Notwithstanding the two subjects are somewhat incongruous, yet the necessity of the case demands that the incongruity should be overlooked. For his own part, he did not intend to stickle about a nice point of order in voting for this amendment, nor should the committee, under the peculiar cir-

cumstances of this case. His constituents are by no means a fastidious people; they want this appropriation, they greatly need it, their prosperity much depends upon it; if they cannot get it in the ordinary way, they are willing to resort to the extraordinary; if they are without the limits of the constitution, and cannot gain admittance through any other channel than a port of entry, they are willing to enter in at that door. They regretted, to be sure, to learn that while the constitution was construed so as to embrace within its arms States all around, and even a portion of their own State, they should have been declared without its pale. They rejoice, however, there is a way opened for them to come in; and, although it seems to them a crooked way, they are disposed to avail themselves of the offering. Being convinced that every member of this committee was satisfied of the importance of this river, and the justice of this appropriation, he hoped that neither a strict construction of a point of order, nor the objection growing out of a want of recommendation from the standing committees, will close this only remaining avenue left his constituents to get back again under the protecting arm of the constitution.

He said he was frank to acknowledge that, in making up his mind upon any proposition brought before this House, a favorable recommendation from a standing committee had a considerable influence in forming his judgment. Yet he was not willing to yield a passive obedience to the report of a standing committee, and vote for or against a measure in accordance with their recommendations. He cared not how he acquired the facts; if he considered the measure right, and deserving, by its merit, his favorable consideration, he gave it his vote, even if it should not be endorsed by a standing committee.

It will be recollected by this committee that he had, in more than one instance in the last two days, pursued this course. Upon the proposition to appropriate twenty thousand dollars to the repair of a fortification at the mouth of the Connecticut river, although offered as an amendment, without the recommendation of a standing committee, he gave this amendment his sanction, because he deemed it needful. At the same time, he was not partial to a general system of fortifications as a means of defence. He did not regard them as the most important branch of the great system of national defence. A few were absolutely necessary for the protection of large cities, situated upon the coast; to secure the entrance of large harbors; to guard the mouths of large rivers. But in a country like this, after all, the main reliance for defence is upon the patriotism and valor of the citizens, and the facilities afforded by good roads, canals, and navigable rivers, for the rapid concentration of men and supplies to any and every point of our extensive frontier. In time of peace, fortifications were expensive, requiring a standing army to keep them in repair, and preserve them from ruin. Not so with navigable rivers, canals, and roads. They were alike useful in peace and war; affording important facilities and benefits to agriculture, manufactures, and commerce.

He wished the chairman of the Committee on Commerce [Mr. Sutherland] to bear in mind that he voted against the proposition to strike out of the navy bill the appropriation of four hundred thousand dollars, necessary to complete and launch the magnificent ship of the line Pennsylvania. He called the recollection of the gentlemen from the North to the fact of his having voted, only a few days since, for four hundred thousand dollars to build four sloops of war, although offered by way of amendment, and not recommended by the Committee on Naval Affairs. He would say a few words in relation to the claims of Tennessee and Kentucky upon the justice of the General Government, and the neglect with which they had been treated, and he was done. It will be remembered that Tennessee and Kentucky, the two States interested in this amendment, pay annually a large amount in taxes upon consumption into your Treasury; that they are altogether consuming States, and import nothing; that they have not a ship afloat upon the ocean, and derive not one cent of direct benefit from all your foreign commerce, for the protection of which you spend millions annually; and although there may be seventeen millions of revenue collected yearly in the city of New York, as has been boastingly displayed before this committee by the member from that city, [Mr. Lee,] and zealously urged as an argument why New York was justly entitled to more than an ordinary share of the disbursements of the public money, yet the merest sciolist in political economy knows that these duties are always paid (and that too with heavy interest) by the consumers. Sir, Kentucky and Tennessee have been members of this confederacy near a half century: during which time how many millions have they contributed to your Treasury, and how many hundreds have they received back again? How many cents have returned to Kentucky? Not one cent. Tennessee, I believe, has received forty-five thousand dollars since she was acknowledged as a State. It will not be contended that there are any two States in this Union more loyal, more devoted to the true principles of this republic. None are more prompt to vindicate and contend for the rights and honor of this nation. None are more ready to take up the line of march to meet foreign aggression, no matter upon what border of this widely extended country it may approach. This Government has never yet drawn a bill upon their patriotism that has not been promptly discounted, nor upon their valor that has not been most nobly redeemed.

He would not detain the committee by reciting the many splendid victories achieved by their daring courage during the late war; their noble deeds are matters of history; their fame is above the reach of eulogy or detraction. No, sir. He said, he repeated, neglect, injury itself, could not alienate the affections of the people of these two States from this Union. They have long and patiently borne both. Under all political changes their attachment has remained unimpaired. You may check and embarrass their progress in wealth, as you have done; you may impoverish them by your mistaken policy, or, to speak in plain and honest language, by your unpardonable neglect and wilful injustice; yet you cannot weaken their attachment to this Government; they will continue to cling to the Union, "as their best, their greatest, and last hope." Yet he demanded of the candor of this committee if they ought not, whilst they were scattering millions upon millions of the surplus treasure upon the seaboard and upon the lakes, to return upon meritorious and useful objects of appropriation a small division of the perpetual drain from those two States into the National Treasury. He said it was not his habit to indulge in complaints, but he must repeat he felt that these States, and especially Kentucky, had been treated by this Government with cold neglect, with crying injustice. He said he did not stand here asking charity at the bar of this House; he scorned the character of a beggar; he was no mendicant for bounty, no petitioner for alms; his constituents would spurn him from their presence, when he returned home, if he would dare fill such a character upon this floor. He stood here as one of the representatives of the people of this nation; and, in the name of his constituents, he asked for justice, nothing but sheer justice. He called upon gentlemen from the North and from the East to bear in mind that, during the last session, as likewise this, he had voted for the appropriation of millions for the increase of the navy, for the erection of fortifications, for the building

of light-houses; and now the small pittance of forty-five thousand dollars is asked, as the only appropriation for all purposes to two States, and the murmuring sound of opposition is heard from the North—from the gentleman from New York, [Mr. LEE,] from the gentleman from Maine, [Mr. SMITH;] and from the West—from the gentleman from Ohio, [Mr. WHITTLESEY.] "*Et tu Brute.*" Sir, he said, the gentleman from Ohio must permit him to say, last of all did he expect opposition from that quarter—the representative of a Western, adjoining State, whose lake borders are now whitened by the bones of Kentuckians who perished gallantly defending the wives and children of the gentleman's constituents from the savage cruelty of the Indian. He had occupied the attention of the committee much longer than he intended when he rose. He knew the great mass of unfinished business on hand, and but a very few days remained to dispose of it; but, before he took his seat, he would say, by way of assurance to those who felt a deep interest in the success of this bill, and as a guarantee of his sincerity of purpose in offering this amendment, and that he was actuated by no sinister design, that, whether his amendment was sustained or not by the committee, he would still vote for the bill. He wished it understood that the justice and liberality of a Kentuckian were not confined to the narrow limits of a congressional district, not circumscribed by the boundary of a State, but commensurate with the just wants of every part of this wide-spread Union.

After some remarks from Messrs. E. WHITTLESEY, WILLIAMS of Kentucky, MERCER, SMITH, and CHAMBERS of Kentucky,

The question was taken, and the amendment was agreed to: Yeas 67, nays 59.

Mr. CARTER moved an amendment appropriating $50,000 for the continuation of the Muscle Shoals improvement, in the State of Alabama, and constituting Kingsport a port of entry.

After some remarks from Messrs. CARTER, CAMBRELENG, and BELL,

The amendment was rejected.

Mr. CASEY offered an amendment appropriating $25,000 to the improvement of the Illinois and Great Wabash rivers, severally; and to establish a port of entry at some point thereon.

The amendment was rejected.

Mr. YELL moved to amend the bill by adding after the 119th line an appropriation of $25,000 for the removal of obstructions in the Arkansas river, between Little Rock and Fort Smith.

After some remarks from Mr. YELL, the question was taken on the above amendment, and it was rejected.

Mr. YELL moved to amend the bill by adding an appropriation of $30,000 for the removal of obstructions in the White and Black rivers; and an appropriation of $10,000 for a similar purpose for the river St. Francis; which amendment was rejected.

Mr. DAWSON moved to amend the bill by adding an additional section, appropriating $25,000 for buoys, beacons, &c., at the harbor of Brunswick, Georgia; making a separate collection district there, and constituting the said harbor a port of entry.

After some remarks from Messrs. DAWSON, SUTHERLAND, PINCKNEY, A. MANN, and D. J. PEARCE,

Mr. DAWSON withdrew his amendment, intending to renew it when the light-house bill should be taken up.

Mr. JOHNSON, of Louisiana, moved to amend the bill by inserting an appropriation of $210,000, in addition to former appropriations, for continuing the work of removing the obstructions to the navigation of the Mississippi river at its mouth.

Mr. J. explained the reasons why an appropriation for this object had not been embraced in the bill. At the last session of Congress, the sum of $150,000 was appropriated in this bill for the removal of these obstructions, to be expended by the Secretary of War, under the direction of the President of the United States, after new surveys had been made. The Senate reduced the amount to $75,000. The matter had been neglected for some time, in consequence, he supposed, of the departure of Secretary Cass. Mr. J. then proceeded to state that these surveys had since been made, that they were presented to the House on Saturday, and were now in the hands of the public printer. The Committee of Ways and Means have not had it in their power to assemble together for the purpose of recommending the appropriation; but he was justified in saying, from the cursory view they had had of the documents, that it met their approbation. The amount stated in the amendment was that which had been recommended by Captain Chase, and the other engineers who had been associated with him in making the surveys. Mr. J. alluded to the great importance of the removal of these obstructions to the commercial world. The obstructions were becoming daily more great, and ships were subjected to much detention and difficulty, and the owners of them, consequently, to much loss.

After some remarks from Messrs. D. J. PEARCE, GARLAND of Louisiana, SMITH, REED, and LAWRENCE,

The question was taken, and the amendment was agreed to.

Mr. HANNEGAN offered an amendment appropriating $50,000 for the improvement of the navigation of the Great Wabash, and constituting a port of entry at some point thereon.

After some remarks from Messrs. HANNEGAN and MERCER, the question was taken, and the amendment was rejected.

Mr. GRAYSON moved an amendment appropriating $10,000 for the survey of certain rivers between Charleston and Savannah.

After some remarks from Messrs. GRAYSON, OWENS, SUTHERLAND, and PINCKNEY, the amendment was rejected.

Mr. SMITH, from the Committee of Ways and Means, offered an amendment extending the objects of the appropriation of $10,000, contained in the bill for removing the wreck in the harbor of New Bedford, Massachusetts. Agreed to.

Mr. DENNY offered an amendment appropriating $3,000 for placing buoys in the Ohio river, between Pittsburg and Louisville. Rejected.

Mr. HARRISON, of Missouri, offered an amendment appropriating $2,000 for the continuation of the survey of the St. Francis and Black and White rivers, in Arkansas and Missouri, &c.

Mr. YELL said, at this stage of the proceedings of the committee, he should not attempt to argue the constitutionality of the improvements he proposed in his amendments. The one for the Arkansas river above Little Rock, to the State line, was a subject of great importance, not only to the State he had the honor to represent, but to the nation. The General Government had, by her treaties, sent to the west of Arkansas some 75,000 or 100,000 Indians, who, by this contract, are bound to supply them for five years with every article of breadstuffs, besides every agricultural implement, &c. This river was the only means by which the treaty compact is to be complied with; and in the present state of the river above the seat of Government (Little Rock) it cannot, with any certainty, be done.

It is due to the State, the Indians, the garrisons on our frontier, as well as to the Government, to make the appropriation asked for in the amendment; therefore,

the Government has made a small appropriation for the removal of obstructions in the river Arkansas below Little Rock, which has rendered the navigation to the seat of Government safer, and most of the season certain. Mr. Y. hoped that the amendment would not be rejected because it was not reported by a standing committee; it was sufficient for him that the Legislature of his State had forwarded to this Congress a memorial for the very purposes indicated in the amendment. This memorial is now in another branch of this Congress, which might account for its not being favored with a recommendation from the Committee of Ways and Means.

Mr. Y. said the appropriation for the improvement of the White, Black, and St. Francis rivers was of vast importance to the northern and eastern portions of the State. He regretted extremely the disposition of the committee to reject every amendment that was not reported by a standing committee; for himself, he believed his constituents knew as much or more of the importance of this appropriation than any standing committee, and they had demanded it.

Mr. Y. concluded by saying, this being a *water* measure, he had but little hope of its passage; it was not upon the seaboard nor upon the lakes, and somehow or other it found no favor with that interest in this House.

After some remarks from Mr. HARRISON,

The amendment was rejected.

Mr. REED offered an amendment appropriating $5,000 for the improvement of the harbor of Provincetown, Massachusetts.

After some remarks from Messrs. REED, SMITH, and CRAIG,

The amendment was rejected.

Mr. MILLIGAN moved to amend the bill by increasing the amount for the harbor at Wilmington, Delaware, from $8,000 to $15,000. Rejected.

Mr. INGERSOLL moved to amend the bill by increasing the amount appropriated for repairs of the harbor of Chester, Pennsylvania, from $500 to $2,000. After some remarks from Mr. INGERSOLL, the amendment was agreed to.

Mr. MARTIN moved an amendment appropriating $100,000 for the improvement of the Tennessee river at the Muscle and Colbert shoals, in the State of Alabama. After some remarks from Messrs. MARTIN and CHAPMAN, the question was taken, and the amendment was rejected.

Mr. GHOLSON offered an amendment appropriating $100,000 for removing the obstructions at the mouth of the Tombigbee river, and constituting the town of Van Buren a port of entry; also, an appropriation of $20,000 for similar purposes for the Yallabusha river; and a third appropriation of $20,000 for another similar object.

After some remarks from Mr. GHOLSON, the question was taken, and the amendment was rejected.

Mr. WISE offered an amendment appropriating $1,000 for the placing of buoys at certain points on the Eastern Shore of Virginia.

After some remarks from Messrs. WISE, SMITH, CRARY, E. WHITTLESEY, SUTHERLAND, BELL, and HARPER, the amendment was negatived.

Mr. UNDERWOOD moved to amend the bill by striking out the following item:

"For opening a passage of fifty yards wide and seven feet deep, at low water, between the town of Beaufort and Pamlico Sound, North Carolina, and for improving New river, in addition to two sums of five thousand dollars each, appropriated at the last session of Congress for the harbor at Beaufort and for New river, twenty thousand dollars."

Mr. UNDERWOOD made some remarks in support of his motion, and had not concluded when, the hour of three having arrived,

The House took a recess.

EVENING SESSION.

The House reassembled at half past four o'clock, when Mr. UNDERWOOD concluded his remarks on the amendment under discussion at the time the House took a recess, which was to strike out the following item:

"For opening a passage fifty feet wide and seven feet deep, at low water, between the town of Beaufort and Pamlico Sound, North Carolina, and for improving New river, in addition to two sums of $5,000 each, appropriated at the last session of Congress, for the harbor at Beaufort and for New river, $20,000."

Mr. McKAY and Mr. WILLIAMS of North Carolina spoke in opposition to the amendment, and in justification of the propriety of the appropriation.

Mr. HARPER moved to amend the bill by striking out the following item:

"For continuing the improvement of the harbor of Baltimore, Maryland, fifteen thousand dollars."

Mr. H. briefly supported his amendment, and adverted to the fact that the citizens of Philadelphia bore themselves the expense of clearing out their harbor, and was at a loss, he said, to see why Baltimore should be so much more favored.

Mr. SUTHERLAND and Mr. SMITH briefly replied to Mr. HARPER.

Mr. HOWARD said, that if the gentleman from Pennsylvania had allowed himself to reflect for a few moments, he must have perceived that he was the last man in the House who ought to have made this motion. Between the cities which they respectively represented there had long been, and still was, an active commercial competition, but conducted upon liberal and fair principles. The people of Baltimore had resorted to every expedient to extend the advantages flowing from their geographical position, and had kept their harbor open this winter by means of an ice boat, an invention of their own; and the gentleman from Pennsylvania would find that his people were so deeply impressed with the necessity of counteracting this step, that they were about to do the same thing. This motion would, if successful, very much cripple the commerce of Baltimore; and would be said, by those less charitable than he (Mr. H.) was, to proceed from a narrow jealousy, which he was sure neither the gentleman nor his constituents felt. But unkind persons would so construe it, and he begged leave to state that, upon this subject, the colleague of the gentleman [Mr. SUTHERLAND] had introduced this bill at the last session, and ought to be considered a more appropriate representative of the feelings of Philadelphia than the author of the pending motion.

If the gentleman would exchange his magnificent river and flowing tides, which swept so nobly along in front of his wharves, for the land-locked harbor of Baltimore, he might be welcome to this appropriation. But the peculiar position of Baltimore had attracted the attention of Congress sooner than any other harbor in the United States; for, in 1791, an act of Congress was passed assenting to the imposition of a small tax upon tonnage, for the express purpose of keeping the harbor clear; but its product was so inconsiderable that the State had permitted the city to apply a valuable fund in aid of it, amounting to twenty, twenty-five or thirty thousand dollars a year. This fund had been temporarily withdrawn, under circumstances which had no sort of connexion with the question before the House. It was sufficient to know that it was withdrawn; and whilst harbors, great and small, were receiving the care of Government, it was not to be supposed that a port of such nature as Baltimore could be overlooked. There were many other considerations connected with the subject, but the time of the House ought to be now counted by minutes, and he would therefore consume no more of it.

The motion was then rejected, without a division.

Mr. LYON moved to strike out "twenty thousand," and insert "fifty thousand," so as to increase the appropriation for improving the navigation of the Mobile bay, by deepening the channel across Dog river bar and Manlaw pass.

Mr. L. said he did not intend to consume the time of the House by a speech at the present stage of the session, but he begged to make a brief statement of facts in support of the motion he had submitted. He requested that the Clerk might read a memorial from the Chamber of Commerce of Mobile, asking an appropriation for the improvement of the Mobile bay; which was done.

It would be seen, continued Mr. L., from the document just read, that the value of the exports of cotton alone, from Mobile, was estimated for the present year at twenty millions of dollars, and the number of vessels that discharge and receive cargoes at not less than five hundred. All vessels drawing over ten feet of water were obliged to remain below Dog river bar, at anchor, in the bay, a distance of fifteen or twenty miles from the city of Mobile, and had to discharge their cargoes and receive their return freights with the aid of lighters. The obstruction to the navigation interposed by Dog river bar subjected persons engaged in commercial pursuits and in the navigation of the bay to much inconvenience, delay, and expense. A very intelligent officer of the engineer corps, Captain Chase, had, in his report, estimated the cost of deepening the channel across the bar, so as to admit vessels drawing twelve feet of water, at one hundred and fifty thousand dollars; and had expressed the opinion that the improvement, when completed, would be permanent. Mr. L. begged that the report from the engineer department might be read by the Clerk. He said he feared the small sum of twenty thousand dollars, proposed in the bill, would not be sufficient to make all the necessary preparations for the commencement of the wall, and leave on hand a sum sufficient to enable much progress to be made in deepening the channel across the bar. The improvement contemplated was one of much consequence to the people of Alabama, and parts of Mississippi and Georgia; and he hoped he was not asking too much in proposing to appropriate, at the present time, one third of the estimated cost of the work. With an appropriation of fifty thousand dollars, every necessary preparation could be at once made, and the work commenced with a prospect of its early completion. It had heretofore been commenced, but the amount appropriated had been so small that little or no progress, he believed, had been made. It was, no doubt, (said Mr. L.,) the intention of Congress to complete an improvement already commenced, and known to be essentially important; and he hoped his proposition to increase the appropriation might prevail.

Mr. GHOLSON and Mr. SUTHERLAND made a few remarks in support of the amendment, when it was agreed to: Yeas 64, nays 61.

Mr. GRAVES then moved the following amendment, which he supported by a statement of the great importance of this work to the commerce of the whole Western States, twelve of which were directly interested:

"*And be it further enacted*, That all the tolls that have been, and shall hereafter be, received by the Government upon the stock which it now owns, or may hereafter acquire, in the Louisville and Portland canal, be appropriated by the Secretary of the Treasury to the purchasing up the individual stock in said canal, on such terms as he may think best; and that when all the stock in the said canal shall be thus acquired by the Government of the United States, and the amount hereby appropriated shall be refunded to the Government, that tolls thereon shall be so reduced as barely to defray the expenses of superintending, repairing, and enlarging, of said canal, so as to answer the purposes of the commerce of the river Ohio.

"*And be it further enacted*, That $225,000 be, and are hereby, appropriated for purchasing up the individual stock of the Louisville and Portland canal; and that the Secretary of the Treasury be, and he is hereby, authorized to purchase up so much of said individual stock as he can procure for the sum hereby appropriated: *Provided, however*, That he shall not pay a greater price than fifteen per cent. advance upon the par value of said stock."

After some remarks by Messrs. GRAVES, CAMBRELENG, PEARCE of Rhode Island, and FRENCH,

Mr. STORER moved a proviso that a survey should be first made, to ascertain whether the canal was substantially built, and capable of passing all the steamboats which navigate the Western waters; which was disagreed to; and then

The amendment of Mr. GRAVES was disagreed to: Yeas 49, nays 84.

Mr. CASEY moved an amendment for a survey and estimate for the removal of obstructions in the Illinois and Kaskaskia rivers, $5,000. Lost.

Mr. CRANE moved an amendment for the improvement of the Miami of Lake Erie, $20,000. Lost.

Mr. CLAIBORNE, of Mississippi, moved the following:

"For a continuation of the survey of the Mississippi seacoast, from the Rigolets to Mobile Point, including the mouths of Pearl and Pascagoula rivers, $3,000."

Mr. C. said that he would not detain the committee at this late hour, when the time of the House was as valuable as it was limited. A survey of this interesting seaboard had already been ordered upon his motion, and he now moved an additional appropriation in the event of the former proving inadequate. His sole object, in brief, was to direct public attention to that part of the State of Mississippi, a section heretofore unknown and little appreciated, but which in every point of view deserved the attention of Government. He had on a former occasion, when the House had ordered a reconnoissance of the coast, expressed his views at length; and he would now merely express a hope that the report of the officer detailed for the service would at the next session of Congress be followed up by liberal appropriations to improve the fine harbors between the Rigolets and Mobile point.

The bill was then laid aside, to be reported to the House.

Mr. CAMBRELENG moved that the committee take up the civil and diplomatic bill, including the appropriation to pay the members themselves.

Mr. MERCER moved to take up the Cumberland road bill.

The former motion, taking precedence, was put, and agreed to: Yeas 89, nays 59.

CIVIL AND DIPLOMATIC APPROPRIATION BILL.

The committee then proceeded to the consideration of this bill.

The bill, together with the several amendments reported thereto by the Committee of Ways and Means, having been read—

Mr. W. THOMPSON moved to amend the bill by inserting:

"For the salary and outfit of a diplomatic agent, to be forthwith sent to the independent Government of Texas, —— thousand dollars.

"For the expenses of running a boundary line between the United States and the independent Government of Texas, —— thousand dollars; such line to be run by

commissioners to be appointed by the United States and the republic of Texas."

Mr. T. said no one could regret more than he did the very limited time that is allowed for this discussion. I, sir, (said Mr. T.,) am in no way responsible for it. My fault has certainly not been a want of zeal in pressing the subject upon Congress. The course of things for the last few weeks has been eminently illustrative and characteristic. The whole time of the House has been occupied with matters of purely a personal or local character—in a miserable scramble for spoils, in which all parties have equally participated, to the exclusion of every thing of general importance. The question now before the House involves, in some sort, the destinies of a young republic just rising into existence, and our own character for justice, consistency, and a fearless discharge of our duties. It is peculiarly fitting that we should introduce this young sister into the great family of nations. Why has it been so long postponed? Are gentlemen afraid of the argument? Are they afraid that a spontaneous burst of popular enthusiasm will force them to do that to which the cold, selfish, and sectional feelings of politicians are opposed?

I hope (said Mr. T.) to show, beyond the power of refutation, that it is our right and duty to recognise Texas, upon every principle of national law, as laid down by every publicist of reputation, as well as upon the established practice of our own and all other Governments. Martens, a writer of the very highest authority, lays it down that "a foreign nation does not appear to violate its perfect obligations, nor to deviate from the principles of its neutrality, if, in adverting to the possession of power, without examining into its legality, it recognises," &c.

Vattel says: "In this particular foreign Powers take for their rule the circumstance of the actual possession of power, if the interest of their affairs so require; and, indeed, there cannot be a more certain rule, or one which is more agreeable to the law of nations or the independency of States. As foreigners have no right to interfere in the domestic concerns of a nation, they are not obliged to canvass and scrutinize her conduct in the management of them, in order to determine how far it is either just or unjust. They may suppose the right to be annexed to the possession.

"When a nation has expelled her sovereign, other nations consider her thenceforward as a free and sovereign State.

"If foreign Powers have received the ministers of a usurper, and sent theirs to him, the lawful Prince, on recovering the throne, cannot complain of these measures as an injury." I will not fatigue the committee with other authorities from writers on public law; I will only add the weight of one distinguished name of our own country. Mr. Clay, in his speech on the recognition of the South American States, holds the following language:

"The rule we have followed has ever been this: to look at the state of the fact, and recognise that Government, be it what it might, which was in actual possession of sovereign powers. When one of these Governments was overthrown, without embarrassing ourselves with any of the principles involved in the contest, we have ever acknowledged the new and actual Government as soon as it had positive existence. If there is any principle settled for ages, any which is found in the very nature of things, it is that every sovereign Power has the right to judge of the existence of other sovereignties." It is, sir, founded in the very nature of things. What is recognition? The acknowledgment, the annunciation of a fact; nothing more. What the necessity of this rule? The intercourse of nations is regulated by contracts called treaties. With whom are these contracts to be made? With the Government having actual possession of power; for no other can enforce them. A stronger case for illustration cannot be stated than that which we are considering? We have an unsettled question of boundary; can Mexico send commissioners to meet ours in adjusting the line? Can Mexico guaranty that line when it is run? Is there, in short, one vestige of Mexican power left in Texas? Why, sir, Mexico has no Government any where. It has none of the attributes of a Government—it is the corpse of a Government—the outward seeming and form, but without the living principle. Look at the correspondence of our minister with the Mexican Government; what a long list of violations of the laws of nations, and outrages upon all the rights of American citizens; outrages, if she were a respectable Power, sufficient to justify war. She is not. She is too weak, too feeble, for a contest with us; and nothing that is like to occur would, in my judgment, justify it. Mexico is unable to restrain her people from violation of our rights; she is unable to compensate for the accumulated outrages which have been perpetrated. I am, nevertheless, not only opposed to war measures, but to menaces; although I well understand that these menaces are intended to aid in procuring a treaty for the cession of Texas. Anxious as I may be for such an event, vast and inappreciable as would be its advantages, yet, sir, the greatest earthly good is not to be sought by individuals, or nations, by dishonorable means.

If you restrict the inquiry as to recognition to the fact of the possession of power, the rule is safe and certain. If you put it upon the probability of maintaining that possession, you are thrown into a wilderness of doubt and uncertainty; you have no data which approach certainty. Upon what are such calculations to be made? Upon the superiority in money, men, and ships? How fallacious does all history show such data to be? Who can estimate that Antæan quality of liberty which rises from every fall "renewed with strength, and fresh with life?" Who can estimate the power of free institutions, the difference between an army of freemen, contending for their hearths and altars, and the trained bands of a despot? Who, looking at the matter *a priori*, would have predicted the successful termination of our own Revolution? Or that a little State like Holland, not much larger than that from which I came, and like it in other things than extent of territory, could, single-handed and alone, have contended against the power of England on the ocean, and of France, of the magnificent Louis, on land? Yet her institutions were free, and her people, therefore, patriots; and she did so struggle, and gave to the history of man some of its brightest pages and most illustrious names—the names of Van Tromp, De Ruyter, and De Witt.

I can well conceive a case where, with the strong probability, and almost or quite a certainty, of the insurgent Government being speedily overthrown, foreign nations would not only have the right, but would be forced by an irresistible necessity, to recognise such Government. Many of the countries of Europe are dependent upon those on the Baltic for bread. In the case of a successful rebellion, and the establishment, however temporarily, of another Government, are those countries, thus dependent, to wait for the restoration of the ancient order, and starve in the mean time? Take another case: Great Britain is, in my judgment, absolutely dependent for her very existence upon American cotton. It employs so much of her labor, and its manufacture constitutes so large a portion of her wealth and power, that to be deprived of it would be to strike at the very foundation of her social and commercial organization; and it is a consoling reflection to me that Old England is not the only country in the world that is thus

dependent. In the event of a successful revolution here, is she to calculate the probabilities of the termination of the contest, and, in the mean time, to bid famine and desolation to stalk through the land? No, sir; she would recognise the Government in power, establish relations with it, and, when it was overthrown, would do the same with the new Government. What was the course of England to those who temporarily held power during and at the close of the French revolution—that revolution against which all her vast powers were roused and exerted—opposition to which has entailed upon her a debt which has made every eighth man in England a pauper? Did she look to the principles involved? No; she utterly and always reprobated them; but only to the fact of the possession of sovereign power. What was the course of our own Government, in the ever-changing phases of that awful conflict which deluged France in blood, and made of her beautiful city a modern Golgotha? Whenever the curtain rose on a new scene in that grand drama of blood and crime, and new actors appeared upon the stage with the truncheon of power, we did not hesitate to clasp their reeking hands, ay, sir, with the blood of the best son of Louis, our own good and great ally, who had taken us by the hand and led us through "the dark valley" of our Revolution, clotted under their finger nails! Even with the Directory, the infamous Directory, we were not only willing to establish relations, but sought them, sued for them.

What was the course of our Government with the insurgent States of South America? Spain had not abandoned the contest. There were at the very moment ten thousand Spanish troops in Venezuela alone, and Spain had possession of important posts in all the States, if States they might be called. Spain and Portugal were both arming and girding their loins for a last desperate conflict. There was every reason to believe that the allied sovereigns of Europe were about to interfere on the part of Spain; and it is now matter of history that at the Congress of Aix la Chapelle a proposition to that effect was made by Prussia, and only prevented by the resistance of England. In addition to which, South America was torn to pieces by intestine divisions; hostile chiefs were in the field, more opposed to each other than to Spain. Under these circumstances, we did not hesitate to recognise them. We did more: we forbade foreign interposition. Our Government was forced to these measures by the irrepressible enthusiasm of the people, who, in all matters involving the interest of human liberty, are always ahead of cold, selfish, calculating politicians. And why was it so? Was it really a contest for liberty? In name only; for the slightest reflection would have satisfied any one that they were incapable of maintaining it. It was not for liberty, but a change of masters; whether they should be the subjects of a civil despotism, as they were; or a military despotism, as they are. As to regulated liberty, they were unfit for it. They were intoxicated with its spirit, and reeled and tottered along, until they fell into the same slough from which they had emerged. They prostrated themselves before the harlot Licentiousness, and fondly imagined that they were worshipping the true goddess. The great cause of civil liberty was as little concerned as it would be in the question which particular buffalo should lead the vast herds which roam over our magnificent prairies. Yet, when they unfurled their banner, they inscribed upon it the sacred words, "Liberty and Republic," and our hearts bounded to them. It was right, sir, as the spontaneous and unperverted feelings of our people always are right; we no longer deserve liberty than we can sympathize with those who are struggling for it; we are no longer capable of maintaining it, when we are afraid to express that sympathy. Compare the situation of South American States then with Texas now. South America, without regular Governments, army, navy, or treasury; with the prospect of all Europe combining against the new States, and torn to pieces by domestic dissensions: Texas, with no motive for any foreign Power to interfere; a well-adjusted and well-administered Government, united as one man; an army, a band of heroes; a treasury in her lands almost inexhaustible, and one strictly so in the high minds and brave hearts of her gallant defenders, who ask no wages but victory, no guerdon but liberty.

Look at the very sensible report of the agent (Mr. Morfit) lately sent to Texas. This fighting between Americans and Mexicans is no new thing; it has been going on since 1812; and what has been the uniform result? That the Americans, with one fifth of the numbers of their adversaries, have always been victors—400 in an open fair field beating 4,000 of the best troops of Mexico. I will not unnecessarily go into the detail. It fully sustains the opinion of Mr. Morfit, that their relative power and efficiency is as one to five. Every military man knows that the superiority of good troops over bad is increased in an almost infinite ratio as you increase the numbers engaged. To say nothing of the advantages of the troops of the country invaded over those of the invaders, Mr. Morfit states the army of Texas to be 7,000 fighting men; does any man honestly think that Mexico can ever send men enough to Texas to reconquer it? No man does.

We recognised Mexico in 1822. She had no Government until 1824. Spain had possession of the fortress of St. Juan de Ulloa, one of the strongest in the world, and one which military men regard as the key to Mexico, and giving to those in possession of it absolute command of the country. Not only has Mexico no foothold in Texas, but the foot of a hostile Mexican does not pollute her free soil. Can Mexico complain that we do for Texas what we did for her? As to advancing the great cause of human liberty, how wide, how immeasurable, is the difference! The Texians have learned their lessons of liberty where alone they can be well learned, at the fireside. They take with them our liberty, language, and laws; and in my heart I believe the three are inseparable, and that the first cannot be enjoyed without the last. It has been the fashion, sir, to disparage and denounce the people of Texas. I regret that an illustrious man—a man than whom I reverence and respect none living more, for all his great and good qualities—has lent the weight of his great name to that which, if he had not done so, I should pronounce a gross calumny. Is it true that these people left a free Government for a despotism? They left the oppressed, the tribute-paying South, for a Government as free as any under the sun, amply and cautiously secured by charters. As to the population, I will only say that the delegation which Texas sent here a year ago could have desired a comparison with the representation of the majority of the States on this floor, only on the score of personal vanity. But, sir, look to their career, wise, glorious, and merciful, as it has been. Let any man point his finger to a fault that they have committed; where they have failed to do the right thing in the right place; where they have failed to conquer their enemies in the field, or to spare them when conquered. Is it to such a people that you will refuse sympathies which have been squandered upon the undeserving?

But, sir, there is a point in our history still more striking than those to which I have just alluded: the case of the rising of Greece against the power of the Ottoman—an insurrection begun by some bandit chiefs. The Greeks—always turbulent, factious, treacherous, and mercenary; their descendants possessing none of the qualities of their ancestors but their vices—chained down in slavery for two thousand years, abhorred and degra-

ded by Byzantine and Mussulman, superstitious and oppressive—raised once more the shout of liberty; and what did we see? A proposition, in the very incipiency of their struggle, to give them the aid of our countenance; ay, sir, even at the risk of a conflict with the Holy Alliance, and tendering that issue. Whence came this movement? From a very distinguished representative of that very section which is with such unanimity opposed to this amendment! Why is this, sir? The true answer, if given, would do any thing else than satisfy a very large portion of the people of this confederacy. We could sympathize with the degenerate Greek. We could hope to see Greece, surrounded by Austria, Russia, and Turkey, a free republic—a beautiful geography, truly, for a republic. There are no such sympathies now for Texas, nor for liberty.

I will allude to only one other case; and although it was not the action of our Government, yet it is one which is more touching to my feelings. It was the course of France; that to which I feel we are indebted for the privilege which we have of sitting here; to which, next to an all-wise and all-ruling Providence, and the wisdom and courage of our fathers, we are indebted for the success of our own Revolution. It was to us what our recognition may be to Texas—the crisis of our fate. It was just at the moment of Lord North's conciliatory resolution, which General Washington was afraid would be known to the army, believing that it would divide our people and paralyze our strength. It was in February, 1778, that we were recognised by France. Will any one say that the contest was then ended, or even that there was a probability of success? That gave us success. And if ever there was a scene upon this earth upon which the powers above looked with delight, it was when Lafayette rushed into the tent of Washington to announce the fact, fell upon his breast, and burst into tears. Sir, is there a man with the heart of a man who can look back upon that scene and refuse to others that countenance to which we are so much indebted for our own national existence?

I have been asked, of what great advantage to Texas would our recognition be? I answer, it gives her position countenance. If we refuse it, how greatly will it embarrass her. If she applies, as she will, to other nations, what will be the answer? Why have not the United States recognised you? They are your nearest neighbors, and best know your true position. It is the Government most likely to sympathize with you. If your case were a proper one for recognition, the United States would be the first to do for you what was done for South America and Mexico. What reply could Texas make, but one which would degrade and dishonor us in the eyes of the world? That we did sympathize with them, that we well knew that they were entitled to recognition, but were afraid of offending the Powers of Europe; or, which should cause a deeper blush on the cheek of an American, that all the generous feelings of our nature were chilled and subdued by miserable considerations of sectional jealousies.

Suppose, however, that other Governments, more wise and less timid, take them by the hand; for, without the aid of your recognition, Texas is free beyond the reach of fate; is it prudent to drive off from us a people whose hearts turned to us in the very first moment of their triumph? Is it wise to change those feelings into alienation and a sense of wrong and injustice? I entreat gentlemen from the manufacturing and commercial States to consider the advantages of proper commercial relations with Texas; those sections which will supply them with manufactures and carriers for their immense productions. Is it wise to forego these advantages, and not only to lose their markets, but, through advantageous treaties made with England, for example, to have the whole West supplied with goods coming to Texas duty free, and smuggled into the United States? And would it be possible to prevent it? To the West, what advantages does it not hold out? A vision as bright, in a commercial point of view, as that which burst upon the seer on Pisgah—a railroad from New Orleans or Metamoras to the Gulf of California, opening to their energies and resources the vast trade of the Pacific, of India, and China.

But we have the old raw-head and bloody-bones of offending Old England held up to frighten us from our propriety. We are to be deterred from doing what is unquestionably right and proper, because other nations may not approve it. I like not this stimulated virtue, which exists not in our own hearts, but in the eyes of other men. If that is to be our rule of conduct, we had better abolish all the forms of a free Government; for ours, bad as it is, is a standing eyesore to all despotisms. Corrupted as it is, perverted as are all its operations to base and selfish purposes, still it is better than any other.

Do gentlemen reflect how they express the tone of American feeling at home, and the estimate of American character abroad, by such topics? Whence comes it? Is it a remnant of our colonial feeling, which neither the Revolution nor the late war has been able to remove? When, on ocean, lake, or land, have we ever met on equal terms that the roar of the British lion has not been turned into wailings? Such fears are unbecoming an American statesman, unworthy a freeman combating in a just cause; and I trust that I shall never be engaged in any other. Let our motto ever be that of England's lion-hearted King: "If the powers above will be but neutral, we fear no odds against the world in arms." But, sir, if I must, against my will, and in violation of all the just pride of an American, reason away these fears, what motive, let me ask, has Great Britain to interfere? Will not the settlement of Texas open an extensive market for her manufactures, and be an additional source of supply of the staple so important to her? What is there to countervail these important considerations? Nothing, sir, nothing.

It was a wise saying of Bonaparte, that, let alone the commerce and money of England, and you might do what you pleased. The only motive for such interference, that has ever been suggested, is the opposition of England to the extension of slavery. The great object has already been accomplished by the movement in the West Indies. English philanthropy is now satisfied. That act consists well with the uniformly cold, selfish, rapacious colonial policy of England. What dependent province has she failed to oppress and plunder, as far as she dared do it? Let her repeal the charter of her East India Company—a company of chartered plunderers and murderers. Let her do something to raise once more the people of Ireland—gallant, heroic, gifted Ireland—to the dignity of men and the rights of freemen, before she has the effrontery to talk of slavery and the rights of men in other countries.

Let that ribald reviler, that pensioned libeller, that hired patriot, O'Connell, who has unfortunately too much influence in the present policy of England, before he embarks in a crusade for liberty in other lands, go to his own good city of Dublin, and there at nightfall see the swarms of squalid wretches creeping from their dens of hunger and misery, with scarce a rag to cover their nakedness, standing under kitchen windows to catch literally the crumbs which fall from the tables of the rich. Let him divide with them his "rents," the degrading price of his patriotism. Let him at least vindicate their rights with the feelings of a patriot and the dignity of a statesman, before he shall dare to utter one word of sympathy with the slaves of this country, in all substantial comforts as well provided as he is, and more honest

and virtuous, and therefore more happy. But, sir, if topics like these are to be urged here, how long will it be before we shall be told that we must not refuse to receive petitions from slaves, lest England will take it in dudgeon. The cases are parallel.

He is very little acquainted with European politics, or with that lightest of all possible things, the present periodical literature of England, who does not know that the Government of that country has other matters on its hands, of far greater consequence. Since the seizure of the fortress of Oczaco, by the Russians, fifty years since, her course has been one of progressive and uninterrupted aggrandizement. The wars that have so much weakened some of the States of Europe, and annihilated others, have only resulted to Russia in an increase of territory and of power. That giant arm, even yet dripping with the blood of butchered Poland, is already uplifted, and all Europe is sitting and trembling under its dark shadow. England will make no war upon any free State; and this, and this only, was the true reason of her interposition in the unfortunate quarrel between this country and France.

Although, sir, I will not say that we are bound to extend aid and countenance to every insurgent people, I do think that we owe countenance and all proper aid to those who really strike for freedom and violated constitutional charters. We set this ball in motion: our Revolution, it has been truly said, was in politics what the reformation was in religion—it unchained the human mind. It was the greatest event in the history of man! How infinitely do all the discoveries in physical science sink in comparison with that glorious epoch when men were first taught to be free. Other nations struggling for liberty look to us as did the wise men to the Star of Bethlehem.

We, sir, have passed through the same stormy seas through which our gallant neighbor has been struggling unaided but by her own stout heart and sinewy arm. She has reached the light which we have placed upon the beach! Shall we drive her off? These young eagles, almost unfledged, have flown from their nest, and a grand and glorious flight they have made; they have been gazing on the sun, returning to us with weary wing; shall we refuse to them a resting-place? I hope, I trust not.

Mr. MASON, of Ohio, rose and addressed the Chair as follows:

Mr. Chairman, though participating largely in the regret, felt by many others, that a proposition of such momentous character as the one under consideration should have been introduced at a period of the session which must necessarily exclude that deliberation and discussion so essential to the proper decision of every important question, yet I am unwilling to let the vote be taken without detaining the committee with a brief statement of some of the objections I have to the proposed amendment.

The abstract right of this Government to recognise the existence and independence of foreign Powers is not denied. Whether the exercise of this right, in any particular instance, can be vindicated as just to others, and, at the same time, consistent with a due regard to our own interest and honor, is another and very different question. It is also admitted to be the practice of nations, founded in the necessity of the thing, to treat with the Government *de facto*, established in a country, without regard to the Government *de jure*. It is not competent to other Powers to inquire into causes of dispute between the belligerant parties, with a view to ascertain which is in the right, and to grant distinguishing favors to the one or the other, according to the result of such an inquiry.

Non-intervention is the cherished doctrine on which the Government and people of the United States have hitherto practised, as evinced in the conduct of both during the civil war that raged for so many years between Spain and her provinces in this hemisphere.

Mr. Monroe, in his annual message to Congress, in 1819, speaking of the insurrectionary struggle of the Spanish provinces of South America, said that

"The greatest care had been taken to enforce the laws intended to preserve an impartial neutrality. That a virtuous people may, and would, confine themselves within the limits of a strict neutrality." That "it was of the highest importance to our national character, and indispensable to the morality of our citizens, that all violations of our neutrality should be prevented. No door should be left open for the evasion of our laws; no opportunity afforded to any, who may be disposed to take advantage of it, to compromit the interest or the honor of the nation."

And, finally, he was able to assure Congress and the country that, notwithstanding the sensibility and sympathy which were naturally excited by such a contest—

"It had been the steady purpose of this Government to prevent that feeling leading to excess, and that it was very gratifying to have it in his power to state that so strong had been the sense, throughout the whole country, of what was due to the character and obligations of the nation, that very few examples of a contrary kind had occurred."

With these principles for my guide, I propose very briefly to examine the question, whether it is the duty of the United States now to recognise Texas as an independent nation. Before the people of Texas can rightfully invoke the interference of foreign Powers, it must be proved, not only that they are in the enjoyment of all the attributes of a sovereign and independent State, but also that they possess the moral and physical ability to maintain, within their limits, the sovereignty they have asserted. Our information in relation to the condition of Texas is doubtless very deficient, both in its extent and precision.

The little we have is principally to be found in the report of Mr. Morfit, accompanying the President's message, on the subject of the condition of Texas, communicated to Congress on the 22d of December last. According to Mr. Morfit, the population of Texas consists of Anglo-Americans, Mexican natives, aborigines, and negroes; the whole estimated at 65,000 souls. Of these, he says, there are, perhaps, 30,000 Anglo-American settlers and 3,500 native Mexicans of Spanish descent. After stating that the population, consisting of emigrants from the United States, is said to be not less than fifty thousand, he adds that, "if I were to take my own judgment exclusively on this matter, and were to reason as to what I have not seen by that which I have, I should say the population, exclusive of Mexicans, Indians, and negroes, has never exceeded thirty thousand."

Suppose this estimate of that part of the population which consists of Anglo-Americans and Mexicans to be an approximation to the truth, (and there are many reasons for believing it exceeds the fact,) the whole amount of physical force belonging to the nation of Texas, exclusive of Indians and negroes, will fall considerably below that of many counties in the State of Ohio. And this population, small and feeble as it is in the aggregate, is not permanent, but a portion of it at least retreats at the approach of danger to the east bank of the Sabine.

As to the military force, we learn from the same report that it consists of an army of about 2,200 strong, not including the settlers or farmers, who can be armed on any emergency, so as to augment the number to at least 5,000 efficient men.

The naval force of Texas consists of four small vessels, carrying in all twenty-nine guns.

The internal resources of the province appear to be wholly inadequate to the successful resistance of any respectable force that might be employed for its subjection. It relies exclusively on external aid for the means of supporting the independence it has declared. No fact can be better authenticated; it is confirmed as well by the report to which reference has so often been made, as by all contemporaneous history, that the army of Texas is recruited from the citizens of this Union—is kept in the field, paid, and supplied with arms and provisions, by contributions derived from the same quarter. Mr. Morfit says:

"The present resources of Texas are principally derived from the sympathies of their neighbors and friends in the United States, and by loans upon the credit of the State. The donations from the former quarter have been, and will no doubt continue to be, very liberal, and indeed munificent. Several individuals, not interested in the success of the country further than their general attachment to the cause of independence and that of their old compatriots, have unostentatiously presented $5,000, while numbers have contributed $1,000 each, and small associations in the different States have thrown in their aid, until the aggregate has swelled to a large amount. I have been surprised," he says, in conclusion, "to find that Texas has carried on a successful war thus far, with so little embarrassment to her own citizens or her treasury; and perhaps it is the first instance in the history of nations where a State has sustained itself by men and means drawn wholly from a distance."

If this hasty review of the condition of Texas has not resulted in demonstrating her incapacity to maintain an independent Government, it has incontestably established another fact deeply affecting the character of this country, namely, that the ability of Texas to maintain her separate existence and sovereignty has been, and still continues to be, derived exclusively from the means furnished by the people of the United States, in direct violation of their neutral obligations; consequently, should the United States return to the neutral attitude from which they have so widely departed, and strictly enforce the laws intended to preserve our neutral character, the Government of Mexico would soon be restored in the province of Texas.

Whether the latter event ought to be desired by the friends of constitutional law and liberty any where, is a question that does not and cannot properly enter into our consideration in this discussion.

Suppose, therefore, the Texians should continue to receive assistance in men and money drawn from the United States, and should be further sustained by the co-operation of our army advanced into the heart of their country; and suppose, upon this hypothesis, their ability to maintain their independence, when thus sustained, should be admitted, still there are considerations arising out of so peculiar a state of things that ought to deter us from the indiscretion of a precipitate acknowledgment of their independence. If their independence has been the result of the counsels, or has been achieved, and thus far maintained, by the people of the United States; if our citizens compose her armies, and have command of the military and naval forces of the country; if they are found in possession of all the great offices of the Government, from the Chief Executive downwards, can we hope to escape the reproaches of other nations, and of impartial posterity, if we make haste to recognise a state of things that we have notoriously contributed so largely to produce?

What would the act of recognition, under such circumstances, be but an acknowledgment, not so much of the ability of Texas, as our own ability, and determination too, to maintain her independence at every hazard? Would not such conduct expose us, whether justly or not, to the charge of assisting in the dismemberment of a friendly Power, for the unworthy purpose of seizing on one of its fairest provinces? Can we, consistently with national honor, after aiding the cause of rebellion in a neighboring republic, be the first to recognise the Government established by the insurgents? I concur most cordially in the views and opinions expressed by the President, in his message of the 22d of December last, on the subject of the condition of Texas. In relation to the conduct proper for this Government to observe in the contest pending between Mexico and Texas, he says that

"It becomes us to beware of a too early movement, as it might subject us, however unjustly, to the imputation of seeking to establish the claim of our neighbors to a territory, with a view to its subsequent acquisition by ourselves. Prudence, therefore, seems to dictate that we should stand aloof and maintain our present attitude, if not until Mexico itself, or one of the great foreign Powers, shall recognise the independence of the new Government, at least until the lapse of time or the course of events shall have proved beyond cavil or dispute the ability of the people of that country to maintain their separate sovereignty, and to uphold the Government constituted by them."

Mr. Chairman, we are called on, not only by the amendment under consideration, but by the newspaper press in different quarters of the Union, to yield a speedy recognition of the independence of Texas. For what purpose is the prompt acknowledgment of her Government demanded? Not, certainly, because she desires to enjoy that independence, the recognition of which she solicits; not that she desires to possess the rank, privileges, and immunities, that belong to a free and sovereign member of the great family of nations; no, her object, distinctly avowed, is far more humble, and befitting her feeble condition. It is, that she may make a surrender of her independence, government, territory and all, to the United States, on condition of annexation and reception into the Union!

The first elections under the constitution of Texas were held last autumn. Mr. Morfit reports that

"The voters at the different polls were required to state whether they were 'in favor of annexing Texas to the United States;' and the response through every municipality has been wholly in the affirmative. He says that great unanimity prevailed in the important point of 'seeking admission into the Union of the United States of the North.' He also discloses the very important additional fact, that 'the terms upon which they desire to become an integrant of that Union have been discussed in the cabinet, and have already been, or will be, made the heads of instructions for the conduct of their representative near the Government of Washington.'"

A fact so extraordinary has not escaped the notice of the Executive, who says, in the message already referred to, that the people of Texas have, since the last session of Congress, "openly resolved, on the acknowledgment by us of their independence, to seek for admission into the Union as one of the Federal States. This last circumstance is one of peculiar delicacy, and forces upon us considerations of the gravest character."

It appears, then, that the Government of Texas is simultaneously urging its pretensions to recognition, and treating for annexation to the United States; and the former seems to be made subservient to the latter. Indeed, the evidence, to my understanding, is irresistible, that a separate independent existence never was, at any time, an object of desire on the part of the people and authorities of Texas. From Mr. Morfit's report we learn that, in September, 1835, General Cos invaded the province of Texas, and that "a battle ensued, which terminated in the retreat of the Mexicans. He says the

Texians assert that this resistance was not because they even then wished to separate from the confederacy; but, on the contrary, because they were desirous to bring back the Government to the terms of the constitution of 1824." If it be true, as they allege, that as late as September, 1835, they took up arms "in defence of the constitution," I can only say that, in the brief interval of a little more than one month,

"A change came o'er the spirit of their dream,"

and their intentions underwent a revolution equally sudden and extraordinary; for, in the month of November following, they held a convention at San Felipe, and formed a provisional Government, and there made a declaration which "was considered as an absolute separation from Mexico."

This proceeding in November, 1835, was speedily followed by the convention of the 2d of March, 1836, which in due form "declared Texas a free, sovereign, and independent State."

If a redress of grievances, or the defence of the Mexican constitution, and not separation, had been the object of the Texians, they would have tried petition and remonstrance, before resorting to arms—the last remedy of the oppressed. The Anglo-Americans of Texas could have found, in the conduct of their ancestors, when colonists of Great Britain, an example of patience and forbearance worthy of their imitation. The people of the old thirteen States, while they were subject to the dominion of the mother country, employed more than ten years in petitioning the King, Parliament, and people of Great Britain, before they finally resolved on having recourse to arms for the defence of their liberties. And then they did not strike for independence; for it was more than a year after the first blood was spilt in the revolutionary conflict, before they made a declaration of independence.

It is true that Texas, in 1833, applied to the Government of Mexico to be admitted, as a State, into the confederacy; and that her application was refused, and her agent imprisoned. The causes that led to the imprisonment of Austin have been variously related. What they were, precisely, I cannot ascertain. The bare refusal of the Government of Mexico to admit, on the first application, one of her provinces, as a State, into the confederacy, will not, it is presumed, be considered a sufficient cause to justify rebellion and revolution. There are many examples in our own history of unsuccessful applications on the part of our Territories to be admitted into the Union; and no one ever supposed that such a disappointment would justify these Territories in renouncing their allegiance to the United States.

Believing, then, that the whole conduct of the people and authorities of Texas, both before and since the commencement of hostilities with Mexico, evinces a design on their part to separate from the parent country, not on account of grievances that had become intolerable, nor yet for the purpose of obtaining independence, except as the means of effecting their ultimate design of annexation to the United States, I cannot, entertaining such a belief, vote for the proposition of the gentleman from South Carolina, [Mr. THOMPSON.]

If the object of procuring our acknowledgment of the new Government of Texas be to facilitate the design of her incorporation into this Union, (and that she seeks this connexion we well know, from her own solemn acts and avowals,) how can those who are opposed to such a measure give their assent to any course of proceeding that leads directly to its accomplishment?

Sir, I shall not permit myself to be drawn into the discussion of any question to which a direct proposition to annex Texas to the United States might very properly give rise. In relation to that momentous subject I will now only say that sufficient for the day is the evil thereof, and that, in my judgment, evil will be the day when that question shall come to be seriously entertained by the councils of this nation. I have noticed it now because it naturally connects itself with the proposition before us, in the aspect in which I have been considering it. The friends of annexation are consistent in voting for recognition; but those who are opposed to the former, and who believe, as I do, that it is the end, and the latter the means, cannot consistently give their support to the present movement. If no other objection existed to the recognition of Texas, I regard this as decisive, till she can give satisfactory evidence of her desire to have independence for the sake of independence, and not that she may barter it away. But, sir, other objections do exist.

Mexico is our neighbor, with whom we maintain diplomatic and commercial relations, and have a treaty which secures, as far as treaty stipulations can do, an inviolable friendship between the two nations. Are we not bound, by every consideration of national comity and plighted friendship, to confer with Mexico before we proceed to recognise the independence of one of her revolted provinces? For many years, and until within a few weeks past, we have had a minister resident in Mexico. I understand he has had no conference or correspondence whatever with the Mexican Government on the subject of the civil war in Texas; nor have we in any other manner given any intimation of our intention to acknowledge the separate existence of that province. On that subject we have maintained an ominous silence towards Mexico; yet presuming, I fear, on her inability to resent the affront, we are about to intrude ourselves into her affairs. It is true Mexico is torn by internal dissensions, her treasury is exhausted, her army mutinous, her people discontented and rent by faction; but her weakness cannot release us from the obligations imposed by our neutral character, nor from the duty of practising towards her that courtesy which is due from one friendly Power to another. Her misfortunes ought rather to inspire her more prosperous and powerful neighbors with sentiments of forbearance and respect for her feelings in the hour of her adversity. To take advantage of her distresses would ill become the character of a magnanimous nation. We might at least ask Mexico whether she still intends to persist in the attempt to reduce the Texians to obedience, and, perhaps, could suggest some method by which a reconciliation might be effected, consistently with the honor and interest of both parties. Such a course of conduct would be entirely respectful and conciliatory, and it has the additional recommendation of being in strict accordance with the former practice of this Government in similar circumstances. So cautious, not to say tardy, was this Government in its movements towards a recognition of the Spanish colonies in South America, that as late as the year 1821 the period had not then arrived, in the opinion of the Executive, for the interference of this Government; for although the President, in his message of that year, had declared "it had long been manifest that it would be impossible for Spain to reduce these colonies by force, and equally so that no condition short of their independence would be satisfactory to them," yet he proposed nothing further in their favor than to urge upon the Government of Spain the justice and policy of her immediate recognition of their independence.

In March, 1822, the Committee on Foreign Affairs of this House, to which had been referred the President's message concerning the recognition of the late Spanish provinces in America, made an elaborate report; and, in reference to Spain, the report asserts "That the measure which this Government now proposes to adopt has been considered with the most respectful attention,

both in relation to her rights and to her feelings." The line of policy pursued by every department of this Government towards Spain and her American colonies, during their arduous and protracted struggle for national existence, was, indeed, worthy of the purest and best days of the republic. How far this example of scrupulous neutrality and respect for the rights and feelings of the parent country has been imitated by the Government and people of the United States, during the war between Mexico and Texas, impartial history will tell.

The President's message, and other documents relating to Texas, were referred, at an early period of the present session, to the Committee on Foreign Affairs; that committee very recently reported, as the result of its protracted labors, a naked resolution recognising the Government of Texas; but not a fact was reported to enlighten the understanding and guide the judgment of this House and country on a subject of such vital importance. The committee may have thought that silence was the better policy, in a case where it might be difficult to reconcile the facts with a foregone conclusion.

Sir, to interfere in the domestic quarrel of our neighbor, so soon after the commencement of hostilities, and before the inability of Mexico to re-establish her Government and laws over the insurgent province has been demonstrated, and at the very moment when, according to information communicated by the President, she is making preparations, and evincing an unaltered resolution to prosecute the war, would be an act on our part rash, disrespectful, and premature—giving to Mexico just cause for war against the United States. That war against us will be the consequence of our intermeddling, is what I do not affirm. We may find in the weakness of the injured party that impunity which we could not challenge from the justice of our cause. But I reaffirm that an act of recognition at this time would be rash and premature, nay, without example in the history of this country, in parallel cases. It is not one year since Texas made a formal declaration of independence; and a year and a half has not yet elapsed since she first took up arms in defence of the Mexican constitution. And she still continues to be threatened with another invasion from Mexico. Can we, under these circumstances, recognise her immature independence, without being justly chargeable with a too ready interference with the quarrels of others?

Very different from that of Texas was the revolutionary history of the Spanish provinces in South America, and very different the conduct of the United States towards them, from that which is proposed to be now observed in regard to Texas. Buenos Ayres, though she had exercised the powers of an independent Government from 1810, yet she did not declare her independence of the Crown of Spain till July, 1816.

Venezuela and New Grenada declared their independence, and maintained a war for more than ten years; and, after they had obtained the object for which they contended, united themselves, in December, 1819, into one nation, by the title of the Republic of Colombia.

Chili declared its independence in 1818.

Lima, the capital of Peru, surrendered to General San Martin the 12th of June, 1821.

Mexico declared her independence, and practically established it, the 24th of August, 1821. The three latter provinces had, like their sisters, waged a bloody contest with the mother country a long time before they finally resolved on independence.

Under these circumstances, President Monroe, in March, 1822, by a special message to Congress, recommended the recognition of these several provinces. He informs Congress that "for the last three years the Government of Spain had not sent a single corps of troops to any part of that country, nor is there any reason to believe it will send any in future."

He took that occasion to add that "through the whole of this contest the United States have remained neutral, and have fulfilled, with the utmost impartiality, all the obligations incident to that character."

Thus we see that Spain having neglected for three years to send a military force against her revolted colonies, and there being no reason to believe that a further attempt would be made by her to subject them again to her dominion, and these colonies having all of them for many years been in the exercise of independent power, and some of them having declared their independence six years before, the Government of the United States, in 1822, proceeded to recognise their separate and independent existence. And this proceeding, after so long a delay, was, at last, not adopted without a delicate regard for the rights and feelings of Spain, and not until our friendly offices had been interposed to induce her to be the first to acknowledge their independence.

Such, sir, is not the conduct now deemed necessary to observe towards Mexico; for at the moment she is assembling a military force on the borders of Texas, with the avowed purpose of invading it, we, without even a show of respect for her rights or feelings, never having consulted with her in regard to either, are about to acknowledge the independence of her revolted subjects, though their independence is not one year old. The motive for this indiscreet haste in a matter of great national concernment I cannot appreciate. The gentleman from South Carolina [Mr. Thompson] seems to suppose that its justification may be found in the conduct of France when she recognised the independence of the United States. I join most heartily in his eloquent eulogium of the French nation for the important services it rendered this country in the hour of its need. But to refer to some of the facts attending the recognition of our independence will not, certainly, be interpreted into evidence of a wish to lessen the debt of gratitude due from this nation to the French.

France recognised our independence in February, 1778, nearly three years subsequent to the battle of Lexington, and more than one year and a half after the declaration of independence was made, and several months after the capture of Burgoyne and his army. This proves that France did not act in so grave a matter without circumspection and due consideration of circumstances. Besides, it ought to be no offence to say, what now belongs to history, that the motive which influenced the councils of France to recognise the independence of this country at the time she did, was not sympathy for the sufferings of republican patriots so much as jealousy of the power of Great Britain—a hated rival, whom she was resolved to humble. Assuredly, unregenerated France, oppressed with the feudal despotism of accumulated ages, could have seen nothing congenial with her feelings and maxims in the young, vigorous, and uncourtly republicanism of America.

I have therefore not been able to find, either in the practice of the United States or in that of other nations, any example that would justify this Government in acknowledging, at the present time, the independence of Texas. According to my own convictions of duty, I am compelled to vote against the proposed amendment.

It only remains for me, in conclusion, to thank the committee for the patient attention with which it has been pleased to honor me.

Mr. HOAR said he felt somewhat unwilling to address the House on this subject, as, in doing so, he should be obliged to turn his eyes from the poetry with which not only he (Mr. H.) but the House, had no doubt been delighted, on the introduction of this motion by the honorable gentleman from South Carolina, [Mr. Thompson.]

That honorable gentleman has drawn a lively picture, full of pleasant fancies, enlivened by the finest touches of the imagination, instead of a plain matter-of-fact speech. I confess, (said Mr. H.,) that if called upon for admiration of the gentleman's pleasant picture, I am fully prepared to give it; but, if I am called on to vote, I shall first be under the necessity of casting my eyes on a picture somewhat different from that which the honorable gentleman has delineated.

The bill on the table is intended to provide for the support of Government for the ensuing year. The gentleman from South Carolina has introduced an amendment providing for the payment of the salary of a diplomatic agent to Texas, and in his motion for this purpose is an expression recognising the independence of that Government.

It is not my intention, sir, to call in question the general principles which the gentleman from South Carolina has advanced, but their application to the case of Texas. These principles seem to me wholly inapplicable to Texas as it now exists. It appears to me, sir, his brilliant fancy has formed a Texas wholly different from that which lies on our southern border. The proposition is to send a diplomatic agent to the independent Government of Texas By adopting this proposition, we, in effect, declare that Texas is now in fact independent, and prepared to take a place among the family of independent nations. We are called on to assert a fact. This assertion should not be made without evidence; it ought first to be proved to the satisfaction of this committee. The proposition of the honorable gentleman is, that we should acknowledge this fact; my proposition, in reply to the honorable gentleman, is, that he should prove this fact. To justify the measure proposed by the honorable gentleman, it must be shown, by satisfactory evidence, that there really does exist an independent nation to be acknowledged, before we adopt any measure involving such an acknowledgment.

I beg leave to call the attention of the committee to the report which the executive branch of the Government has laid before Congress in relation to this subject. To this report the gentleman from South Carolina has referred, and to it let us look for evidence of the independence of Texas.

The question which seems first to present itself in this inquiry relates to the number of inhabitants; and here, sir, we find, by the evidence furnished to the House, that the whole population of Texas does not, in point of fact, amount to more than fifty or sixty thousand persons! These people, who style themselves Texians, are generally citizens of the United States, whose families, for the greater part, are still residing in the United States. We are told that this independent nation possesses a navy, an army, &c. The report informs us that this navy and army are in fact composed of and furnished by citizens of the United States; it has a revenue, we are told, but I find, in the report before us, that all the revenue comes from the contributions of the citizens of the United States. Here, then, are a number of citizens of our own country, crossing our southern border, seizing the reins of government in Texas, and calling on us to pronounce them an independent nation! If we allege the simple fact, it will be said that a number of our people, having seized upon a portion of territory not belonging to us, call now upon us to give them a legal title to a country over which neither we nor they have any legitimate command or control.

In calling upon us to acknowledge their independence, we are called upon to sanction the seizure they have made of this portion of a country at peace with us. It is a singular fact, to which I would beg for a moment to direct the attention of the House, that, at the very same time at which we are called on to recognise the independence of Texas, a document is laid upon the table of this House by our own Executive Government, in which we are informed that this very people, whose independent existence as a nation we are called upon to recognise, is actually composed of a crowd of citizens from our own country, not having been, and not now being, permanently settled or located in the country--mere transient visiters they might be called. There is another fact to which I would invite the attention of the House, in connexion with this subject; which is, that one of our generals, at the time these self-styled Texians (called and proved by the executive branch of our own Government citizens of these United States) were engaged in conflict with Mexico, was authorized, on the pretence of watching the Indians, to march his army into Texas, the territory in question, while we are professedly at peace with the Mexicans. And, in view of these facts, we are called upon to acknowledge Texas as an independent nation!

A portion of our own citizens enter the territory of Texas, establish a form of government, and, with the countenance of an army of our own a part of the time in the territory, successfully resist the Government of Mexico over the territory; and then this Government, whose citizens have made this achievement, are urged to be first in acknowledging that Texas is independent of Mexico. Those who have made this achievement are said, in the report on our tables, to remove their families to our own side of the line when in danger, and the soldiers themselves occasionally return to their homes in the United States.

Mr. H. was willing to grant all that the honorable gentleman from South Carolina [Mr. THOMPSON] had said in relation to the weakness and imbecility of Mexico; but the weakness of the one party did not justify the lawless exercise of superior force in the other party.

Mr. H. then proceeded to examine the position maintained, that these citizens of the United States were no longer our citizens, having expatriated themselves; and that they therefore were *bona fide* citizens of Texas.

Mr. H. then referred to the statement in the report of Mr. Morfit, on the table, to show that Texian soldiers left their families in the United States, and were, to all intents and purposes, citizens of the United States; that they have the right to expatriate themselves he would not deny; but the proposition remained unshaken and fully established, that the persons, for the greater part, now in Texas, and calling themselves an independent nation, were, in point of fact, no other than citizens of the United States, who had helped to wrest that country from the Mexican authorities.

In conclusion, Mr. H. expressed his readiness to acknowledge the independence of Texas as soon as that State shall give evidence of possessing a competent number of inhabitants; to be actually vindicating, by other means than those furnished by ourselves, the right to self-government. But if, as is declared in the report laid before the committee, the Texians cannot sustain themselves without aid from the United States, it is difficult to perceive how that State can truly be called independent.

For one moment let us glance at a few facts. The number of Texian soldiers is stated in the report not to exceed 300. The remaining 1,900 or 2,000 are citizens of the United States. They have a navy consisting of three or four vessels, mounting, in all, 29 guns. The vessels are manned by 200 seamen. They depend on the United States for their pecuniary resources.

Mr. Chairman, I cannot anticipate the result of any negotiations, which may now be pending, or which may now be actually concluded, but concealed from us, be-

tween our own Executive and the Government of Mexico, or between the present commander-in-chief of the Texian forces and the Mexican chief. Before the meeting of the next Congress, events may occur which will render Texas independent. If so, the declaration of the fact may then be very proper. It may happen, on the other hand, that the Mexican chief, late a captive, may be in fact received by the people in Mexico, as by a recent report we have been taught to expect, with almost idolatrous acclamations; and, instead of executing any real or supposed treaty heretofore made, he may, with more or less success, attempt to restore Mexican authority in Texas. At present, the facts disclosed to us do not seem to me to warrant the measure proposed.

Mr. BYNUM moved that the committee rise.

Mr. CAMBRELENG reminded the gentleman from North Carolina [Mr. Bynum] that to-morrow was the last day on which bills could be sent from this House to the other. He hoped the gentleman would not insist on his motion.

Mr. BYNUM, however, did not withdraw it; and, the question being taken, the committee, by a large majority, refused to rise.

Mr. BYNUM then said that he had arisen on the present occasion to address the committee with feelings of peculiar diffidence, arising from a full consciousness of his own incompetency to do any thing like adequate justice to the magnitude of the considerations involved in the very important question which was then before the committee. He would gladly have deferred entering into a discussion involving so many considerations until another day. The lateness of the hour (eight o'clock at night) precluded the possibility of a full and impartial investigation of the various topics that that subject necessarily involved.

He had hoped that the committee would have consented to rise, reported the bill to the House, and obtained leave to sit again; but this it had refused to do, and the friends of the measure then before the House were compelled to enter on the discussion of this most important subject, whether prepared or unprepared to do it that justice which its importance imperiously demanded. He had always felt the deepest reluctance to obtrude himself upon the attention of that House or its committee; and he felt doubly more so on the present occasion, knowing the state of feelings that all parts of the committee must at that time experience, from the tediousness and fatigue of one whole day's sitting. Sir, (said Mr. B.,) I will not complain of any course that this honorable body may deem it fit to pursue, on this or any other subject, in relation to myself. I have my duties to perform here, as a member of this body, and shall endeavor to do them, as I have ever done, in as well as out of this House, openly, fearlessly, and, I hope, independently; and should I in the discharge of those duties, in the course of my remarks, become tedious, or use any thing personally offensive, it would arise from the peculiar attitude which the course of the committee has forced me to assume, and not from any intentional feeling, on my part, to inflict any wound on the feelings of that body, or any of the humblest members of it, (if there be any more so than others.)

Now, sir, with these preliminary remarks, I will beg the attention of the committee to the subject before them. What is that subject? It is a simple proposition for this committee to determine on the existence of a certain fact, in relation to the existence or non-existence of a certain independent community. The amendment proposed by the honorable member from South Carolina [Mr. Thompson] was for the appropriation of a certain sum for the outfit and salary of a diplomatic agent to be sent to the independent republic of Texas, and for the expenses of running the boundary line between the United States and the Government of Texas; which proposition involved in its decision the affirmation or negation of the existence of an independent community or Government in the territory of Texas.

He was truly glad that the House had at last been placed in a situation from which it could no longer escape from acting upon a subject so indispensably necessary, as well for the honor and high character of this Government, as for its true interest and national policy.

He had regretted, and had looked on with pain for some time, in witnessing the part that the majority of that House had been playing off on that subject during the greater part of the last session, and the entire part of this session, up to the present moment. While he felt incapable of lecturing the House for any course it might in its wisdom pursue, upon that or any other subject, yet he must confess that he, as well as the greater part of those who had observed the progress of this measure, had looked with disgust and indignation on their truckling, skulking, and shrinking from this question, which had been so much evinced whenever any matter touching it had been called up there. If there was any thing either odious or alarming in its agitation, he, for one, had not had the astuteness to detect it. Why, then, this sudden timidity? This extraordinary precaution on the present, more than on every similar occasion? What was there novel or unprecedented in passing on the present proposition? If a stranger had been present, and were to judge from the course that certain honorable gentlemen had pursued, whenever an intimation had been made, near or remote, touching the present subject, he would have instantly concluded that it must have been one of a most extraordinarily novel nature, conjured up, too, perhaps, by the spirit of some foul demon, whose touch threatened little less than our political annihilation. Sir, (said he,) such a course, on such a subject, he was free to confess, augured, to his mind, the most inauspicious results. He saw nothing to justify it in the conduct of politicians whose object was a straight-forward course and fair dealing.

The people of this country were too intelligent to have eternally played off on them this game of political shuttlecock.

There was a time at which, when nations and politicians, as well as individuals, should assume the responsibility of their acts. This dodging and evasion of important questions is not the true character of the American Congress; it is not in pursuance with the high-minded and illustrious examples given us by the patriots and statesmen of former days. It was not of them to shuffle off the responsibility of meeting any questions, however momentous. They had never shrunk from the assertion of a fact that they knew to exist. Sir, he said, let us have no more of this, for the honor and dignity of our common country, if not for its policy and interest; let us not seek to avoid, by evasions and indirection, that which we dare meet directly. It is pusillanimous to be afraid to assert that which we know, and all mankind conversant with the true history of the country know, to be the facts.

But, sir, it is proper that this nation should now decide on this simple question of fact, as to the independent or dependent existence of this community, that is now located in the Territory of Texas, under all circumstances.

I say it is incumbent on this Government to assert the fact, either negatively or affirmatively—that it is incumbent on this Government to do so, as an independent sovereignty, and which becomes apparent from the very necessity of the case. Our own interests require it, and justice demands it. Our protection and self-preservation require it; and I will show, independently of its expediency and necessity, we had precedents and exam-

ples abundantly set us, not only by our own nation, but by nearly every other civilized one in all Christendom.

The necessity of recognising every independent community as an independent nation, as soon as the fact could be ascertained, arises from the indispensable necessity, amongst all other nations, of making them responsible for their own acts; and hence it is an obligation resting on the Government, and due from it to the people who compose that Government, to make all other communities responsible for their own acts, as soon as practicable; and this they cannot do, except by treating them as independent nations, and thereby making the whole responsible for the acts of its parts. Such, sir, is the position now taken by every distinguished writer upon international law; and such has produced the necessity of immediately recognising the independence of every community, as soon as all others lose their control over it, rightfully or wrongfully, and are thereby rendered no longer, by reason or justice, responsible for their acts.

Now, sir, (said Mr. B.,) I think the honorable gentlemen who have been so violently and inflexibly opposed even to the consideration of this subject at all, begin to get a foretaste of the singularly awkward attitude in which, by their conduct, they would necessarily place their country, in their refusal to recognise the independence of a community not responsible to any other earthly power for its acts. Is there a statesman of intelligence, in this or in any other country, who is not impressed with the weight and importance of this reason? To his mind it was perfectly conclusive as to the necessity of action, and immediate action, on the subject. This, said he, would apply, and was applicable, to all Governments, nations, and communities; and, as a general reason, it was sanctioned by reason, justice, and necessity. Yet, sir, we have been gravely told, and repeatedly too, that there was no necessity for the action of this Government on that subject, and by honorable gentlemen professing the intelligence and acumen of statesmen. Upon principles, as it regards all nations, general policy should compel us to recognise, under all such cases, (apart from its necessity,) for our more beneficial and commercial relations and intercourse with such communities. Such, in his judgment, was the true policy that this Government should pursue towards all Governments more indifferently situated. Yes, sir, if the territory of Texas was two thousand miles distant from this Government, such should be the policy that this Government, as a free independent republic, should adopt towards it, to act in accordance with its necessity, with true policy, and with national law.

But, under what additional obligations are we placed, when we take into consideration the many surrounding and peculiar situations in which the case before us presents itself by the juxtaposition of the territory of Texas to that of the United States; by the yearly, monthly, weekly, and daily commercial transactions and intercourse carried on with that people and the people of this Government. Sir, if, under ordinary circumstances, the reason for action on such an occasion is correct, as he thought he had sufficiently shown, what ought to be the action of this House in regard to the case of Texas, then? If the interest of our people was alone to be consulted, the action of this body was necessary; it was more: it was demanded, and indispensable to the well-being and harmony of the commercial relations now carried on between the people of this country and Texas. In the great variety of business now transacted between those nations, it is natural to suppose that there has been, or will be, differences of opinion as to the powers and rights of each other, growing out of these various transactions between the two communities. Texas, or the people of Texas, may become the trespassers either on the rights of our people, our commerce, or our soil. Now, sir, for such a grievance, from whom would you seek redress? This is bringing the question home, and within a nutshell, to the plain comprehension of all. Whom would your Government, Mr. Chairman, hold responsible for the outrages committed on the commerce of our people, their rights, and other trespasses on the soil, by the inhabitants of Texas? Would you, sir, pretend to hold Mexico responsible for the acts of Texas now, and attempt to punish her for the depredations that the citizens of Texas might commit on our commerce or territory? Has Mexico any authority in Texas at this time, or has she had any within the last twelve or fourteen months? Has she a single officer, fort, army, or soldier, now within the borders of Texas? Has she, or can she, by any possibility, exercise any control over the authorities, or the Government, or the people of Texas? Sir, not one particle, not one scintilla or iota of control or authority does Mexico now exercise in any part, near or remote, direct or indirect, within the territorial limits of the Government of Texas. Then, how supremely absurd, how pre-eminently ridiculous, is it to pretend to hold Mexico responsible and bound for the acts and conduct of the people of that Government.

Yet, sir, such is the extraordinary condition in which this Government is left, by the refusal to recognise the independent political existence of that Government at this time. Does any honorable gentleman not at once perceive in what a deplorable position such a ridiculous, blind, impolitic course places this country? But let us pursue this subject still further, and observe in what it must terminate when carried out. Let us refuse to acknowledge the independent existence of this nation, and look not to that Government for redress of injuries inflicted by its citizens on our people. The palpable absurdity of applying to Mexico has been already shown, as she possesses neither power nor authority in any part of Texas. We have refused to consider Texas an independent nation; and therefore, as a nation, she cannot be held responsible for her acts, not being considered as such by us. In what dilemma, then, do we, by the folly of our own acts, place this Government? He had shown that Mexico, by no principle of reason or justice, could be made responsible for the conduct of the citizens of Texas. Texas, not being considered an independent nation, cannot be made liable for the conduct and acts of her own citizens. Then, if neither Mexico nor Texas is responsible for the acts of the citizens of Texas, who are? There was no other nation that had put up any pretensions to the government over that territory, as he had, as yet, been informed of. Sir, (he said,) there was but one alternative left for gentlemen, to escape from this dilemma: having shown that this people could not, with any sort of propriety, be considered citizens of Mexico, and Mexico made responsible for their acts, and this House was about to decide that there was no such nation as Texas, with an independent Government, that made her responsible for the acts of her own people—this Government was made by that decision, as the only alternative left, to view every citizen of Texas as a pirate, marauder, bandit, and lawless freebooter, subject to be hung on the yard-arm of every ship at sea, or swung to the limb of every tree in your forests. Such, sir, is the unhappy result of false premises, when traced to their legitimate conclusions.

Can any man, or set of men, believe for a moment that the citizens of Texas, the armies of Texas, are mere freebooters, marauders, a banditti of pirates and outlaws, and that this Government should treat them as such? No, sir; no, sir! You cannot impose on the intelligent people of this country the conclusions to which you yourselves have come, as will be demonstrated this night by your votes; and it will be vain and idle for any

gentleman who has taken this absurd position to attempt to relieve himself in future from an opposition to a measure most irreconcileably at war with reason, with justice, and the true policy of this Government.

With this view of the subject, (said Mr. B.,) he would now undertake to examine some of the facts, as they related to the actual condition of Texas, in a political point of view. The very honorable and venerable gentleman on his left, [Mr. Hoar,] in reply to his honorable friend from South Carolina, [General Thompson,] had asserted that this committee should rely on facts—facts were what the honorable gentleman placed himself on. Sir, (said Mr. B.,) I am a plain matter-of-fact man. I thank the gentleman for that idea. They are the facts in this case that he had mainly relied on to justify the opinions and sentiments which he had entertained on this subject. But for his knowledge of the facts in relation to that subject, his opinions might have been totally adverse to what they then were. It was upon the facts alone that he (Mr. B.) was disposed to rest the decision of this question; and what were the facts in relation to the political condition and relations of Texas? The President, to be correctly informed on this subject, after giving the commissioners of Texas to understand, during our last Congress, that as soon as it could be ascertained that they had organized a *de facto* Government, that they would be immediately recognised by this Government. Most prudently and wisely had he despatched a commissioner or agent to that Government, for the express purpose of ascertaining the exact facts, as near as practicable, of the real condition and situation of that Government; not relying on the statements of the commissioners of Texas, her agent, or partisans, he adopted the precautionary measure of sending one of his own—a gentleman well known here for his integrity and capacity.

He agreed perfectly with the honorable gentleman from Ohio, [Mr. Mason,] and the honorable gentleman from Massachusetts, [Mr. Hoar,] that we should not be led away by our feelings on this subject, but should be governed by the facts. Now, sir, (said he,) what are the facts, so far as they had been able to ascertain them?

He would first notice rumor and common report, which, in absence of all other, might be properly received as evidence. Then, sir, what was common report on this subject, and which had been acquiesced in by all parties for the last twelve months or thereabout? Have we not seen in the public journals—Mexican, American, and Texian—that the Mexicans had been defeated in Texas, and that every soul of them had been driven out of their territory, and that they had been the quiet possessors of the whole country for near twelve months; that the whole seacoast of both Texas and Mexico was now under the entire power and control of Texas? Such were the facts that we had learnt of all parties, and as yet were uncontradicted by any. But let us, as we should do, abide mostly by the evidence and facts put forth by our own witness, Mr. Morfit, the agent sent by the President to collect and report the facts to this Government. What said he in relation to the political condition of that country?

Mr. Morfit, our confidential agent, states as follows: "The Texians are in complete and undisturbed possession of all they claim; that they can, at any time, oppose an army of from five to eight thousand men to their invaders, and that they have a regularly organized and orderly Government." This, sir, is directly at variance with the statements just made by the honorable member from Massachusetts, who was so anxious that the facts of this question should be considered.

"The Congress of Mexico," continues Mr. Morfit, "which is now in session, seems to have exhausted all ordinary modes of raising revenue, and adverts to the necessity of levying new contributions. The national power and integrity of Mexico seems to be lost in these domestic difficulties; and hence Texas argues that no other army will be raised to cross the Rio Grande against her. There is much reason in this assertion; and, besides the feebleness of the Government, the people in the provinces adjoining Texas are opposed to the war, as they have already suffered severely in the progress and return of their own army through their country. Zacatecas and Chihuahua have manifested great desire for peace; and if the ambition of a few men contending for power could be allayed, Mexico would be quiet and Texas free."

"If we recur to the military incidents of Mexico, in which persons from the United States took part, even while that country was under the dominion of Spain, it will be seen that nearly all the conflicts were disastrous to her subjects, and that there seems to be a fatality against her that is likely to keep pace with all her pretensions on this side of her natural boundary, the Rio Grande. As early as 1810, the military post at Baton Rouge, whose commandant had committed many wrongs against Colonel Kemper, was attacked by 40 Americans, under General Thomas, and the garrison, with Colonel Lossas and 120 men, subdued. The Mexicans, about that time, had commenced a revolution against Spain; and Colonel Ross, with 500 men, proceeded into Texas, to aid the patriots. He attacked and took the strong fortress of Goliad without any loss, and soon after defeated and captured 1,500 Mexicans. This army determined upon the conquest of Mexico, and routed and cut to pieces 3,000 men near San Antonio. A reinforcement of 4,000 Mexicans assaulted Bexar, in the absence of the American generals; but the troops resolved to act themselves, and defeated the assailants with the loss of only three men.

"In 1812, General Toledo, who had revolted from the Spanish Government, took command of San Antonio, and, with Ross's force of 400, and 300 Indians, routed another Mexican army of 4,000. These events led to the general revolution which separated Mexico from Spain; and ever since then, whenever the Texians have been engaged either with the Mexicans to establish a republic, or against them to defend it, they have almost invariably prevailed. In the year 1832, when the Texians near Nacogdoches had been aggrieved by the military at that post, and had ineffectually endeavored to procure their removal, they took up arms for the purpose, and, with 250 undisciplined men, defeated 375 regulars under General Lus Piedrus. In 1832, during the administration of Bustamente, and after the violation of the federal constitution, a detachment of 132 Texian settlers, under Captain John Austin, besieged and reduced the fort at Velasco, garrisoned by 173 Mexicans under Colonel Ugartichea, with great loss to the besieged."

"In 1835, the Mexican garrison at Anahuac, under Captain Tenoria, surrendered to Colonel Travis, commanding a smaller force. In October of the same year, the Mexican cavalry, from the fortress at Bexar, were completely routed. At Gonzales, a few weeks after, 92 Texians, under Colonels Bowie and Fanning, fought the battle of Conception, and defeated 450 Mexicans.

"The battle near Bexar was fought in the same month, and 400 Mexicans were obliged to retire, under cover of the artillery of the town, before 200 Texians; and in December, the city of San Antonio and the Alamo, defended by 1,300 Mexicans, under General Cos, surrendered to 400 Texians, commanded by Colonel Milam. On the 21st of April, 1836, the decisive battle of San Jacinto was fought, in which General Santa Anna, with 1,300 men, were defeated by General Houston, commanding 783; and, on the 24th of the same month, all the Mexican forces retreated beyond the frontiers

of Texas. This concluded the second campaign, and thence, it is said, 'a new epoch in her history was dated.'"

Here, sir, is the evidence of our own witness; such are the facts that the confidential agent of our own Government communicates to the Executive. Is he to be believed, or is he not? We have rejected the evidence of the commissioners of Texas, and called on one of our own. Will you now discredit your own witness? Will you attempt to do it? Sir, you cannot. In the most ordinary courts of justice no man is permitted to discredit his own witness. Now, sir, what is the evidence of this witness of our own Government? Why, that "Texas is a regularly organized Government, and is in full and successful operation; that she has expelled her invaders, and is in complete possession of every foot of territory that she claims," and is thereby, by all intents and purposes, made the *de facto* Government. These are the facts to which I would call the particular attention of honorable gentlemen who are so much disposed to try this subject by the facts. These are facts and evidence put forth by our own witness, and it is too late now to attempt to discredit him.

From the whole tenor of Mr. Morfit's report, it does appear to me most clear that Texas is the *de facto* Government, and that every syllable of it goes to show the entire improbability, if not the utter impossibility, of Mexico ever reconquering Texas. From the brief history that he has there set forth of these contending parties, it is impossible for any impartial observer to doubt longer of the utter impracticability of Texas ever becoming again under the dominion of Mexico. This fact no man can doubt who will read that report; it is clear, lucid, and impartial, and speaks of facts alone, and not of rights.

It was upon these facts that he now called on that House to act, without regard to any supposititious, hypothetical theories. It was the facts on which he had relied, and on which the committee should rely for the character of their action on that question, and he thanked most respectfully the gentleman from Massachusetts, [Mr. HOAR,] who had so particularly invited the particular attention of the committee to the facts to which he had referred; he thought an attentive perusal of them would leave but one impression on the mind of every honest impartial reader who would take the pains to examine them. But, said he, if there had been reason to doubt the statements that were contained in Mr. Morfit's report, the occurrences and events that had taken place since were amply sufficient to remove them. What had they heard ever since the battle that had been fought at San Jacinto, which had rendered imperishable the fame of Houston, and spread over the fertile fields of sunny Texas a blaze of immortal glory? You have heard it dinged in your ears, day by day, weekly and monthly, that Texas ought not immediately to be recognised; that Mexico was reassembling troops to invade and overrun, (as by one fell swoop,) and depopulate the entire province of that little band of devoted patriots, whose deeds of noblest valor alone had won for them a country and a home. But, sir, what had been the progress and march of these Mexican myrmidons? What one's foul footsteps had yet polluted that soil, rendered sacred to liberty by the valor of self-expatriated heroes, whose deeds have often eclipsed those of Greece and Rome in the proudest days of their glory and renown? No, sir, not a Mexican soldier has dared to re-enter Texas since their entire defeat and discomfiture on the plains of San Jacinto. The defeat and capitulation of Santa Anna was decisive of the fate of Texas, and may be justly considered the birthday of this new-born republic. Sir, (said Mr. B.,) would to God I had a talent for eulogy, this night would I attempt to do justice to the memory of those noble spirits whose deeds of gallantry have shed such a lustre around the name of Texian. Where now are your Bravos and Bustamentes? What one has yet shown himself within the jurisdictional limits of Texas? Have not the armies of General Bravo been dismissed, or, rather, have they not deserted, and refused to recross the Rio del Norte? Are they not in a wretched state of revolt and privation, and destitute at this moment of every means necessary for the subsistence of an army of successful operation? If the public journals of either country are to be credited, they are. The last accounts from Mexico bring us information, too, that the whole country is likely to declare in favor of Santa Anna, who stands pledged himself, doubtless, by his own solemn acts, not to invade Texas again, but to recognise her independence. These events all concur to corroborate and strengthen the statements of facts set forth by Mr. Morfit in his report to the Executive. Then, sir, how is it possible that any intelligent man can longer doubt, with such facts and corroborating circumstances staring him in the face, of the independent existence of a *de facto* Government in Texas? He did not feel disposed to doubt the sincerity of honorable gentlemen there, though he thought there were adequate grounds to do so, when they saw fit to go so directly in the face of both facts and circumstances tending directly to the contrary, to which he too would most earnestly request the recollection of honorable gentlemen on that occasion.

The honorable gentlemen from Massachusetts and Ohio, however, had doubts, and reprobated the idea of the independence of Texas being acquired by renegades, plunderers, and marauders, that had fled from justice in their own countries, and seemed to lay much stress upon their being land pirates, speculators, &c.; although he knew the charge, as it related to nineteen twentieths of that people, was entirely gratuitous and unfounded, he was willing, for the time being, and argument's sake merely, to grant it. Its fallacy, he would show, was too palpable not to be detected by the most superficial observer. What, he asked, had that House or this nation to do with the moral character of the armies of either Texas or Mexico? Who would stand up there, and say the one was more debased than the other? What were the armies of Mexico, but convicts and pressmen of every hue, from the tawny *mustizee* down to the sable *sambo*? The filth of every prison and dungeon in Mexico had been emptied into Texas, led on by bandits, that knew no law but that of plunder. He hoped that House would never descend so much as to undertake to decide on the moral character of the armies of any nation.

What if every man in Texas was a common highwayman, or robber, if you choose, or even an assassin, that could not, nor should not, affect this question; not even if they were ten times more debased than they had been described. The question was one of mere fact as to their independence; and, in deciding that, we had nothing to do with their morals, color, or complexion; which, he imagined, none doubted would compare with that of their invaders. He again repeated, were the Texians the most degraded, abandoned people on earth, having gained possession of their country, and having established a *de facto* Government, we were bound in good faith to recognise them.

But the honorable gentlemen were as much, if not more so, out in their other objection. The gentleman from Massachusetts [Mr. HOAR] had said that the army of Texas was composed of Americans, and that there were not more than three or four hundred Texians. Mr. B. did not know that there were as many, nor did he care to know it. Had there not been ten Texians in their armies, it would not have been at all material to the present issue. If they were able to hire men to fight

their battles, it was their look out, not ours; or if they could get them from other nations to fight their battles for nothing, it was their good fortune, and they were entitled to all the benefits of it. The honorable gentleman, in making this objection, surely had not reflected on the history of other nations, which abundantly furnished the most analogous precedents and examples.

There had hardly been a war of consequence, amidst ancient or modern nations, in which auxiliaries had not, in some manner or form, at some one time or another, been introduced. But for the auxiliaries of England, under Wellington, would the French ever have been dislodged from the Tagus, and finally driven out of Spain? In that contest, every brilliant exploit was performed by foreigners; and were they not considered the armies of Spain, and did not the benefits of their victories redound almost exclusively to the benefit of Spain? But he needed not to dwell on foreign examples, when they abounded in his own country. What Indian war had occurred, in which we had not a part of our armies composed of Indian auxiliaries? Look at that time to Florida: were we not employing in our armies Creeks to put down the Seminoles? And what was the nature of our armies during our Revolution? Where were the French—their navy—Lafayette and his illustrious compatriots and coadjutors in the cause of American liberty? Without the auxiliaries of France would Cornwallis have surrendered at York?

Sir, the gentleman has been exceedingly unfortunate in his objection. It is one that would have applied with equal or more weight to our own country in by-gone days. I hope he will review these facts, and give to them that weight to which their truth entitles them.

The next branch of the subject that he proposed to examine was, what had been the precedents in relation to the acknowledgment of new Governments that had been set by this Government, and its action in similar cases.

He did not hesitate to say that the recognition of Texas, under the present circumstances, was in strict conformity with nearly every precedent set by this Government, from the administration of the great Father of his country's liberties, (General Washington,) down to the present day. The fact of the existence of precedents for recognition had been most triumphantly argued in that House on a former occasion, perfectly analogous to the present, by a distinguished statesman from Kentucky, and had been so much more ably and eloquently maintained, and set forth, than he could do, that he would simply read from the speech of that honorable gentleman, now a Senator in another body, which was as follows:

"Mr. Clay continued. Having shown that the cause of the patriots was just, and that we had a great interest in its successful issue, he would next inquire what course of policy it became us to adopt. He had already declared that to be one of strict and impartial neutrality. It was not necessary for their interests, it was not expedient for our own, that we should take part in the war. All they demanded of us was a just neutrality; it was compatible with this pacific policy, it was required by it, that we should recognise any established Government in Spanish America. Recognition alone, without aid, was no just cause of war. With aid it was, not because of the recognition, but because of the aid, as aid without recognition was cause of war. The truth of these propositions he would maintain upon principle, by the practice of other States and by the usage of our own. There was no common tribunal among the nations to pronounce upon the fact of the sovereignty of a new State. Each Power must, and does, judge for itself. A nation, in exerting this incontestable right, in pronouncing the independence in fact of a new State, takes no part in the war. It gives neither men, nor ships, nor money. It merely pronounces that in so far as it may be necessary to institute any relations, or to support any intercourse, with the new Power, that Power is capable of maintaining those relations and authorizing that intercourse. Martens, and other publicists, lay down these principles."

"When the United Provinces formerly severed themselves from Spain, it was about eighty years before their independence was finally recognised by Spain. Before that recognition the United Provinces had been received by all the rest of Europe into the family of nations. It is true that a war broke out between Philip and Elizabeth, but it proceeded from the aid which she determined to give, and did give, to Holland. In no instance, he believed, could it be shown, from authentic history, that Spain made war upon any Power on the sole ground that such Power had acknowledged the independence of the United Provinces.

"In the case of our own Revolution, it was not until after France had given us aid, and had determined to enter into a treaty of alliance with us—a treaty by which she guarantied our independence—that England declared war. Holland was also charged by England with favoring our cause, and deviating from the line of strict neutrality; and when it was perceived that she was, moreover, about to enter into a treaty with us, England declared war. Even if it were shown that a proud, haughty, and powerful nation, like England, had made war upon other provinces, on the ground of a mere recognition, the single example could not alter the public law, or shake the strength of a clear principle.

"But what had been our own uniform practice? We had constantly proceeded on the principle that the Government *de facto* was that which we could alone notice. Whatever form of government any society of people adopts, whoever they acknowledge as their sovereign, we consider that Government, or that sovereign, as the one to be acknowledged by us. We have invariably abstained from assuming a right to decide in favor of the sovereign *de jure*, and against the sovereign *de facto*. That is a question for the nation in which it arises to determine; and, so far as we are concerned, the sovereign *de facto* is the sovereign *de jure*. Our own Revolution stands on the basis of the right of a people to change their rulers. He did not maintain that every immature revolution, every usurper, before his power was consolidated, was to be acknowledged by us; but that as soon as stability and order were maintained, no matter by whom, we always had considered, and ought to consider, the actual as the true Government. General Washington, Mr. Jefferson, and Mr. Madison, had all, whilst they were respectively President, acted on these principles.

"In the case of the French republic, General Washington did not wait until some of the crowned heads of Europe should set him the example of acknowledging it, but accredited a minister at once; and it is remarkable that he was received before the Government of the republic was considered as established. It will be found in Marshall's Life of Washington, that when it was understood that a minister from the French republic was about to present himself, President Washington submitted a number of questions to his cabinet, for their consideration and advice; one of which was, whether, upon the reception of the minister, he should be notified that America would suspend the execution of the treaties until France had an established Government. General Washington did not stop to inquire whether the descendants of St. Louis were to be considered as the legitimate sovereigns of France, and if the revolution was to be regarded as unauthorized resistance to their sway. He saw France, in fact, under the Government of those

who had subverted the throne of the Bourbons, and he acknowledged the actual Government. During Mr. Jefferson's and Mr. Madison's administrations, when the Cortes of Spain and Joseph Bonaparte, respectively, contended for the crown, these enlightened statesmen said, we will receive a minister from neither party; settle the question between yourselves, and we will acknowledge the party that prevails; we have nothing to do with your feuds; whoever Spain acknowledges as her sovereign is the only sovereign with whom we can maintain any relations. Mr. Jefferson, it is understood, considered whether he should not receive a minister from both parties, and finally decided against it, because of the inconveniences to this country which might result from the double representation of another Power. As soon as the French armies were expelled from the peninsula, Mr. Madison, still acting on the principles of the Government *de facto*, received the present minister from Spain. During all the phases of the French Government--Republic, Directory, Consuls, Consul for life, Emperor, King, Emperor again, King—our Government has uniformly received the minister.

"If, then, there be an established Government in Spanish America, deserving to rank among the nations, we were morally and politically bound to acknowledge it, unless we renounced all the principles which ought to guide, and which hitherto had guided, our councils."

Yes, sir, such were the sentiments, at that time, of that most distinguished son of the West, of whose birth any country should justly be proud; whose known talents it were mean and low, even in an enemy, to disparage, however much he had and might differ with him in their political views as it regarded the future policy of the nation; he never could so far forget what was due to candor and honesty as to deny him the meed to which his talents and services to his country so pre-eminently entitled him. This speech, from which he had just read an extract, was delivered on the 24th of March, 1818, by Mr. Clay, in the Committee of the Whole, on a proposition identical with that now before the committee, offered by the honorable gentleman from South Carolina, [Mr. THOMPSON.] The speech of that honorable gentleman, it was seen, covered the whole ground of precedent, and left but little for him (Mr. B.) to say. The honorable gentleman (Mr. Clay) had shown them that the first precedent had been set on that subject by General Washington, than whom no nation nor age had ever produced a statesman of more consummate prudence and precautionary foresight. General Washington never stopped (said Mr. Clay) to consider whether the descendants of St. Louis were to be considered as the legitimate sovereigns of France. He saw France, in fact, under the government of those who had subverted the Bourbons, and he acknowledged the actual Government. Now, sir, what was the "actual Government" here alluded to, but the Government *de facto*? This was the first precedent set by the great founder of American liberty, which had been regularly followed up and pursued by his illustrious successors, in the persons of Mr. Jefferson, Mr. Madison, and Mr. Monroe. The practice, so far as he was informed, seemed to have descended down from the primary days of the republic, in an uninterrupted series of precedents and examples, heretofore unquestioned by any source of intelligent statesmen or politicians whatsoever.

Mexico herself had been acknowledged under circumstances by far more unfavorable than those under which it was now proposed to acknowledge Texas. At the time that this country acknowledged the independence of Mexico, it was a fact well known that the mother country, (old Spain,) for nearly eighteen months after her independence had been acknowledged by this Government, held possession of some of the strongest fortresses in all Mexico. Mexico was recognised by this Government in 1822, at which time the armies of old Spain had complete possession of one of the strongest posts and most impregnable forts in the whole Government. Among others, she held possession of the castle of San Juan de Ulloa, at Vera Cruz--amongst the strongest posts in the world, Gibraltar and Quebec not excepted. Then, sir, let us compare the then condition of Mexico with the present condition of Texas. Texas has expelled her invaders, taken captive the commander-in-chief of the armies, and President of Mexico; and there is not a post, fort, or fortress, or castle, at this time, of any description or denomination, in any part of her territory, in the possession of an enemy, nor has there been for near twelve months. Then, how incomparably stronger are the claims to recognition on the part of Texas than were those of Mexico! Yet the recognition of Mexico met with but little opposition from any part of this Government. Why, then, this morbid sensibility in regard to Texas? Strange, exceedingly so; it was unjust in the extreme. Sir, in reply to a communication in relation to the recognition of Mexico, from Mr. Monroe, then President of this Government, the report of a committee of this House held the following language: "For a nation to be entitled to respect in foreign States, to the enjoyment of these attributes, and to figure directly in the great political society, it is sufficient that it is really sovereign and independent; that it governs itself by its own authority and laws." Now, what other laws were in force, at this time, than those of her own enactment, in any part of the territories of Texas? None, sir, none, if our own agent and witness is to be believed, or the reports and statements contained in the journals of the three Governments of Texas Mexico, or of the United States. This report contains the precedent set at that time by this House; thus adding additional weight to those precedents sanctioned, first, by the illustrious founder of his country, and acquiesced in by every President down to the present time. He had perceived nothing more uniform than the course proposed to be taken by the amendment on your table, offered by the honorable gentleman from South Carolina. The precedents, so far, that had been set, by both the legislative and executive departments and branches of this Government, he had shown, he thought, satisfactorily, were in favor of the recognition of Texas, and the immediate adoption of the amendment before the committee.

Mr. B. would now state what took place between this Government and the republic of Colombia, as he found it in an extract from a letter written by the very honorable and distinguished gentleman from Massachusetts, who then filled with great ability the station of Secretary of State of the United States under the administration of Mr. Monroe; and he was bound to believe that they contained the opinions of the honorable gentleman at that time. In his letter to Mr. Anderson, of 1823, he then stated: "The formation of the republic of Colombia, by the fundamental law of 17th December, 1817, was notified to this Government by its agent, the late Don Manuel Torres, on the 20th of February, 1821, with a request that it might be recognised by the Government of the United States," &c. * * * * "The request and proposal were renewed in a letter from Mr. Torres of the 30th of November, 1821, and again repeated on the 2d of January, 1822. The President, on the 8th of March, declared that the time had arrived when the acknowledgment of the independence declared by the Spanish American colonies could no longer be withheld, &c. An appropriation was made by law, (4th of May, 1822,) 'for such missions to the independent nations on the American continent as the President should deem proper.'" Here, sir, was what

in substance was then contended for, and sanctioned by that distinguished, though now eccentric, statesman of Massachusetts, whose diplomatic talents ranked inferior to no man now living, on this or the other side of the Atlantic, and which had ever been displayed by an ability equalled only by the extensiveness of his masterly power of research. In these instructions to our minister, (Mr. Anderson,) the whole ground of time was covered. The first request was made to this Government by Don Manuel Torres, on the 20th February, 1821, for the recognition of the independence of that republic. On the 8th of March, 1822, it was recommended by Mr. Monroe, the then Chief Magistrate; and on the 4th of May, 1822, an appropriation was made, virtually recognising the independence of that Government, but a little more than fourteen months after the first application had been made; and this, too, was done in the very face of the remonstrances of the Spanish minister, (Anduaga;) yet it was now contended that the application of Texas was too soon, and premature, who had been knocking at our doors for recognition about the same length of time, while not a voice had been raised against it by Mexico. This, he thought, was conclusive as to the immateriality of the time for which a Government should apply to be recognised, and placed Texas on the identical grounds of former Governments that had preceded her in similar applications. He hoped the honorable gentleman who had represented his country with so much ability on this occasion, in 1823, would not now be found to disparage the salutary principles for which he had then so ably contended. He too, in that communication, had taken ground in favor of the Government *de facto*, which he conceived to be the only true ground to be taken by this Government, and properly the only legitimate one to be taken by every Government on all similar occasions.

Mr. Wheaton, one of the profoundest modern writers on international law, in relation to the acknowledgment, by France of the independence of the United States, says:

"That the acknowledgment of the independence of the United States of America by France, coupled with the assistance secretly rendered by the French court to the revolted colonies, was considered by Great Britain as an unjustifiable aggression; and, under the circumstances, it probably was so. But had the French court conducted itself with good faith, and maintained an impartial neutrality between the two belligerant parties, it may be doubted whether the treaty of commerce, or even the eventual alliance between France and the United States, could have furnished any just ground for a declaration of war against the former by the British Government. The more recent example of the acknowledgment of the independence of the Spanish American provinces, by the United States, Great Britain, and other Powers, whilst the parent country still continues to withhold her assent, also concurs to illustrate the general understanding of nations, that where a revolted province or colony has declared and shown its ability to maintain its independence, the recognition of its sovereignty by other foreign States is a question of policy and prudence only."

Implying, most clearly, that if France had formed a treaty of commerce, or even an alliance, with this Government, by which the independence, of course, of this Government would have been acknowledged as being the *de facto* Government of the land—that even then, and in that case, without the assistance rendered on the part of France to the United States, it would have been no cause of war on the part of Great Britain against France. And, sir, it was not on account of the recognition of the independence of this country, on the part of France, that Great Britain declared war against her, but for the aid that she had overtly given and rendered to the United States, and thereby making herself in fact the first aggressor. France had confederated with the United States in the war against Britain; and the act of one confederate was, as it has ever been, received as the act of the other. France, then, in reality, had first commenced with the United States a war, to all intents and purposes, against the powers of Great Britain. It was not, therefore, the recognition of the American independence that justified the Government of England in declaring war with France, but for an actual confederation and coadjutation with her enemies and their revolted provinces, without which, as Mr. Wheaton has most justly intimated, she could have had no just cause for war.

But, sir, as his honorable friends from the North and East had exhibited, he thought most unnecessarily too, an extraordinary sensibility on this subject, evincive of their untoward repugnance to touch it, he would show there must have been a most prodigious falling off in that quarter from the free and liberal doctrines that were advocated in 1823 by that most profound and erudite statesman whom all New England now seemed proud to honor, and who had but recently received a portion of the suffrages of that very enlightened and enterprising section of this country for the first office in their gift. He alluded to an honorable Senator who now occupied a seat in another part of that building, (Mr. Webster.) That gentleman, in 1823, did not appear quite so timid. It was then that he stood forth on this floor, the champion of liberty, and with the fervor of his lofty eloquence advocated the cause of freedom in a foreign land, expiring beneath the grasp of a despot's hand. There was not then felt such appalling forebodings from that quarter by the mere expression of an opinion by either the executive or legislative departments of this Government. There was not that chilling horror felt, which seems now to haunt the consciences of certain honorable gentlemen on this floor. Sir, said Mr. B., such was the language held by the highly gifted gentleman to whom he had alluded, in his speech in this House on a resolution introduced by himself for the appointment of an agent or commissioner to Greece, whom it was then proposed to be immediataly despatched by the President, whenever, in his discretion, it might be deemed proper:

"In reference to what might be the opinions of other nations on our course here," said Mr. W., "they might indeed prefer that we should express no dissent upon the doctrines which they have avowed, and the application which they have made of those doctrines to Greece. But I trust we are not disposed to leave them in any doubt as to our sentiments upon these important subjects. They have expressed their opinions, and do not call that expression of opinion an interference; in which respect they are right, as the expression of opinion in such cases is not such an interference as would justify the Greeks in considering the Powers as at war with them. For the same reason, any expression which we may make, of different principles and different sympathies, is no interference. No one would call the President's message an interference; and yet it is much stronger in that respect than these resolutions."

These are sentiments that justly do honor to an American statesman. Here is a position assumed, that this House, nor this nation, should never abandon; as a free expression of opinion was identified with the rights of individuals, so it was essentially identified and inseparably necessary to the rights of nations. These were sentiments that it becomes every American patriot to sustain, as well for the honor as for the freedom and independence of his nation. Yes, sir, we have the right

to the expression of our opinions, as well as a nation as individuals, as to the dependent or independent existence of any Government or nation, without giving just cause for war or for censure; nor should even the horrors of war deter us from the maintenance of this right. Sir, what is recognition, but an expression of our opinion that a nation is free or independent? And have we no right to do this, for fear of giving offence to some foreign despot? Away with such craven fears, as antipatriotic, and at war with every ennobling emotion of a heart that throbs with the feelings of freedom for his own or another's country.

But, to show further authority to justify the position that he and his friends had taken on that subject, he would not confine himself to the writers on national law, or to the distinguished debaters and statesmen of his own country. He would show that it was a position that had been taken by England herself, of whose displeasure honorable gentlemen seemed to stand in such trepidation on the present occasion. It had been asserted and maintained, by one of the most exalted and highly gifted spirits of the age, and who, for high order of intellection, has at no time been surpassed by the first premiers of Great Britain. It was to be found in the correspondence between M. Zea, minister, &c., of his Catholic Majesty of old Spain, with the court of Great Britain, and through the honorable Mr. Canning, then prime minister, &c., of that realm. In reply to M. Zea, complaining to Mr. Canning of the course that the Government of Great Britain had pursued in the recognition of the independence of Mexico and the South American States, Mr. C. had taken up the subject of both the right and duty of other nations, than those combatant, to recognise the *de facto* Government, and has, in a most masterly manner, placed it upon grounds which must ever hereafter make it perfectly unassailable and indisputable. He has demonstrated, most clearly and satisfactorily, that the Government *de facto* is the only one that should be recognised, and that it is the duty of all nations to do so; and that doing so affords no just cause of complaint against any power, and further, from war. Yes, sir, such will be found the opinions of the first English statesman of the age. But let Mr. Canning speak for himself. In his reply to the minister of Spain he states that

"The example of the late revolution in France, and of the ultimate happy restoration of his Majesty Louis XVIII, is pleaded by M. Zea in illustration of the principle of unextinguishable right in a legitimate sovereign, and of the respect to which that right is entitled from all foreign Powers; and he calls upon Great Britain, in justice to her own consistency, to act with the same reserve towards the new States of Spanish America which she employed, so much to her honor, towards revolutionary France.

"But can M. Zea need to be reminded that every Power in Europe, and specifically Spain amongst the foremost, not only acknowledged the several successive Governments *de facto*, by which the House of Bourbon was first expelled from the throne of France, and afterwards kept for near a quarter of a century out of possession of it, but contracted intimate alliances with them all; and, above all, with that which M. Zea justly describes as the strongest of *de facto* Governments, the Government of Bonaparte; against whom, not any principle of respect for the rights of legitimate monarchy, but his own ungovernable ambition, finally brought combined Europe into the field.

"There is no use in endeavoring to give a specious coloring to facts which are now the property of history.

"The undersigned is therefore compelled to add, that Great Britain herself cannot justly accept the praise which M. Zea is willing to ascribe to her in this respect, nor can she claim to be altogether exempted from the general charge of having treated with the Powers of the French revolution. It is true, indeed, that, up to the year 1790, she abstained from treating with revolutionary France long after other Powers of Europe had set her the example. But the reasons alleged in Parliament, and in state papers, for that abstinence, was the unsettled state of the French Government. And it cannot be denied that, both in 1796 and 1797, Great Britain opened a negotiation for peace with the Directory of France—a negotiation the favorable conclusion of which would have implied a recognition of that form of government; that in 1801 she made peace with the Consulate; that if in 1806 she did not conclude a treaty with Bonaparte, Emperor of France, the negotiation was broken off merely on a question of terms; and that if from 1808 to 1814 she steadily refused to listen to any overtures from France, she did so declaredly and notoriously on account of Spain alone, whom Bonaparte pertinaciously refused to admit as party to the negotiation. Nay, further: it cannot be denied that, even in 1814, the year in which the Bourbon dynasty was eventually restored, peace would have been made by Great Britain with Bonaparte, if he had not been unreasonable in his demands; and Spain cannot be ignorant that, even after Bonaparte was set aside, there was a question among the allies of the possible expediency of placing some other than a Bourbon on the throne of France.

"The appeal, therefore, to the conduct of the Powers of Europe, and even to that of Great Britain herself, with respect to the French revolution, does but recall abundant instances of the recognition of *de facto* Governments by Great Britain, perhaps later and more reluctantly than by others, but by Great Britain herself, however reluctant, after the example set to her by the other Powers of Europe, and especially by Spain."

"To come now to the second charge against Great Britain, the alleged violation of general international law:

"Has it ever been admitted as an axiom, or ever been observed by any nation or Government as a practical maxim, that no circumstances and no time should entitle a *de facto* Government to recognition, or should entitle third Powers, who may have a deep interest in defining and establishing their relations with a *de facto* Government, to do so? Such a proceeding on the part of third Powers undoubtedly does not decide the question of right against the mother country.

"The Netherlands had thrown off the supremacy of Spain long before the end of the 16th century; but that supremacy was not formally renounced by Spain till the treaty of Westphalia, in 1648. Portugal declared in 1640 her independence of the Spanish monarchy; but it was not till 1668 that Spain by treaty acknowledged that independence.

"During each of these intervals the abstract rights of Spain may be said to have remained unextinguished. But third Powers did not, in either of these instances, wait the slow conviction of Spain, before they thought themselves warranted to establish direct relations, and even to contract intimate alliances with the republic of the United Netherlands, as well as with the new monarchy of the House of Braganza.

"To continue to call that a possession of Spain, in which all Spanish occupation and power had been actually extinguished and effaced, could render no practical service to the mother country; but it would have risked the peace of the world. For all political communities are responsible to other political communities for their conduct; that is, they are bound to perform the ordinary international duties, and to afford redress for any violation of the rights of others by their citizens or subjects.

"Now, either the mother country must have contin-

ued responsible for acts over which it could no longer exercise the shadow of a control, or the inhabitants of those countries, whose independent political existence was in fact established, but to whom the acknowledgment of that independence was denied, must have been placed in a situation in which they were either wholly responsible for their actions, or were to be visited for each of those actions as might furnish ground for complaint to other nations, with the punishment due to pirates and outlaws.

"If the former of these alternatives, the total irresponsibility of unrecognised States, be too absurd to be maintained; and if the latter, the treatment of their inhabitants as brutes and outlaws, be too monstrous to be applied, for an indefinite length of time, to a large portion of the habitable globe, no other chance remained for Great Britain, or for any country having intercourse with Spanish American provinces, but to recognise in due time their immediate existence as States, and thus to bring them within the pale of those rights and duties which civilized nations are bound mutually to respect, and are entitled reciprocally to claim from each other."

Mr. Chairman, (continued Mr. B.,) the lucid argument, the convincing reasoning, with which these opinions and sentiments have been enforced, the immense distance at which they have been placed by that most distinguished individual beyond all future controversy, require from my hands no further comment.

Sir, I have here concluded my authorities for the justification of my action upon this truly important subject; and he would now appeal to honorable gentlemen, and with the utmost sincerity and candor ask what foot of political ground had they left, upon which to predicate their continued opposition to the measure before the committee. He thought he had shown (at least he had done it to his own satisfaction) that the recognition of a *de facto* Government was not only just, but necessary; that it was not only temporarily expedient, but that it was the true policy of all nations, "*ex necessitate rei*," to do so; that it was a principle that had not been acted on alone by one President of this Government, but by all before whom that question had come; that it had not been sanctioned alone by one precedent of this Government, but by every one that had taken place on the same subject; that it had been avowed, not by one, but by most of the distinguished men of this country who had had an occasion to express themselves on the subject; and, finally, that it had been asserted and maintained by one of the most distinguished statesmen in all Europe, and acquiesced in by the Government of Great Britain, and silently sanctioned by nearly all the Powers of Europe.

He had now but a few remarks to make, of a more local nature, to some of the honorable gentlemen of that House, who had evinced, either by their action or expression, their indomitable opposition to the recognition of Texas under the present circumstances.

Sir, (he said,) I will pass over the unsettled state of Mexico; the invasion of Barradas, in 1829, several years after her independence was recognised by this Government. I will pass over the doubtful revolutions and throes with which that Government has been afflicted by the ascension to its presidency of Iturbide, Victoria, Montano, Bravo, Pedrazza, Guerrero, Bustamente, and, finally, Santa Anna, to show how little security there is in the permanency of her own Government, the difficulty with which she has to contend to keep in subjection her own citizens, and the increased improbability of ever being able in future to invade and reconquer Texas. Mr. Chairman, (said he,) I fear that there are other signs in our political firmament than those that have yet appeared in the horizon, for this extraordinary opposition to a measure so palpably justifiable upon every variety of reason. I fear, sir, there is yet something at the root of this opposition that has not been set forth; there must be, to justify the action of this House. Can it be that fiend-like envy and jealousy which caused the expulsion from celestial bliss of a Satan, a Moloch, and Beelzebub, to the infernal regions of damned spirits? Can it be that remote probability of adding to Southern influence and preponderance in this nation; or does it arise from a feeling, ten-fold worse, of anti-slavery? Are the prejudices against these institutions so strong, in a certain quarter, as to cause this justice to be withheld from that suffering people, contrary to every practice of our own Government, and so utterly repugnant to all the principles of right, of justice, the true and impartial policy of nations, and the irrevocable laws of universal equity? If such be the true causes of the hostility to this measure, it is time for every man to the south of the Potomac to know it; and we would be here recreant to our duty, traitors to the dearest interests of our people, to keep the fact concealed from them one hour longer. He would invoke gentlemen to review those opinions, if founded on such disastrous prejudices, before they became too deeply rooted to admit of amelioration. They could not be acted out, there or elsewhere, short of throes and convulsions that must shock every quarter of this republic to its inmost recesses.

But who were those that were now clinging to those prejudices as to some holy relic; and what had been their history since the first appearance of those reckless spirits, aspiring to guide the councils of this nation? He would omit the manifestations of its first spark, in that insurrection known by the name of the Pennsylvania whiskey insurrection, so promptly quelled, alone, by the virtue and patriotism of a Washington.

It was the same party that had raised the cry against the admission and treaty for Louisiana, which had shed immortal lustre over the name of Jefferson, which gave us the complete possession of the whole waters of the Mississippi, whose mighty streams were now laving the shores of nine sovereign and independent States, and pouring into the granaries of the world the almost invaluable products of its prolific and fertile valleys. Yes, sir, even at that time was the policy of that same party displayed against the acquisition of the most rich, flourishing, and now by far the most prosperous portion of this nation. Against that measure too, from this same reckless, envious, mistaken, misguided party, petitions after petitions were laid upon your tables, until they literally groaned beneath their ponderous weight—while time had unfolded the fallacy of their predictions and the impolicy of their course, which none were now so hardy as to defend. Millions after millions, to the reverse of all their prophecies, are now annually poured into your Treasury, to enrich the older sisters of the confederacy, from the very soil acquired under the thunder of their anathemas. Under such a rebuke, by the lessons of experience, men, under ordinary circumstances, would pause in a career of error; but, sir, nothing daunted, the same party may be seen at work in the struggles that in 1819 or 1820 took place on this floor, and in the opposite branch of this Capitol, in the agitation of the great Missouri question, that involved the restriction of slavery. That House then had been convulsed for a whole session or more, until the Union had well nigh been despaired of. The same party had then brought this country almost to the verge of a revolution; but Missouri was admitted without restrictions, and the country was saved from the fury of the reckless and ambitious. It was the identical spirit of fanaticism, at work then as now; the same party that aspired to regulate other men's business—other men's religion and morals.

But their history stopped not there. We next had heard from them on the subject of Sunday mails. The whole

country was, for months and years, in ferment about the impropriety and irreligion of running Sunday mails. Your tables were again loaded with hundreds, if not thousands, of petitions to stop your mails throughout the country on Sunday—to save your souls, and quiet their most tender consciences—until the report of his very honorable and veteran friend [Colonel RICHARD M. JOHNSON] from Kentucky had exposed so effectually their absurdity and folly, that all felt, in future, ashamed to acknowledge that they had ever had the least do with so ridiculous a subject; and thus they disappeared with that shame which has ever covered the folly of fanaticism when once exposed. Here, too, as on former occasions, one might reasonably have supposed that the lesson of experience would have had a remedial effect. But not so with the fanatics. They have ever proven themselves blind, as well to the lessons of experience as to truth and reason. This folly had scarcely been exposed by the report of that veteran statesman, [Colonel RICHARD M. JOHNSON,] which did equal credit to his head and his heart, than you find the same identical party (with some few exceptions,) conjuring up some mighty *ignis fatuus* against masonry. It too, like slavery, was a curse in the land, and against their tender consciences. Anti-masonry became next their watchword, on whose broad banners my honorable friends over the way, on my right, (alluding to Messrs. J. Q. ADAMS and F. GRANGER,) had figured so conspicuously. Yes, sir, at one time we would have thought every mason in the land, by this proscriptive party, would have been put to the rack; but for the good sense of the hardy democratic yeomanry of this country, who have so often proved competent to arrest the march of the fanatics, under whatever name or garb they may have associated, perhaps their unhallowed objects might have been effected. Anti-masonry, too, has had its race, and is fast becoming obsolete. The mighty bubble has burst, and shame, confusion, and reproach, are the only inheritance left to its authors. It was conceived in folly, as its discussion has been in shame.

Rebuffed and confuted in nearly every effort by the intelligence of the people, this spirit is yet sleepless in its attempts to acquire a ruling influence in the councils of the nation. They heed not defeat nor exposure. Where will you again find them? Look at the exclusive care that they would have extended to the Indians; murmurs long and loud were put up against the policy of moving the red man from the white, when every man of experience and practical knowledge must have known that there was no safety in both living and commingling together. Yes, sir, petitions after petitions crowded every portal of this House against the removal of the poor Indians, depicting in glowing colors, and advocated with all the flowers of rhetoric, on this floor, setting forth the cruelty and impolicy of this act. It was the blood of the red man that seemed to haunt their bewildered imaginations; and upon that subject, too, the whole nation for a while was convulsed to its centre, by these self-same exclusives of humanity, tender conscience, and liberty. Why, sir, the merest tyro in politics would laugh them to scorn. The just policy of the Government, as to the removal of the Indians, has been acquiesced in by every politician of intelligence, in every portion of our country; and the chimeras of fanaticism have been left to recoil alone to the disgrace and folly of its authors.

Blind yet to these lessons of experience, however, and "nothing daunted" at oft exposures, they have now seized, with death-like grip, on that ill-omened subject, abolition; and as some fallen spirits, determined, through revenge and rancor, to make one last dying struggle to regain the eminence they once had held amongst their followers. Yes, abolition is now the hobby of that same deluded sect of politicians whose history he had brought up from the primary days of the republic, and had shown it, when acted out, to have been a series of political fallacies and delusions. This abolition bubble, too, must burst, else this country will be bathed in the blood of its noblest spirits, and its rivers impurpled with its crimson gore; and generation after generation may rue the blind folly of fanaticism, spurred on either by envy, revenge, or worse ambition.

Had gentlemen not already, from what had passed at the present session, got some foretaste of the beauties of abolitionism; or was the obtundity of our intellect so great as to require a kick or a cuff to induce us to take a hint? He thought there had been evidence enough—demonstrations enough—to satisfy every thinking, enlightened man, in or out of that House, what must be the inevitable result of even an attempt here to carry out the views of the abolitionists. He repeated it, that these views could not be put in practice without impurpling the whole waters of the South with the blood of thousands. Let no gentleman deceive himself; the contrary was an idle dream. While on that subject, he would take an occasion to reply to a remark made but a few days since, and, he had thought, for his ears.

An honorable gentleman had said that "the South should best mind its own interest; that if any thing of the kind ever became necessary, the North and East had but to march an army to the South, and that they would make our own slaves conquer us." Sir, little do gentlemen know of the true feelings of Southern men and Southern tactics who harbor such sentiments as these. Little must they dream of the crimes they would become instrumental in the commission of, should such an event ever be attempted in this devoted land of freemen, which God, in his infinite mercies, arrest. Sir, would gentlemen believe, before the South would permit that or any similar advantage to be taken of their condition in that way, that they would be driven to adopt measures too appalling almost to repeat here or to contemplate—at which human nature itself would be shocked. Do gentlemen not know that the South would assemble, by thousands, those unfortunate creatures, and in shambles have them executed in cold blood!

Sir, they would be driven to adopt such a course sooner than suffer themselves to be butchered by them, appalling, shocking, revolting, as it would be to every feeling of humanity; for the laws of necessity admit of neither rule nor mercy. Have honorable gentlemen thought seriously, who thus spoke slightingly of this subject? He feared not. It was the great fault common to all abolitionists. They only thought of their object, without once thinking of the means by which it was to be accomplished; and in that their leaders, no doubt, had been guilty of a practical imposition on the public mind. What was their mode in getting up these abominable petitions? He spoke from such information as he had been able to procure on the subject. A petition was handed round, sometimes at their meetings, or Sunday schools, and at other times privately, pretty much, said he, in this way: The persons handing it around, who were generally of the lower clergy, addressed the signers thus: "My friend, I want your signature to this petition." "What petition?" replies the signer. "A'n't you against slavery?" says the clergyman, or his agent. "Oh, yes," says the signer; "it is a most abominable, damning crime to hold our fellow-beings in bondage!" "Sign this petition," says the applicant, "and show that you are against it; and instruct our members in Congress to abolish this heinous sin, so much against our religion and free institutions. You, sir; you, madam; you, my young friend, (to the boys;) you, my little miss;" and, without a further explanation or comment, all sign the instructions to regulate our action here. [You are right in that, said Mr. CUSHMAN, from New Hampshire, to my certain

knowledge.] And in this manner, sir, (said Mr. B.,) are such petitions gotten up, and such feelings and prejudices propagated throughout that country against Southern men and Southern institutions, which are now shaking to its centre every pillar that sustains our republican freedom; while, through ignorance or design, the means by which the object of abolition is to be effected are cautiously kept concealed from their unthinking subscribers.

Sir, why do they not tell them the truth when these petitions are presented; and that, before their object can be accomplished on that subject, the youngest among them will lie cold beneath the silent sod, from the decrepitude of old age; and that the fairest portion of their fellow-companions, brothers, friends, and playmates, will be converted into soldiers, many of whose carcasses will be made a prey for the foul vulture and war-dogs of the South; nor even then would they have depicted the half part of the scene of this threatening, coming havoc. Sir, I ask my honorable friends from that region, have these deluded men, who are advocating and agitating this subject, thus informed the people, that they are producing of these consequences which must flow from their conduct, if persisted in, as certain as the radiance of heaven is reflected in the sunbeam? Sir, if they have, what demon has dared to put his hand to pen to invite such afflictions to lay waste, by kindred slaughter, the fairest fields of this mighty empire of republican freemen? No, sir; no, sir; I cannot, I will not, believe it; they have been deceived; they have deceived themselves; there cannot be such fiends in human shape, either in the North, the East, West, or South. They have not been taught "the cost of such a job," its price of blood, of treasure, of toil, and of human carnage; and all this to be brought about by the "meek and lowly followers of the Father of Peace!"

Let me entreat, said Mr. B., most kindly and tenderly, honorable gentlemen who now occupy seats on this floor, who represent districts where the moral sense of the community is rotten upon the subject of slavery, from their entire ignorance of its condition and identity with our institutions, to return home and endeavor to correct and enlighten their misguided zeal, and place before them, in their true and unalterable colors, the baleful results that must be inevitably consequent to the cultivation of such prejudices against one portion of this community by the other. Let them be taught the calamities that they invite by their acts to visit this, "their own native soil." Let the truth in relation to this subject be proclaimed, that every man in future may mistake not the evil hour of his country's afflictions, so that, with seeing eyes and hearing ears, he may embrace the dire fruits of a misguided frenzy and fiend-like fanaticism. It was due to their country's peace and safety to enter their remonstrance against the progress of doctrines so monstrous, and pregnant with such a train of evils. Let them be induced to look nearer home for objects of their sympathy and charity; and he doubted if there be not many more entitled to them near their own household than the sable Africans, whether they are to reside in Texas or the United States.

It had been remarked, by a distinguished author, that nothing was more common than to find men of ability and intelligence, from a false philanthropy, in distant lands in search of evils to reform, while around their own doors, unheeded, swarmed innumerable abuses, crying aloud for every correction and alleviation that the ingenuity of man could invent. Individuals, as well as communities, before they look abroad, should first turn their eyes towards home, and see if nothing there required the hand of reform. He had no disposition to make any invidious comparison of the poor, the wretched, or oppressed, between any sections of this country; but he doubted not that there was as little to be found at the south and southwest of this as in any section of country on the face of the globe; and, if there were tears to be shed for suffering humanity, gentlemen might find objects much more entitled to them in another quarter; perhaps these nicknamed philanthropists might find them much nearer home, if not in their own household.

He had been led to make this digression, somewhat, on the subject of slavery and abolition, because he now saw that it was the only efficient cause of the opposition to the recognition of the independence of Texas. He did not believe that honorable gentlemen could lay their hands on their hearts, at this time, and say that it was not the efficient one that prompted this opposition. We have nothing to do with the institution of slavery in Texas, unless we undertake to regulate the institutions of the world; and if the opposition arose from a jealousy that it might at some future day add political weight or influence to the Southern States, that fact, too, should be known for history's sake. The South should not longer be deceived in believing that we meet here to legislate for the general advantage of all sections of our country. If their institutions were so odious to any portion of our brethren as to induce them to withhold justice from a gallant though infant little republic, struggling to burst asunder the fetters that have hitherto bound her to the yoke of despotism, and emerge to the rank of independent nations, in consequence of the similarity of its institutions to our own, there was no longer safety nor security in relying on our councils for protection here. If such a jealousy of our weight (so entirely dependent on remote future contingencies) and prosperity was tolerated in any quarter of this republic, the South should know it, and prepare to rest on their own arms and their own resources in all future contingencies. The greatest enemies to the peace, the harmony, the happiness, prosperity, and durability of this Government, were not to be found in the South; the worst enemies to our liberty, and to humanity, were to be found in that section where the spirit of abolition and disappointed political ambition had mostly prevailed; it was where the moral sense was rotten to the core by the indulgence of a religious frenzy and fanaticism. There, and amongst them, abided the worst enemies to this Government, to the Union, and its liberty. It was there where all eyes should be turned, and which should elicit all the patriot's care; it was they that must be subdued, conquered, or reformed, or this nation was in twain; they were the true arch enemies of our peace and our Union, with a predetermined opposition to every measure with which Southern interests or the subject of slavery was connected, directly or remotely.

But, sir, said he, I will here leave this branch of the subject, and he hoped forever.

This Government and its authorities, if he had not been incorrectly informed, had already done, *ex necessitate*, what it was proposed in effect to be done by the amendment of the honorable gentleman from South Carolina, [Mr. Thompson,] then on the table. He had been informed, from the best authority, that the civil authorities at New Orleans had seized a Texian vessel, for some supposed or real offence committed on our commerce; and a regular judicial investigation had been gone through with, in which both the vessel and crew had been treated as belonging to the Government of Texas, and not that of Mexico. There, then, was a virtual acknowledgment of the Government of Texas, from the very necessity of the case, on the part of our authorities, which went far to establish that necessity of recognition for which he had before contended. That, he insisted, had not been all. He had learnt, from the highest authority, that since the minister of that Government, (Colonel Wharton,) from whom, and his Secretary, (Colonel

Wolf,) he confessed himself indebted for much information he had on that subject, had been at that court, that one of the first officers in the cabinet of President Jackson (and it might be deemed, in part, a cabinet measure) had also called on the minister from Texas either for reparation or explanation for certain acts committed by the Texian navy or commerce, on that of the United States; treating Texas thereby, to all intents and purposes, as the *de facto* Government, and acknowledging, "*ipso facto*," her independence.

He had understood, too, that notes or communications had been received by the representative of the Government of Texas, from him then highest in authority, in which that representative had been addressed as the minister or representative of the Government of Texas. Here, then, was a virtual recognition of a fact, from the very necessity of the case, by both the heads of the department and the civil and judicial authorities of the country, which this House was about to shrink from, to, in his judgment, its eternal shame and degradation; from a spirit of pusillanimity, or what was, if possible, worse, of envy and jealousy of its redounding to the advantage of one section of this country more than another; or from some apprehension that it might directly or indirectly affect that subject which seems now to threaten us of being the Pandora's box of all our future mischiefs, infecting our whole political atmosphere with discords and "furies damned," crying aloud for havoc and civil war. But upon that subject he had said enough; he had considered the whole of it, in every variety of form with which it had presented itself to his mind; and on no subject had he ever come to a more satisfactory conclusion, as to the justice, expediency, and necessity, of the measure, than the immediate recognition of the independence of the republic of Texas, and the indication of the feelings of this body, by the adoption of the measure on the table; for which I am now ready, henceforth and forever, to throw myself upon the judgment of my God and my country.

[Before Mr. BYNUM had concluded his speech, the whole of which is given above, he gave way to

Mr. THOMPSON, of South Carolina, who moved that the committee rise; and the question being taken by tellers, the vote was: Yeas 26, nays 86—no quorum.

Mr. THOMPSON then moved that the committee rise and report that fact to the House; which was agreed to.

The Speaker having resumed the chair, and the chairman having reported the fact that the committee had found itself without a quorum,

Mr. THOMPSON moved that the House adjourn.

Mr. VANDERPOEL called for the yeas and nays; which were ordered, and were: Yeas 20, nays 105.

The House again went into committee, at 10 o'clock P. M. and

Mr. BYNUM concluded his remarks.]

When Mr. BYNUM had concluded,

Mr. HUNTSMAN took the floor, and addressed the Chair as follows:

Mr. Chairman: I must apologize to the House for requesting their attention for a short space of time, while I attempt to disabuse the people of Texas from the vast contumely and misrepresentation (unintentional, no doubt) which have been thrown upon them by the honorable gentleman from Ohio, [Mr. MASON,] and the honorable gentleman from Massachusetts, [Mr. HOAR.] Sensible as I am that neither of the honorable gentlemen would knowingly, or intentionally, either injure or misrepresent the Government or an individual of Texas, it becomes the more necessary, on my part, to present such a body of facts to Congress as will explain the original cause of the settlement of American citizens in Texas, the inducements and guarantees held out to them, the obligations imposed upon them, and a historical detail of the rise, progress, and operation of those causes of complaint, of oppression, injustice, and despotism, which were practised by the mother Government, which created late civil wars in Texas, and which finally led to the establishment of the independence of those provinces. The high character which both of the honorable gentlemen have in this House and elsewhere, for talents and intelligence of the first order, would at once forbid the attempt, on my part, to measure strength with them in political discussions upon any subject, when such fearful odds are arrayed against me. But, sir, with one single advantage only, I will peril myself in this conflict. I hold the sword of Truth in one hand, and the eternal principles of Justice in the other. With these I will go forth, conquering and to conquer; and I will not only promise the gentlemen themselves, but all mankind, and as many of the ladies as are here to listen to me, that they have been misinformed, deluded, and wholly mistaken, in the history and facts appertaining to the connexion and final separation of Texas and Mexico. They have been misinformed in regard to the character of the emigrants to that country, the motives of their action, and the wrongs they have suffered. Many of them I know personally; many of them are my friends—have been my constituents; are equal, in point of talents, respectability, and high-souled patriotism, to any gentleman on this floor. Many who have gone to that country have been members of Congress, of State Legislatures, judges of courts, or occupied other high stations under this Government. I cannot consent to class these with the outlaws, the profligate, the banditti, and fugitives from justice, which the gentleman from Ohio seems to suppose constitute the mass of population in Texas. I ask that gentleman to distrust his information; if he has registered upon his memory the facts in relation to Texas that he has disclosed here to-night, I beg him to blot them out forever. That no trace of them be left, I solicit him to go to the other branch of this Legislature, where the expunging process seems to be in operation, and have every particle of it expunged, *secundum artem*, from his mind.

I live in a section of the country convenient to Texas, where the intercourse between us is quite frequent; where our communications are uninterrupted; where many of the friends, relatives, and connexions of my constituents have located themselves; and I claim the right to know something of the nature and character of the whole controversy. As time is precious, I will run rapidly over the main facts in relation to this matter, with the hope that, when the House shall be put in full possession thereof, neither the acknowledgment of the independence of Texas, nor a salary and outfit for a minister, will be withheld from that country. Antecedent to the establishment of the imperial Government under Iturbide, in May, 1822, and while these colonies were struggling for independence from the yoke of old Spain, many Americans engaged in the Mexican service, to aid and assist in achieving that independence for the South American provinces, which was achieved. For these services the new Government had nothing to give, but promised those enterprising Americans large bounties in land. Amongst others of that day (who fought in the Mexican wars) of my acquaintance, there is one deserving of particular mention; I mean Colonel Reuben Ross, of Tennessee. I believe he was a native of Virginia. He had a colonel's command in the Mexican service, and went through many hard-fought battles with the royal forces, and upon one memorable occasion, when he was in command in an engagement, the various evolutions which are frequent in battles brought him in contact with the commander of the royal forces, both on horseback. The intrepid and gallant Ross, whose soul burnt high with patriotism and noble daring, attacked the Don in single combat. The Spaniard fell, and Ross lost a

finger. The Government of Mexico awarded him a large body of land in Texas. He was my constituent: he lived then in a district I had the honor of representing in the Senate of Tennessee. After the independence of the country was established, and the authority of old Spain had ceased, Colonel Ross procured his grants for the lands, and upon his return home he was treacherously murdered, with most of his company, in the Mexican dominions, by those same Spaniards whom he had so long and so nobly fought to make free. I mention this fact to show that many of the Americans fought for the Mexicans then, as well as they have fought for the Texians since—that these lands were dearly bought. I could, if time would permit, cite many daring deeds of valor performed by Ross and others, which equal the battle of Jacinto, the Alamo, or any other, against the armies of old Spain. I contend that the Mexican Government has less reason to complain of an interference by volunteers from the United States, and of the propriety of our acknowledgment of the Texian independence, than any people upon the face of the earth. It was precisely what she implored of our citizens in her contest with old Spain. She sought the aid of our citizens to fight her battles. She sought our sympathies and our prayers for her success. She sought an acknowledgment of her independence, while the royal armies were yet in some portions of the country, and in possession of some of the strongest forts. She obtained it all. And, presupposing that every word of complaint which has been so dolefully uttered by the gentlemen from Ohio and Massachusetts, in regard to our enterprising young men seeking service in the armies of Texas, is true, it is no more than was solicited, accepted, and sanctioned with great joy by the Mexicans, upon precisely a similar occasion, between them and old Spain. Mexico was extremely willing to receive the voluntary aid of our enterprising men then; but, like the lawyer's ox that was gored by the bull of the farmer, it alters the case now.

But to proceed with the history: Revolution succeeded revolution in the South American provinces and Spanish North America. In May, 1822, General Iturbide, by fraud, force, and the assistance of the Catholic priesthood, (who are in all countries more opposed to republican government and the liberty of man than any other sect,) established an imperial Government, and was chosen Emperor. The example of our Government, which lay contiguous, and the germes of liberty which began to sprout from an imperfect knowledge of our institutions, and an intermixture with a few of our men in their armies, in a short time produced another revolution. Iturbide was dethroned, a sentence of banishment was passed upon him; he went into exile, returned, was taken captive, and shot. Victoria was elected by the people; a republican constitution was formed, modelled in most of its leading principles in imitation of that of the United States; notwithstanding this, he had to encounter civil wars, conspiracies, treasons, and rebellions, during all his administration. Pedrazza, elected successor to Victoria, was in a short time deposed by Guerrero, who in his turn was deposed to Bustamente, and at length he was deposed and driven into exile by the modern Napoleon of the South, Santa Anna, who had waded through seas of blood, and mountains of carnage, and the perfidy of the priesthood, to empire. He abolished the Congress of the republic by a military decree, organized a tribunal composed of his own creatures in its place, merely to register his despotic decrees. He abolished the local legislatures, established military and arbitrary tribunals in their place, abolished the trial by jury, and settled down in a complete despotism of the worst kind, because it was a military one. To this prostration of the constitution that he had sworn and fought to support, the overthrowing of a government of liberty and laws, the abolishment of the trial by jury, and the establishment of a military despotism, the people of Texas objected. There was much of that Anglo-Saxon blood, descended from that immortal band of Englishmen who took their honor in one hand and their sword in the other, and obtained *magna charta* from King John.

Santa Anna being enraged at the thought of resistance to his decrees from a few thousand Texians, when he had fought and conquered through millions until the imperial diadem was ready to be placed upon his head, swore utter extermination from the face of the earth of all the inhabitants of Texas, and particularly of the North American or Anglo-Saxon race, not even sparing the women and children. With this view he started for Texas at the head of his hosts, to execute his infernal purpose. But, Mr. Chairman, it becomes necessary for me to leave him upon the road to Texas, and return to that gallant people, for the purpose of bringing up their history from where I left it, in the hands of the gallant Ross, before the establishment of the empire, under Iturbide. It will be held in remembrance that Ross and others received grants for their services, performed against the royal forces of old Spain, before the acknowledgment of the independence of Texas. During all the civil wars and convulsions, conspiracies and rebellions, that took place in the Mexican republic, from the establishment of their federal constitution, in 1824, the Government had been inviting foreigners from every country to go and settle in Texas, and carry as many families as possible; every inducement was held out to invite emigration thither; large bounties of land were offered for this purpose. The reason for this proceeding was obvious. Being torn to pieces by civil and central revolutions, which succeeded each other in rapid succession, their finances were exhausted, their armies were wasting away in civil wars, their convulsions were so quick and terrible that they could not spare either men or money to defend the frontiers against the habitual attacks of the Camanche and other hostile Indian tribes. Such a scourge had those Indians become to the frontier settlements and to Texas, that they at pleasure overran the Spanish towns and villages, took the inhabitants into captivity, and made servants of them. In other instances these hordes of barbarians would take possession of the frontier towns, compel the inhabitants, who were large owners of stock, to go and drive up their own horses, mules, and cattle, until these Indians would select all the most valuable of them, and drive them off, after committing acts of rapine and murder of the most atrocious character upon the inhabitants, and no help could be received from the Government of Mexico.

These enormities were repeated year after year, and no prospect of better things was in anticipation. To stop those lawless excursions of plunder, murder, and robbery, to beat back those ferocious barbarians, and protect the Spanish citizens who were the annual victims of rapine and violence, the Mexican Government adopted the only practicable mode of affording that relief that she had in her power to render. It was to make large grants of land to citizens of the United States, who would either pay money at a stipulated price into their empty coffers, or who would settle down with one, two, three, or four hundred families, upon those lands, and defend the country from the savage inroads.

I personally knew of some companies who were organized in Tennessee. They elected their representatives, sent them to the city of Mexico, publicly and notoriously, without any guile, fraud, or circumvention, to negotiate this business. I will mention the names of three of these representatives or ambassadors, who were despatched upon this mission: Colonel Andrew Erwin, who had been for a number of years a member of the

North Carolina and also Tennessee Legislatures, and a gentleman of considerable talents and experience, together with Doctor Douglass and Colonel John D. Martin, a lawyer of high standing. They went, as well as the representatives from other companies, to the city of Mexico, and remained some months upon the business of this mission.

After a full examination of the constitution of 1824, establishing a Federal Government, with full guarantees for the perfect enjoyment of life, liberty, and property, and a toleration of their religion, and other rights and immunities similar to our own, a number of purchases were made, mostly for the consideration of obtaining settlers upon those lands. Grants were issued. The grantees procured settlers, and emigrated to the country. Immediately upon these events, the savage roamed no longer in hostile array over the plains of Texas. They were beat back into their own boundaries. The tomahawk and scalping-knife rested from their labors. The Spaniard sat down under his own vine and fig tree, and enjoyed his property and the fruits of his industry in peace. The Anglo-Saxon blood which had got into the country was a perfect guarantee against lawless depredation. The settlers furnished their own guns, their own provisions, their own ammunition; the Mexican Government did not even furnish so much as one flint to aid in this matter.

But the frontier settlements were secured, when Bustamente undertook to overthrow the liberties of his country, in one of the many Mexican revolutions. Santa Anna declared himself the champion of the constitution of 1824, the defender of the Federal Government. He had previous to that defeated the last mad expedition that had been sent out by old Spain to subjugate the South American provinces. He became the hero of Tampico. The patriots of Mexico looked to him to put down the tyrant Bustamente. The Texians hoisted his flag—it was considered then the flag of liberty—they took two forts with their rifles, and left Santa Anna to operate in the centre, without having a foe in their country. He did operate; he deposed Bustamente. But, to the great mortification and disappointment of all the friends of liberty throughout the world, he got into power under pretence of patriotism, and instantly overturned the constitution of his country. He started to rivet the chains of despotism by abolishing free government, and substituting a military one, in the manner I before related. He came. The splendid defence of Colonel Fanning, in destroying nine hundred of Santa Anna's men with less than half that number, and placing *hors de combat* several hundreds of others, will live immortal in story; and notwithstanding the warrior and his brave little band have sunk into the tomb by the blackest treachery, instead of the force of the Spainard's prowess, yet ages unborn will drop a tear of admiration and sympathy upon the tombs of those immolated heroes, as they pass the fated spot.

Next in order is the Alamo, where the brave and gallant Crockett, with his one hundred and fifty compeers, headed by himself and Colonel Travis, made a defence against five-and-twenty hundred Mexicans, which would do honor to any general in any age. And although they fell, they fell like the strong man of old; they pulled down the pillars of Santa Anna's strength with them; for that immortal little band destroyed fourteen hundred of the enemies of liberty, and shed a lustre of immortality around their names which will secure them the brightest page in history. Their heroic deeds will be told in poetry and song to generations yet unborn, and the blood that was shed at the Alamo will generate millions of men, to fight the battles of freedom throughout the world.

A brilliant feat is yet to follow. Houston and his army were alive, and the God of battles was with them. The battle of San Jacinto soon followed, which sealed the tyrant's fate, redeeming a country from bondage, and proved to the world that tyranny and oppression cannot prevail against that indomitable Anglo-Saxon spirit which is now pervading the whole earth.

I have, Mr. Chairman, given a brief history of the rise and progress of the Texas settlement and revolution, and placed the relations in which Texas stood to Mexico in a fair point of view, so that it may be understood by the House. I shall, as briefly as possible, answer some of the objections that have been made by the honorable gentlemen from Ohio and Massachusetts to any immediate action upon this subject. The gentleman from Ohio seems to suppose, first, that the people of Texas should have waited longer, and petitioned the Mexican Government for a redress of grievances; and, secondly, that our Government should give notice to Mexico, before we acknowledge the independence of Texas. I will examine these points in the order they are presented. The Texian Government selected one of her favorite sons, Austin, whose father had obtained large grants in Texas, to go to Mexico, for the express purpose of petitioning for a redress of grievances, and such modifications in the local Government as suited the condition of the people, and which it would have been honorable to Mexico to grant. But, behold, she placed the agent in irons, kept him near twelve months in confinement; and no person could carry a petition, unless at the risk of his life, or incarceration in a dungeon. An order had already been issued to disarm the people of Texas, preparatory to their overthrow. The approaching crisis was too manifest and plain; and if I had been a Texian, I should not have carried a petition for a redress of grievances, when the certain reward was a pair of handcuffs and the four walls of a prison.

The second point my friend from Ohio has presented for our consideration is, that we should give notice to Mexico that we intend to acknowledge the independence of Texas. This is certainly a new theory. There is no precedent upon earth for it. The United States acknowledged the independence of all the South American provinces, without giving any notification to old Spain in regard to it. France, Spain, Holland, and the balance of the European Governments, acknowledged the independence of the United States, without notifying England thereof. We have only to look to the Government *de facto*, as has been most abundantly proven by my friend from North Carolina, [Mr. BYNUM,] and are only bound to consult our own interest, discretion, and honor. Whenever we conclude that a Government is, in fact, independent, and is capable of fulfilling its obligations, as a nation, to the rest of the nations of the earth, we can acknowledge her independence without violating the law of nations or any moral obligation. France, Spain, and Holland, acknowledged our independence before it was achieved entirely, and we acknowledged the independence of Mexico while the royal armies of Spain were in possession of the strongest forts in the country. I assert, sir, there is not now a Mexican foot that can tread upon the Texian soil. There is not one opposing man in the country. Texas, at this day, is more free than Mexico was when she received our acknowledgment, or than we were when we received that of France, Spain, and Holland. But the gentleman from Ohio [Mr. MASON] complains that it is too soon—that Texas has not been independent long enough. I answer, that I have read much in the law books about the statute of limitations barring certain remedies respecting private rights, and sometimes in relation to public concerns of a municipal character; but I have never read in any book that the statute of limitations can be brought to bar an acknowledgment of the independence of a nation; and I

will venture to assert that it can be found nowhere unless it is in Mason's reports. The gentleman is mistaken in another position. The President of the United States did issue orders to all the proper authorities of the Federal Government to see that the laws of neutrality were executed, and which prohibited the American people from engaging in the war between the Mexicans and Texians. So far as he was concerned, he fulfilled the law; but if the adventurous men of the West had thought proper to engage in this war, five hundred thousand men could not have guarded all the passes on a coast which is, by land and sea, a thousand miles long. It is useless to think of it. If adventurous men thought proper to engage in this revolution, without the authority of Government, there is not a man in the United States, I apprehend, who supposes that to be a cause of war with Mexico. Are not large armies of volunteers, both from England and France, at this moment engaged in the civil wars of Spain? How many foreigners engaged in the late revolution in Greece? Have not the Swiss troops been hired by every nation in Europe who would employ them? Yet this is no cause of war against their Government. It is true that war might grow out of that, or any thing else; but it might grow out of any thing else as well as that. It cannot be seriously contended that, by the law of nations, it is a cause of war; and will not, I am sure.

I will now take up the objections of the gentleman from Massachusetts, and dispose of them in their order. I have always listened to that gentleman with pleasure, and often with profit. I am confident that his ear has been greatly abused by the slanderers of Texas. He supposes that an unauthorized set of freebooters or outlaws have seized upon Texas; that the profligate and the spendthrift and fugitive from justice constitute the population. I might have mentioned that the colonies settled by Austin, Robertson, Leftwick, and many others, which were purchased in the manner I have before related, are men of the first respectability in this or any other country, some of whom would do honor to a seat on this floor, and will rank high as the benefactors of the freemen of Texas. These men carried many families of respectable standing to that country, to comply with the conditions of their respective grants. It is understood to be a fine soil, delightful climate, and admirably adapted to the cultivation of sugar, cotton, and many of the tropical fruits. It is a country where a man of industry can better his condition; and, therefore, these settlers and grantees went there by express contract with the Mexican Government, and not as usurpers in any respect whatsoever.

It seems, however, that the gentleman from Massachusetts has learned from some source, which he considers satisfactory, that Texas has not, of her own soldiers, more than three hundred men, and that it was impossible for her to support her independence without foreign aid. I think that gentleman has been greatly misinformed as to this matter. At this time, she has five thousand men; but, for the present, I will consider it in that point of view. I lay it down, as a position that is incontrovertible, and which has been demonstrated by all history, that it does not depend so much upon the number of men to defend their rights, as it does upon that intellectual and moral force, and indomitable spirit, which determines that it will not submit to oppression and tyranny. Three hundred men, imbued with this spirit, are equal to a host. It was three hundred men who marched with Leonidas to the pass of Thermopylæ, and met, and, for days, defied Xerxes at the head of four millions of men; for days they arrested the progress of the greatest army Asia ever saw. This little Spartan band destroyed multitudes of their enemies, and, but for treachery, would have destroyed multitudes more. Alexander the Great, with thirty-five thousand men, became master of all Asia, containing three hundred millions of people. The celebrated retreat of the ten thousand Greeks has been the theme for poetry and song for many centuries past. The battle of the Alamo, of San Jacinto, and others, will be ranked by posterity as the marvellous events of the age, and will take their station in the chronological events of the times. But my friend from Massachusetts seems to entertain a contemptible opinion of these three hundred Texian soldiers. As contemptible as they may be, I declare, most solemnly, that I had rather be in their situation than in that of the eleven thousand Massachusetts militia who marched all around their own capital, during the last war, and would not fight at all. I should now, notwithstanding the gentleman and myself are getting to be old men, like right well to be placed at the head of these three hundred Texians, and place the gentleman at the head of the same eleven thousand militiamen, and let us take a bout or two. I am of opinion that, while his eleven thousand would be philosophizing upon constitutional scruples, and upon boundary lines, my men could play the game of decapitation to such an extent as to solve all constitutional scruples upon the subject. I would learn him not to despise numbers; for we are taught that the battle is not always to the strong, nor the race to the swift, but that the Lord of hosts has some direction in these events; and, so far as human eyes can see, there has been a most signal manifestation of it in favor of Texas.

It appears that the gentleman from Massachusetts is dissatisfied with the number of ships and guns that constitute the army and navy of Texas. I shall try to prove, by a physical rather than a logical process of reasoning, that Texas has a thousand ships and fifty thousand guns. I go upon the principle that enough is equal to a million, and that a part is equal to the whole. With the three ships and twenty-nine guns, which the gentleman from Massachusetts assigns to Texas, they have whipped and taken all the Mexican vessels that dared to venture upon the coast: therefore, they have precisely enough; and enough is equal to one thousand ships and fifty thousand guns.

What I have said, Mr. Chairman, has been for the ear of those who have thought less, and perhaps examined less, upon the subject of Texas than I have. Many have gone from my district, and settled in that country; some of them have laid down their lives in battling for their rights; others have relations yet remaining, who feel intensely for those who have gone there. This question must and will be disposed of at this session in some way. We cannot expect to satisfy all; it is needless to wait for that. If we were to wait until the morning of the resurrection, many here would not vote for the recognition. Other and far different motives than the situation of the contending parties will govern the action of a portion of this House. There are some who feel somewhat aristocratical by nature, and have no right good will for republican forms of government any how; there are others in the North and East who think that an annexation of Texas to the United States might probably follow a recognition of her independence, and that the balance of power would be thrown in that direction; others are fearful it will be a slaveholding country. We may as well meet the question at once; it has to be met, and that shortly. No one can possibly suppose that Mexico can ever reassert her power in Texas. If I were permitted to use the language of the heathen mythologists, I should say that an assembly of the gods had congregated for the express purpose of taking into consideration the wrongs and oppressions inflicted upon Texas, and that a decree had been registered in high heaven that Texas shall henceforth be free, sovereign, and independent.

When Mr. HUNTSMAN had concluded,

The question was taken thereon, and disagreed to: Yeas 40, nays 82.

So the amendment was rejected.

Mr. INGERSOLL moved that the committee rise; and the vote being yeas 7, nays 101—no quorum—

Mr. CAMBRELENG said there was doubtless a quorum in the hall, from the preceding vote, and he hoped the committee would, by general consent, agree to report the bill to the House. He had no amendments to offer, and any reductions of the appropriations might be made in the House.

The CHAIR then directed the House to be counted, and one hundred and twenty-five members (a quorum) were found to be within the hall.

Mr. BYNUM moved that the committee rise; and the vote being yeas 10, nays 106—still no quorum—

Mr. PARKS said he would assert that the gentleman who made the motion that the committee rise, and insisted upon dividing the House, had not himself voted either one way or the other.

The committee then rose, and the Speaker having resumed the chair, the chairman of the committee reported the fact to the House of their finding themselves without a quorum.

Mr. PARKS moved a call of the House.

Mr. CAVE JOHNSON asked for the yeas and nays; which were ordered.

Mr. UNDERWOOD would suggest to the gentleman from Maine, towards whom he had the kindest feelings, that it would be better, he thought, not to press that motion at so late an hour, but to adjourn. [It was then half past twelve o'clock.]

Mr. PARKS. Would the gentleman allow him to make one observation? He would make this declaration from his own knowledge, that, when the committee decided, by tellers, on the motion to rise, the gentleman who made the motion—

The CHAIR interposed, and reminded the gentleman that this was not a debatable motion.

Mr. DOUBLEDAY said it was a question of privilege.

Mr. CALHOON, of Kentucky, moved that the House adjourn.

Mr. HANNEGAN asked for the yeas and nays, but they were not ordered; and the motion to adjourn was lost: Yeas 25, nays 96. But no quorum voting,

Mr. CAVE JOHNSON moved a call of the House; which was ordered; and, after proceeding a few minutes,

Mr. ELMORE moved to dispense with all further proceedings thereon. Lost.

The roll having been gone through, and one hundred and twenty-four members answering to their names,

Mr. SUTHERLAND moved that the House adjourn: Lost: Yeas 37, nays 78.

The doors of the hall were then closed, and excuses having been rendered for a number of absent members, on account of indisposition,

Mr. STORER (at half past one) moved to dispense with the further proceedings of the call. Lost, without a division.

After proceeding some time further in rendering excuses,

Mr. PARKS moved the execution of the 51st rule of the House, which orders, at this stage, the absent members "for whom no excuse or insufficient excuses are made, may, by order of those present, if fifteen in number, be taken into custody, wherever to be found, by special messengers, to be appointed for that purpose."

Mr. UNDERWOOD suggested that, if that rule should be enforced, a great deal of time must necessarily be wasted in waking up the members, and bringing them to the House; and though he was as anxious to expedite the public business as any one, he really thought nothing would be gained by enforcing this rule. He therefore moved an adjournment. Lost: Yeas 43, nays 61.

The motion of Mr. PARKS, to enforce the rule, was then agreed to, without a division.

The SPEAKER then directed the Sergeant-at-arms to proceed to the execution of the duty above, and to employ as many assistants as might be necessary.

Mr. WISE moved to dispense with the further proceedings in the call. Lost.

Mr. McKAY said, understanding that there was a quorum within the hall, (124 members having answered to their names,) he moved to reconsider the vote by which the Sergeant-at-arms had been directed to execute the order.

Mr. LEWIS hoped the motion would not prevail; for those who could come there ought to be compelled to come, when others were willing to stay to transact the public business.

The motion to reconsider was disagreed to. [It was then two o'clock A. M.]

After waiting for some time,

Mr. G. LEE moved to dispense with the further proceedings of the call; and the yeas and nays having been ordered, the question was taken, and decided in the negative: Yeas 29, nays 86.

On calling over the roll this time, notwithstanding that 128 (one gentleman having been excused, from indisposition) members were recorded as being present, and the doors being locked—

Mr. CAMBRELENG said there were a number of gentlemen who had answered on the first call, but who had left before the doors were closed; and he therefore moved that the roll be again called, to see who were the absentees, as those gentlemen had not been since sent for under the 51st rule.

[It was then a quarter to three o'clock.]

Mr. GARLAND, of Louisiana, protested against being detained in that House as a prisoner; and also insisted that the motion of the gentleman from New York was out of order, since it would be making a second call pending the first; and one call could not be made to ride over another.

Mr. CAMBRELENG insisted that the call was indispensable, for the reasons before stated; and made some further remarks on the propriety and necessity of the call.

Messrs. UNDERWOOD, WISE, VANDERPOEL, WHITTLESEY of Ohio, and PARKS, made some remarks on the subject, generally.

Mr. WISE moved to dispense with the further proceedings in the call; which was disagreed to, as was also a motion to adjourn.

Pending the foregoing proceedings, (from half past three to a quarter past four o'clock,) several gentlemen came in, and were excused on paying their fees.

Mr. HANNEGAN then renewed the motion indicated above by Mr. CAMBRELENG; but, after some remarks from Messrs. GARLAND of Louisiana, HAYNES, and HANNEGAN, the motion was superseded by another of

Mr. PATTON, to suspend all further proceedings in the call; which, after a few remarks from Messrs. McKAY, GRANGER, and ELMORE, was itself superseded by the motion of

Mr. EVANS, who moved an adjournment; which was lost; and the question recurring upon Mr. PATTON's motion, after several suggestions by Messrs. BRIGGS, LANE, and THOMAS,

Mr. TAYLOR demanded the previous question, but subsequently withdrew it.

Mr. ADAMS moved that the fines be remitted. Lost.

A number of suggestions and some desultory conver-

sation ensued, which occupied another hour; and at length, at about half past five o'clock, the further proceedings were dispensed with, and the House again went into committee, and resumed the consideration of the civil and diplomatic bill.

Mr. CAVE JOHNSON submitted an amendment proposing an increase of the salaries of the clerks in the different departments, of from 12 to 20 per cent.

Mr. CONNOR submitted an amendment to the amendment, proposing an increase of clerks in the Post Office Department and Auditor's office. Lost: Yeas 30, nays 96.

The amendment of Mr. JOHNSON was also disagreed to.

Mr. HOWARD, from the Committee on Foreign Affairs, moved appropriations for salaries and outfits of ministers to Prussia and Russia, and also for a plenipotentiary, when necessary, to Mexico.

Mr. EVANS moved another, for surveying the North-eastern boundary line, establishing monuments thereon, &c.

Both amendments were severally agreed to.

Mr. INGHAM submitted a proviso, that collectors of customs should receive certain fees in cases where their annual salaries do not exceed $1,000. Lost.

Mr. JARVIS moved an item of $8,000 for four historical paintings for the panels in the rotundo of the Capitol; which was agreed to.

Several other amendments were introduced *pro forma*, to be renewed in the House, by Messrs. PHILLIPS, JOHNSON of Virginia, PATTON, UNDERWOOD, and CONNOR; when,

On motion of Mr. CAMBRELENG, the committee rose, and reported the "harbor bill," and the above bill, to the House, as amended.

It being now six o'clock in the morning,

Mr. CAVE JOHNSON moved that when the House adjourn this day, it adjourn to meet at twelve o'clock.

Objection being made, Mr. J. moved a suspension of the rule. Lost.

On motion of Mr. CAMBRELENG,

The House then adjourned, having been in session about twenty hours.

TUESDAY, FEBRUARY 28.

After transacting the morning business, the House proceeded to the orders of the day, and took up the

HARBOR BILL.

The amendments were read and concurred in.

Mr. PARKER renewed his motion, made in Committee of the Whole, to amend the bill by adding an appropriation of $6,963 for the improvement of the harbor of New Brunswick, New Jersey; which was rejected.

Mr. CRANE renewed his motion, made in Committee of the Whole, to amend the bill by adding an appropriation of $20,000 for the improvement of the Miami of Lake Erie.

Mr. SUTHERLAND demanded the previous question, and the House seconded the call: Yeas 71, nays 52. And the House ordered that the main question should now be taken.

And the main question, being on ordering the bill to be engrossed for a third reading, was then taken, and decided in the affirmative: Yeas 108, nays 41.

And the bill was ordered to be engrossed for a third reading at this time.

The reading of the bill was dispensed with, and the bill, having been immediately read a third time by its title, was passed, and sent to the Senate for concurrence.

CIVIL AND DIPLOMATIC APPROPRIATION BILL.

The House took up the bill making appropriations for the civil and diplomatic expenses of the Government for the year 1837, which had been reported from the Committee of the Whole on the state of the Union, with certain amendments; and the question was on concurring with the Committee of the Whole in their said amendments.

The amendments having been read through, the question was taken on all those to which exception had not been taken, and the same were concurred in.

The question came up on concurring with the amendment made in committee to the following item:

"For salaries of ministers of the United States to Great Britain, France, Spain, and Russia, in addition to the balance remaining of the former appropriation for 1836, $27,000;" which was amended in committee by adding after the word "Russia" the words "and outfit and salaries for ministers to Prussia and Austria," and by striking out "$27,000," and inserting "$63,000."

Mr. MERCER inquired of the chairman of the Committee of Ways and Means if the President had recommended a mission to Austria—that to Prussia he (Mr. M.) had no objection to.

Mr. HOWARD (chairman of the Committee on Foreign Affairs) said that he could answer the question probably better than the chairman of the Committee of Ways and Means, and would do so. The proposition emanated from the Committee on Foreign Affairs, and was adopted by them, to aid, as far as they could, the views of a select committee of the House, who had made a report as to the best mode of increasing the consumption of tobacco in foreign countries, and particularly Germany. He believed that the gentleman from Virginia represented in part a tobacco interest, or at least he must feel anxious for its prosperity. After the Committee on Foreign Affairs had decided on the propriety of the measure, he (Mr. H.) had inquired at the Department of State if there existed any reasons why the plan should not be carried out; and was informed that, on the contrary, our Government was, at the present time, engaged in the discussion of a delicate question, with both Austria and Prussia, arising out of treaties which we had with those Powers. What this question was, it is not now necessary to state. Mr. H's only object was to say, that although the proposed measure met with the concurrence of the Executive, he (Mr. H.) wished the responsibility of it to rest upon the Committee on Foreign Affairs.

TEXAS.

Mr. W. THOMPSON moved to amend the amendment by adding "and for the outfit and salary of a diplomatic agent, to be sent to the independent republic of Texas, ——— thousand dollars."

On that amendment Mr. GRIFFIN called for the yeas and nays; which were ordered.

The question was loudly called for, when

Mr. CUSHING said he had but a single observation to make. This question lay in the compass of a nutshell, as a diplomatic question, in which relation only he should speak of it. He admitted and asserted that the United States possessed in all cases the right of recognising the independence of a foreign State. He admitted and asserted the right of recognition; but he maintained the time of recognition to be a question of discretion, and that discretion was to be exercised according to our own conviction of our own interest. In his judgment, the time for recognition had not arrived. He should therefore vote against the amendment of the gentleman from South Carolina, [Mr. THOMPSON.]

Mr. ADAMS said he would add one word more. He objected to this proposition, on the ground that the act of recognition of a foreign Power had heretofore always been an executive act in this Government. It was the business and duty of the President of the United States;

and he (Mr. A.) was not willing to set the example of giving that recognition on the part of a legislative body, without the recommendation of the Executive.

Mr. JENIFER said he hoped his friend from South Carolina would withdraw his amendment, and move it at some other stage of the bill. He felt desirous that each of those questions should stand upon their own merits. The period was too late to discuss the propriety of the appointment of a minister to Prussia and Austria. But after what had been done by the House in relation to a great interest in this country in the adoption of the report and resolution in favor of the tobacco interest, the appointment of a minister to each of those courts would go far to effect the object contemplated by the resolution, and be the means of forwarding the interests of the tobacco planters in those countries. He regretted that the gentleman from Virginia [Mr. MERCER] should object to the recommendation by this House of a salary and outfit for such a minister. It would not in any manner whatever interfere with the powers of the Executive, but was an expression of its opinion of the necessity of the measure. If any thing is to be done, now is the time to urge upon those Governments, as well as others, the interest which is felt on the subject of duties and restrictions on this great staple. Nothing had been done heretofore in its behalf; and when it is seen that so large a portion of our citizens, as well as the States of the Union, are interested in placing it upon a proper footing, we have a right to believe that the most favorable consequences may result. Mr. J. said he trusted that the amendment, if adopted, would not prejudice the pending motion for a salary and outfit for ministers to Prussia and Austria.

Mr. HAMER said that he hoped no one would suppose that he rose at this late period of the session to debate this question. But as he was a member of the Committee on Foreign Affairs, which reported the resolutions in favor of the independence of Texas, and had supported those resolutions in the committee, and as no formal report, showing the condition of Texas, had accompanied the resolutions, he claimed the privilege of expressing, in a few words, the reasons for his course in relation to this matter.

He had heard several reasons urged here against recognition, which he thought were not entitled to much consideration from the House. Some gentlemen seemed to think that if we recognised Texas as an independent republic, her annexation to the United States must necessarily follow. This was not so. They were separate and distinct questions. The subject of annexation might never come before Congress; but if it should, at any future period, come up, it would be time enough to discuss it, and make a decision, when it should be presented. It ought not to be considered now. Let each of these questions stand or fall upon its own merits.

It had been said that we ought not to act in this affair, but leave it entirely to the Executive. The honorable gentleman from South Carolina [Mr. PICKENS] had answered that argument. The Executive had referred it to us, for the expression of an opinion on our part. He did not choose to act without some such expression. Why, then, should we send it back to him, without action on the part of Congress? Let us give an intimation of our wishes upon the subject, which will respond to the call of the President, and serve as a guide to his proceedings in future.

Gentlemen had said that the Texian army and navy were small in numbers and force, and that the population of the country was less than a hundred thousand; and for these reasons their independence ought not to be acknowledged. As to population, there was no limit in the law of nations. No writer had said how many persons it required to constitute an independent nation. It was a matter for the exercise of our discretion, without any positive law or rule to control us. We could as well recognise fifty thousand as fifty millions; and he would not dwell upon that position.

In regard to the navy, however small it might be, it was large enough to command the seas, and to drive the Mexican navy into port; blockading the harbors of Mexico and destroying her commerce. If Texas could thus overpower her enemy on the water, her navy was large enough, until that of her adversary should be augmented.

How was it upon the land? Her army had conquered all the forces sent against her. She had triumphed over a selected army, organized for the express purpose of reducing her to subjection; had made a prisoner of the Chief Magistrate of Mexico, who headed the invading forces in person; and had been ever since in the full enjoyment of national independence. Her army was therefore large enough to maintain her independence, and there could be no necessity for its increase under existing circumstances. It was not the absolute amount of force we were to consider, but the relative force. We must look at the power of her enemy. In that point of view we should perceive that her resources and means were ample; that she was stronger than Mexico, and had, at that moment, undisturbed and undisputed control of both land and sea.

But there was another and more weighty consideration still, which demanded the attention of the House and of the country. At the last session of Congress we had passed a resolution, almost unanimously, declaring that the independence of Texas ought to be recognised whenever the citizens of that country should have an organized Government in full operation. Now, why should we go behind this resolution, and inquire into all the circumstances of the revolution, the condition of the country, and the character of the people? These subjects had been examined last year, and we had decided upon them. The House then put the recognition upon a single fact, to be ascertained thereafter. We had given to them, and to the world, a pledge that whenever they should satisfy us they had a Government, we would recognise them as an independent nation. We had encouraged them to put such a Government in motion, and to present us the evidence of its existence. They had done so. Did any gentleman doubt their having such a Government? Was not their constitution copied, in a great measure, from our own, and their public functionaries all engaged in the successful discharge of their respective duties under that constitution? Did we mean to keep the public faith inviolate? Should we redeem our pledge, which had been solemnly given? Texas had performed the condition. She presented us the proof of her having done so, and asked the fulfilment of our promise. It was for this Government now to say whether it should be faithfully and honorably fulfilled or not.

Another objection, and a most singular one, was, that a majority of the people of Texas were originally from the United States; that they were our former neighbors and friends, and some of them our kinsmen. The honorable gentleman from Tennessee, [Mr. HUNTSMAN,] in one of the best speeches he had ever heard upon that floor, had explained fully the manner in which these people had become citizens of Texas. They were invited there by the Mexican Government, at a time when all their rights and privileges were guarantied by the Mexican constitution, upon nearly the same terms as they were in the United States. They had purchased lands, and made the country their home; and it was only when an attempt had been made to wrest from them their liberties that they took up arms.

After securing their independence, organizing a republican Government, and putting it into successful op-

eration; after a pledge given last year, by our Government, that they should be recognised, whenever this was done and shown to exist, they are now to be told that we cannot recognise them, because they were once our neighbors and friends! If they were of some other race of men; if they were Spaniards, or Frenchmen, or Turks, or of any other race than Anglo-Americans, they would be entitled to recognition! Is this fair, or reasonable, or generous? Should we deal more kindly by a stranger than by our own flesh and blood? No. If gentlemen were prepared to act upon that principle, let each one take the responsibility for himself; but, for his part, he would go for his friends in preference to either strangers or enemies.

The people of Texas, he said, were entitled to a recognition of their independence; and, so far as his vote would go, they should have that recognition promptly and freely given.

Mr. CHILTON ALLAN said that it appeared plain enough that the only question for inquiry now was whether a regular Government was established in Texas. Now, this was a fact which, he apprehended, no one could deny. It was a fact which the documents laid before the House by the Executive went clearly to establish; and this, in his opinion, was enough. He (Mr. A.) thought that, if ever the independence of Texas was to be recognised, now was the time that it ought to be done. We ought now to conciliate that people, because they were our bone and our flesh. Texas was destined to be independent, and to become a great country, and therefore no delay ought to be interposed on our part to their being recognised as independent. Why, he would ask, should we treat them worse than we should do if they were a people of a different race? There might be certain prejudices at the bottom against this just measure; but it was manifestly the will of Providence that they should be independent. Nothing could possibly resist the growth of that population; no power could possibly put them down. We therefore ought not to delay in acknowledging their independence. The honorable gentleman from Massachusetts [Mr. HOAR] seemed to dread the possible event of annexation, as intended to follow our recognition of Texas. He (Mr. A.) must say that he exceedingly regretted to perceive the excitement of any prejudices on this point. He was free to confess there were prejudices peculiar to the North in connexion with this subject, and there were also prejudices in the South. He would not pretend to say that both sides were wise; but he (Mr. A.) would put his foot on all and every prejudice, and would take this infant nation by the hand.

Mr. HOAR explained, in reference to his remarks of the preceding evening. He denied that his opinion on this question was founded on the circumstance that the settlers in Texas were originally from this country. He held the right as strong as any man, that, if they pleased, our citizens may expatriate themselves, and become the citizens of another country. But he contended that the fact was in evidence before the House that Texas was not *per se* an independent country, and that it could not sustain itself for one moment without the aid it derived from this country. What a spectacle, he would ask, would be exhibited to the world, if we should acknowledge Texas as an independent nation, which derives all its claim to independence, and almost even to existence, from ourselves—whose battles are fought by us, whose ships are supplied by us, and who derive all their means and resources from us? It would be rather acknowledging ourselves as independent masters of a country which yet we recognise by treaty as appertaining to Mexico. With respect to annexation, he (Mr. H.) could only speak for himself. He knew not what was the opinion of the North; but he sincerely hoped, and firmly believed, that the North would have but one unanimous opinion in opposition to any such annexation, whenever it should be contemplated. He (Mr. H.) hoped we should never annex another foot to the territorry of the United States, whether to slave States or not. We already had sufficient territory; and, if there was any thing to regret in regard to that matter, it was that we already had too much.

Mr. WHITE thought that it could be denied by no one that Texas had organized a regular Government. He differed from the honorable gentleman [Mr. HOAR] in his view of this matter, and thought our sacred honor was pledged to recognise Texas. When Mexico was recognised by the United States, she (Mexico) was not in such a good condition as Texas now is. Her Government was not so well organized; her independent existence was not so well assured; and yet we did not then hesitate to recognise her. Much more, therefore, now ought the independence of Texas to be recognised.

Mr. W. B. SHEPARD asked the gentleman from South Carolina to accept the following modification of his amendment:

"Whenever the President of the United States shall receive satisfactory evidence that Texas is an independent Power, and that it is expedient to appoint such a minister."

Mr. SHEPARD said he moved the amendment because he thought it the most correct and proper mode of attaining the object which the gentleman from South Carolina as well as himself desired. Mr. S. was unwilling to do any thing which would seem ungenerous towards the neighboring republic of Mexico, or which would widen the breach which now exists between this country and Mexico. There is not sufficient evidence before this House to act understandingly on this subject, and precipitancy might be of no aid to Texas, and finally involve us in war with Mexico. Mr. S. said he would not yield to the gentleman in kind feelings towards the people of Texas, but he wished to make his good feelings efficient and productive of good.

[Here Mr. THOMPSON accepted the amendment as part of his proposition; and Mr. S. said he was satisfied.]

Mr. CAMBRELENG remarked that the phraseology of the amendment involved an incongruity, as it was now modified, inasmuch as the first branch set forth that "Texas" was an "independent republic," and the second left the "evidence" of that fact to the "satisfaction" of the President, and limited his sending the agent to that fact.

Mr. MERCER moved to strike out the words "the independent republic of."

The CHAIR ruled the motion to be out of order.

Mr. THOMPSON would compromise the difference between gentlemen, and modify the amendment by striking out the word "independent."

After some conversation between Messrs. HOAR, THOMPSON, and CAMBRELENG, the question was taken on the amendment of Mr. THOMPSON, as modified, and decided in the affirmative: Yeas 121, nays 76.

So the amendment to the amendment of the Committee of the Whole was agreed to.

The amendment of the Committee of the Whole, as amended, was concurred in, and the whole appropriation was increased to meet the charge involved in the amendment.

Mr. HARLAN then proposed, as an amendment, to add to the amendment which had been carried, a clause providing for the expenses of running the boundary line between the United States and Texas.

Mr. HARDIN said, in the treaty of 1819 between the United States and Spain, and in the more recent treaty with Mexico, the boundary line in question had been accurately defined. Surveyors were to have been ap-

pointed both by the United States and Mexico, for the purpose of running the line which had thus been defined in the treaty referred to, but, to the present day, this line had never been run. The reason which, at the time the first treaty was made, interposed to prevent the execution of this business, according to the treaty, was, that at that very period Mexico was in a state of revolt against the mother country, and it was evident that the stipulations of the treaty, as regarded this boundary line, could only be carried into effect with the Government which held *de facto* the sovereignty of the territory through which the line must run.

After the independence of Mexico was recognised by the United States, and the same article of the treaty was renewed in a treaty made between Mexico and the United States, still the stipulations of that treaty have, from various delays, not been carried into execution. He (Mr. H.) now wished to inquire, what power had we to send commissioners there, for the purpose of running this boundary line? With whom were our commissioners to act? What Government is *de facto* in the territory adjoining the United States? What Government is at this moment in the exercise of sovereignty over the territory in question? Is it Mexico, or is it Texas? He (Mr. H.) would not hesitate to say that it was Texas, because Texas has *de facto* full control over that territory, where her power and authority is in full operation. Such being the case, how can we at this time undertake to send commissioners to run this boundary line, when the Government with whom the treaty was made for this object is no longer master of the country, and when we have no treaty for this purpose with that Government which is *de facto* in possession of the territory? From these considerations, he (Mr. H.) felt bound to oppose the amendment of his honorable colleague, [Mr. HARLAN.] When the independence of Texas is acknowledged by the United States, and negotiations for this specific object shall have been entered into, then (but not till then) would be the time to send commissioners to run the boundary line.

But the Government of the United States appeared unwilling to step into the struggle between Texas and Mexico, and intended to leave them as they are. For his own part, if it was left to him, (Mr. H.,) he would recognise Texas at the moment she maintained her sovereignty, for her territory was large enough to constitute a separate and a great empire. She possessed more territory than Portugal or than Holland; less, it might be, than Spain and France, but certainly more than Great Britain and Ireland. Thus her territory was large enough to form an independent nation; and, as to her Government, that also was organized and in full operation, as much as was the Government of these United States. He (Mr. H.) thought, therefore, we ought not to wait to make this recognition until Mexico consented to the act. In our own case, France acknowledged our independence four years before Great Britain abandoned her pretensions over us; and, at a posterior period, we ourselves recognised the republican Government of France, when all Europe was in arms against her, refusing to acknowledge her, and asserting, sword in hand, the claims of that worn-down family of Bourbons. Also, in after periods of the French revolution, we acknowledged, from time to time, the different Governments to which France was subjected; and why? Because they were Governments *de facto*.

Mr. H. then concluded by moving to strike out the appropriation for running the boundary line, because we could not run the line with Mexico while Texas was in possession of the country.

Mr. HOWARD briefly replied, explaining the provisions of the treaty, and urging the necessity for the items proposed.

Mr. HARDIN's motion was disagreed to.

Mr. McKAY moved a proviso to the clause, that the commissioners should be appointed by the President, by and with the advice and consent of the Senate. Agreed to.

The original amendment, as amended, was concurred in.

The amendment moved in Committee of the Whole by Mr. STORER, for a medal to Morgan Neville, was agreed to; and the amendment moved therein by Mr. JARVIS, for filling the four panels in the rotundo of the Capitol with historical paintings, was concurred in.

VIRGINIA BOUNTY LANDS.

Mr. JOHNSON, of Virginia, offered the following amendment to the bill:

"*And be it further enacted*, That four hundred thousand acres of land shall be, and the same is hereby, appropriated, to satisfy military bounty land warrants issued, or to be issued, by the State of Virginia and by the United States, or either of them, on account of services in the revolutionary war, to include warrants not heretofore satisfied in full; which scrip shall be received at the several land offices of the United States, in the manner and for the purposes provided in the laws heretofore passed authorizing the issuing of certificates of scrip in satisfaction of warrants for similar services."

Mr. J. addressed the Chair as follows:

Mr. Speaker: I regret the existence of a state of things which would seem to call upon me to tax the time and the patience of this House, while I attempt, in a very few remarks, to assign some of the reasons which have influenced me in offering the amendment which is now pending. Before I proceed further, I beg leave to call the attention of the House to the fact that the Committee on the Public Lands, composed as it is of some of the most experienced and vigilant members of this House, after having given to the subject that calm deliberation which its importance demands, have reported a bill, which is now in progress in this House, appropriating 500,000 acres of land to satisfy the various claims yet due to officers and soldiers of the Virginia line and upon continental establishment. Entertaining a belief that, from the quantum of business before us, that bill cannot be reached during the present session, and feeling the great injustice that will be done to the holders of those warrants by further delay, I have been induced to move the amendment now under consideration.

Mr. Speaker, in urging this subject on the attention of Congress at this time, let it be distinctly understood that we come not here to solicit a boon from your generosity; we come not here to moot a new and doubtful question; but we come with unshaken confidence, and ask you in strict justice to discharge in good faith those obligations which, from a sense of justice, you have voluntarily assumed and bound the Government to pay. What is it that Virginia asks at your hands? Is it to indemnify her for the blood and treasure so lavishly poured out and expended upon the altar of liberty during the revolutionary struggle? No, sir; these were generously and patriotically made in common with her sister States, the blessings and benefits of which continue to be enjoyed by all, and which are above all price. Sir, she comes, and, with becoming deference, asks you to discharge a debt adjudicated, defined, and settled, so far as principle is concerned, and for the payment of which she holds you bound, duly executed, and acknowledged, by the various departments of this Government. I would say, with due deference to the opinion of the gentleman opposed to this amendment, that his effort to prove that the claim ought not to be paid is made too late—the day has gone by—the Government has generously and magnanimously assumed the debt;

and the only question which remains for this House to decide is, has she discharged in good faith the whole amount of the debt which she has agreed and bound herself to pay? Sir, if I can keep the attention of this House, I think I can demonstrate that she has not; that a portion of this debt remains unpaid; that it is now due; and that every consideration of justice and patriotism calls upon us to discharge it, and to discharge it now.

Mr. Speaker, it is said, by gentlemen opposed to this bill, that the claim set up by Virginia has been settled to an amount far beyond that which was anticipated, and therefore it ought not to be paid. Sir, has not the list of pensioners, under the several pension acts, swelled far above the estimate made by the best calculators, and based, too, upon the best data which the times afford? As well might gentlemen contend that, for that reason alone, the laws should immediately cease to operate, and that the small pittance allowed to the war-worn soldier should be withheld, and that the remnant of that veteran band should be doomed to pass over the short but rugged path which remains between him and the grave in penury and want.

But, sir, I deny that the claim has been thus settled above the estimate made by a board of commissioners, who assembled to adjust and settle the claims of the respective States with the United States, as early as the year 1793. By reference to estimates there exhibited, it will be found that there were in the service of Virginia no less than twenty-one regiments, viz: sixteen on continental establishment, three of the State line proper, and two called the western regiments, besides those engaged in the navy, which amounted to some twenty or twenty-five vessels. Computing the number at five hundred to each regiment, which is believed to be below the proper estimate, and the number of persons entitled to land bounty would be found to exceed eleven thousand, all of whom were entitled, under the various laws of Virginia, passed previous to the act of 1781, which ceded to the United States the Northwest Territory. I will not detain the House by referring to the several acts of Virginia relating to bounty lands, further than to remark that, upon a reference to them, it will clearly appear that there was a most solemn engagement, on the part of the States, to remunerate her officers and soldiers, as also her seamen, in lands, of which she possessed an abundance. From the peculiar and exposed situation which Virginia occupied during that arduous and eventful struggle, she was imperiously called upon to put in requisition all her means to meet the impending danger. She not only promptly furnished her quota of men and money on continental establishment, as is well attested by her brilliant victories, attained in different and distant parts of this Union; but, in order to guard her distant limits of her own territory, she pushed her victories into the far West, thereby extending her frontier to an immeasurable distance, which could only be defended by a large military force. What, I would ask, were her pecuniary means? Without commerce or fiscal resources, without money or credit—for, like the debtor whose pecuniary embarrassments render him desperate, she had approached the verge of bankruptcy, and involved herself almost beyond the hope of redemption. What were her means for sustaining the contest? I answer, it was her vast Western domain; and, in the very nature of things, it was well understood by the State and the soldier that the fulfilment of the promised reward depended entirely on the successful termination of the contest; and hence it became necessary to promise a liberal reward in Western lands, in order to fill her ranks, and to induce her soldiers to persevere in a contest which, to say the least, was of doubtful issue.

I have said that Virginia had in the service twenty-one regiments, consisting of five hundred each, which, added to her marine and naval force, amounted to at least eleven thousand men, to whom she promised bounty lands; and, to prove this, I beg leave to send to the Clerk's table a statement from General Porterfield, and the corroborating statement from the late Chief Justice Marshall, which statements were made as early as 1793, by those distinguished individuals, whose important services, and intimate knowledge of all that appertained to the movements of the whole country, but more particularly of Virginia, place their statements beyond the hazard of contradiction:

"September 16, 1822.

"Taking into consideration the number of officers and soldiers who died in the service, and thereby became entitled to land bounty from Virginia, the number who served three years, and thereby became entitled, and the number who were entitled for services to the end of the war, I think it probable there were a thousand to each regiment who were so entitled; but I state the opinion with confidence, that there were at least five hundred. ROBERT PORTERFIELD.

"Teste: Thomas Green."

"December 8, 1834.

"I should not think there were a thousand to each regiment entitled to land bounty; but the number cannot, I think, have been short of five hundred. I allude to the regiments actually raised in the Virginia line on continental establishment.

"J. MARSHALL."

Then, sir, taking this proposition as granted, (and I think it will not be contested, even by the gentleman from New Jersey,) and how does the account stand? From a statement which I hold in my hand, it appears that, on the 16th of December, 1834, the number of warrants issued was 6,146; and that subsequent to that, and up to the present time, the additional number is 600, which, together, makes 6,746; which, deducted from 11,000, leaves a balance of 4,254 warrants due to Virginia from the United States; which, admitting them all to be due to private soldiers, at 200 acres each, would require an appropriation of 650,000 acres to cover the claim of Virginia alone; and if we add to this the fact that many of those claimants were officers, and entitled to a much larger quantity than is the soldier of the line, and the further fact of the deficiency of 10 per cent. deducted from claimants under a former appropriation, which alone amounts to about 74,000 acres, and it will be found that there remains due to the State of Virginia alone a much larger quantity of land than that proposed in the amendment which I have offered. But, sir, assuming the ground that a large number never can be established at this late day, and that others never will be claimed, it is confidently believed that the amount now proposed will be sufficient to cover all the claims for bounty lands growing out of the revolutionary war.

But it is said that the claimants have failed to prosecute their claims in due time; that, having deferred their prosecution for half a century, it is *prima facie* evidence that they are not well founded. To this I answer, that the claimants are not in fault; but that they have been tied down and deprived of their rights during that protracted period by the action of the Government, and have never ceased to urge their claims, at all times, when a ray of hope was presented. As early as 1784, an attempt was made to survey the lands in the military district in Kentucky; but, sir, they found them in possession of the Indians, by whom they were claimed. Upon representing those facts to the Governor of Virginia, he issued his proclamation in the following year, by which he suspended the surveys, and thereby pre-

vented the officers and soldiers from taking possession of their land—their promised reward, and with which they would have been entirely satisfied. What next, sir? At the treaty of Hopewell, made in 1786, the whole of the country below the Tennessee river was guarantied to the Indians; the provisions of which treaty continued in force until the year 1818, when the Indian title was extinguished; after which, we all know, Kentucky would not permit the soldier to locate his warrant. Sir, the above facts are abundantly sustained by documentary evidence, and go to prove, beyond the shadow of a doubt, that their claims have been deferred by the action of the Government, over which the claimants had no control, from the year 1784 to 1818; had it been otherwise, the claimants and their heirs would not have been supplicating at your feet at this late period. It is true that a number of those claims have been located upon the Northwestern reserve; but it is equally true that the good lands in the reserve between the Miami and the Scioto rivers were very soon exhausted, and the remnant of poor lands which remained, estimated at from 5 to 25 cents per acre, was indeed no compensation at all, and not equal to the expense of procuring the title papers. Various other reasons exist which account for the delay, amongst which I will enumerate only one or two. The first is, that many of the officers and soldiers either died in the service or were slain in battle; their heirs were minors, and many of them settled in the Western wilds, remote from the seat of Government; and, with little means of information, they did not know that they were entitled. Others, more fortunately situated and better informed, did not deem it worth their attention; while another class, who attempted to prosecute these claims, were unable to establish them, in consequence of the loss of the rolls and documentary evidence, which had been unfortunately mislaid, and was not recovered until 1832. This document contained much useful information, supplied a vacuum in the testimony, and once more revived the long-deferred hopes of the war-worn soldier. But, says the gentleman from New Jersey, who stepped aside the other day from a very earnest argument on a private claim, to give us a learned disquisition upon the land laws of Virginia, the reservation made by Virginia, in her deed of cession, applied only to those regiments engaged in the conquest of the British posts of Kaskaskias and St. Vincent, and other troops upon the continental establishment. Sir, though I admit the words "upon her own State establishment" have been omitted in the deed of cession, yet it is clearly proved, by William H. Herring and others, that these words were omitted by clerical error in copying the original resolution passed by the Legislature of Virginia on the 2d January, 1781; which resolution contains the words "upon her own State establishment," and which I ask the Clerk to read:

"That in case the quantity of the good lands on the southeast side of the Ohio, upon the waters of the Cumberland river, and between the Green river and the Tennessee river, which have been reserved by the law for the Virginia troops upon the continental establishment and upon her own State establishment, should (from the North Carolina line bearing in further upon the Cumberland lands, those were excepted) prove insufficient for their legal bounties, the deficiency shall be made up to the said troops in good lands, to be laid off between the rivers Scioto and Little Miami, on the northwest side of the Ohio river, in such proportions as have been engaged to them by the laws of Virginia."

Thus, sir, it is shown, most obviously, that Virginia intended to make ample provision for all her troops; and although the fastidious economist may tax his ingenuity to husband a dollar, and the technical lawyer, by his special pleading and forensic eloquence, may attempt to induce the House to avail itself of advantages growing out of a limited and narrow construction, or clerical errors, yet I cannot believe that those efforts can be made available when addressed to the Congress of the United States. Sir, will any gentleman believe, who has made himself acquainted with the policy pursued by Virginia in regard to her troops, the liberal course of legislation, and the fatherly care with which she watched over their interest, that she would in a moment, as it were, have forgotten all the sacred pledges made to her soldiers, and that, too, when about to divest herself of all her vast and incalculable means? Sir, she did not design to do it, and the records of the day prove it. But, Mr. Speaker, suppose, if you please, that I am wrong in this position; and that Virginia, in her great anxiety to promote the general interest, at a period of doubtful issue and awful hazard, when our lacerated country was bleeding at every pore; suppose, I say, that she did omit to make provision for her soldiers on State establishment, is this the time to urge those quibbles? Has not Congress long since adjudicated and settled that question, by a payment of all but a remnant of the claim, and that, too, at a time when our Treasury was embarrassed and our country in debt? Are we now to be told, at the time when the country is prosperous beyond all example, with our Treasury overflowing by the proceeds of those very lands which were generously surrendered by Virginia as a sacrifice upon the altar of her country, are we now to be told that the whole course of legislation on this subject has been woong; that the pledged faith of the nation is to be forfeited, the claims of Virginia rejected, and the last hope of her soldiers annihilated? If so, we have indeed fallen upon unpropitious times. Sir, it was the army of Virginia, commanded by General Clarke, that secured to us the Western country; by the capture of the British posts at Kaskaskias and St. Vincent the way was opened which led to the far West, to that country the territories of which extend from the Alleghanies to Oregon, and from the Lakes to the Gulf of Mexico—a country combining advantages of soil, climate, mineral wealth, and commercial facilities, unequalled by any known to civilized man; the proceeds arising from the sales of which have already swelled the amount in your Treasury to an extent which, according to the theory of some gentlemen, endangers the very existence of our political system. Sir, I repeat that this country was conquered, inch by inch, by the Virginia troops, a remnant of whom still linger on the brink of the grave, and ask you to attend to their long-deferred claims. I will only add, in conclusion, that if aught is done for them, it should be done quickly; the ravaging hand of time waits not upon the tardy movements of this Legislature. Almost every newspaper received announces the fall of some one of these old veterans, and every such announcement is but the record of a nation's ingratitude. While we are engaged in a mercenary scramble for the surplus revenue, and a dividend of the public lands, we permit the war-worn veteran, at the expense of whose blood the treasure was acquired, to pass down to the grave, unwept, unhonored, and unsung. Sir, could the traditions of those days be developed, could the story be now told, we would hear of scenes of thrilling interest, and disinterested chivalry, which would place in the shade many of those acts of heroism on the part of our country, at the recital of which every bosom is warmed with pride for our country and gratitude for our soldiers.

Mr. CHAPIN now moved the previous question.

Mr. STORER inquired if the effect of the previous question would cut off all his amendments.

The CHAIR replied that it would cut off all amendments except those which had been ingrafted on the bill by the House.

The demand for the previous question was seconded by the House: Yeas 60, nays 65.

The question recurring upon ordering the main question to be put,

Mr. VINTON inquired of the Chair the effect of this motion being decided in the negative.

The CHAIR replied, that if the House refused to order the main question to be put, it would put the subject from before the House for this day.

Mr. STORER and Mr. HAWES severally asked for the yeas and nays, but the House refused to order them; and the question was carried, without a division; and the bill was then ordered to be engrossed for a third reading this day.

CUMBERLAND ROAD.

On motion of Mr. CORWIN, the committee took up the bill to provide for continuing the construction and for the repair of certain roads, and for other purposes, during the year 1837.

The bill having been read through, Mr. CORWIN proposed a substitute; which the committee agreed to.

Mr. CRARY moved, as an additional section, an amendment providing for the payment to the proper authorities of the State of Michigan of the sum of five per cent. on the nett proceeds of the sales of the public lands lying in the said State, from the 1st of November, 1835, to the 1st of November, 1836, to be applied to the completion of public roads, &c.

After some remarks from Messrs. CRARY and VINTON, the amendment was rejected.

Mr. CRANE moved, as an additional section, an amendment providing that the construction of the said road should be placed under the direction of the board of public works in the State of Ohio, with power to change the location of the said road in certain places.

After some remarks from Messrs. CRANE, LANE, and CORWIN, the amendment was rejected.

Mr. KENNON moved an amendment, as an additional section, appropriating $150,000 for building a bridge, &c., across the Ohio river, at Wheeling, to connect the said road in the States of Virginia and Ohio; such bridge not to be erected till it has been ascertained, by competent engineers, that the navigation of said river would not be obstructed thereby.

The subject was debated by Messrs. KENNON, HARDIN, MERCER, DENNY, and VINTON.

Pending the question,

The hour of three having arrived, the House took a recess.

Evening Session.

On motion of Mr. CAMBRELENG, the engrossed bill making appropriations for the civil and diplomatic expenses of the Government for the year 1837, having been read a third time, and the question being on its final passage—

Mr. CAVE JOHNSON moved to recommit the bill to the Committee of the Whole on the state of the Union, with instructions to strike out the following: "Provided, That the Secretary of the Treasury be authorized to extend to collectors at such other ports where a surplus of emoluments has been accounted for and paid into the Treasury in 1832, the privilege granted to the collector of New York, to take effect from the same period, of distributing among their clerks the surplus fees."

After some remarks from Messrs. CAVE JOHNSON, CAMBRELENG, and A. H. SHEPPERD,

Mr. HAYNES demanded the previous question; which was seconded: Yeas 82, nays 49.

And the main question was ordered to be put.

And the main question, being on the final passage of the bill, was taken, and decided in the affirmative. So the bill passed.

CUMBERLAND ROAD.

The House then again went into Committee of the Whole, (Mr. Phillips in the chair,) and resumed the consideration of the bill to provide for continuing the Cumberland road in the States of Ohio, Indiana, and Illinois, and for other purposes.

The amendment pending was an appropriation of $150,000 for the erection of a bridge, on the line of said road, across the Ohio, at Wheeling, moved, as an additional section, by Mr. Kennon; and,

After some remarks from Messrs. VINTON, CHAMBERS of Pennsylvania, STORER, MASON of Ohio, VANDERPOEL, KENNON, HARDIN, and DENNY, the amendment was disagreed to, without a division.

Mr. WEBSTER moved an amendment, having reference to the location of the road from Springfield, Ohio, to Richmond, Indiana, through Dayton and Eaton, Ohio, and addressed the committee at some length in support of the proposed route; when the amendment was disagreed to.

Mr. CORWIN moved the usual provision, that the expenditures for said road should be deducted from the two per cent. fund of the States through which it passes. Agreed to.

Mr. GRAVES moved an amendment making an appropriation of $220,000 for the purchase of the Louisville and Portland canal, and addressed the House at some length in support of the amendment; when it was disagreed to.

Mr. MARTIN moved an amendment providing that the two per cent. fund out of the proceeds of the sales of public lands in Alabama shall be hereafter expended under the direction of the Legislature of said State.

After some remarks by Messrs. MARTIN and CHAPMAN in its support, the amendment was disagreed to.

The bill was then laid aside, to be reported to the House.

WEST POINT ACADEMY.

The committee then took up the bill to provide for the support of the Military Academy of the United States for the year 1837.

Several verbal amendments were made, on the suggestion of Mr. INGERSOLL.

Mr. SMITH moved to strike out the following appropriation, which, he said, was a new item in the bill:

"For forty horses for instruction in light artillery and cavalry exercises, $10,000."

After some remarks from Messrs. SMITH, INGERSOLL, CAMBRELENG, HAWES, and DUNLAP, the amendment was agreed to.

Mr. McKAY moved to amend the bill by striking out the following item:

"For the erection, as per plan, of a building for recitation and military exercises, in addition to the amount heretofore appropriated, $30,000." The amendment was agreed to.

Mr. GRANGER moved a reconsideration of the vote, having voted in favor of the amendment to strike out under an apprehension that the appropriation was for a different purpose.

Mr. SMITH said he could not, in justice to the committee and to the country, consent to have the remarks of the honorable gentlemen from New York and Pennsylvania [Messrs. Cambreleng and Ingersoll] go forth without a few words of reply, even though it were late in the evening, and all of the committee are anxious to avoid discussion upon this and all other subjects. I will be brief as practicable, and confine myself to such suggestions only as the remarks of the two gentlemen, to whom I have adverted, have rendered absolutely proper to be now made.

And first, sir, I beg leave to call the attention of the

committee to the paragraph of this bill proposed to be stricken out. It is an appropriation of thirty thousand dollars, in addition to the amount already appropriated, for the erection of a building within which to exercise and drill the cadets at West Point. The gentleman from Pennsylvania [Mr. INGERSOLL] who reported this bill, and who never engages himself in any subject without making himself entire master of all its parts, will do the committee the justice, I trust, to inform them, when he shall next take the floor, what the amount heretofore appropriated for this same building, in which to exercise the cadets, actually has been; that, if we decide on the propriety of having such a building, we may also know how much we have heretofore taken from the public Treasury for its erection, and to what sum the thirty thousand dollars now proposed will be an addition.

The honorable gentleman from New York [Mr. CAMBRELENG] says this proposed building is to protect the cadets during the inclemency of the winter season, when the snow is from two to six feet deep; and has urged upon the committee the extreme hardship of requiring the cadets to perform their exercises in the open air in such an inclement and cold region as that where West Point is situated. Sir, if the gentleman would extend his inquiries somewhat further North or East, he would find that at points where the winters are still more inclement than at West Point, and where the snow lies for months in succession from two to eight feet deep, a very large and useful and respectable portion of the citizens not only incur the snows and storms of winter by day without workshops or buildings to protect them, but actually pursue the business of months amid such snows and storms, without a roof, or board, or so much as a shingle to cover and protect them by either day or night, and do not dream of murmuring. But, forsooth, the young cadet at West Point, who goes there to acquire an education for himself, who is clothed and fed, and even paid for his time, by the Government while acquiring his education, cannot endure the atmosphere of West Point, without a magnificent building to shield him during the few hours in the week, while in the act of being drilled, as part of his education! The Government is called upon to appropriate thirty thousand dollars, in addition to what has already been appropriated for the purpose, to protect the young cadet, who is preparing to be a soldier, against this temporary and yet most salutary exposure, as I esteem it. Sir, is Congress prepared thus to pamper the effeminacy of these young gentlemen, at such an expense, too, upon the public Treasury? Is it not enough to educate them for nothing, and to pay them for their time while you are educating them, and that you provide for their comfortable subsistence, comfortable lodgings, and all the ordinary comforts, not to say numerous luxuries of life, without attempting to keep them forever within doors, to be raised like children? I am opposed to it; and I think, whenever the people of this nation shall be made acquainted with the fact, they too will be opposed to it.

The gentleman from New York says the exposure of the cadets is very great, and that, among other duties, they are required to perform camp duties for three months in the year. It is true, sir, that the law of Congress imposes three months' camp duty upon the cadet. But the same tender spirit of guardianship which has suggested the expediency of housing the cadets from the atmosphere while performing their drill duties and exercises has in some way construed away one third of the law of Congress upon this subject; and, instead of three months' camp duty, as the law requires, the cadets are required, by the rules and regulations of the institution, to camp out only two months of the year; and for this purpose, sir, every species of camp utensils and camp furniture that Government money can purchase is provided for them; and this same duty, thus pictured forth here by the gentleman from New York as a severe hardship, is in fact so tempered to the cadets as to become a mere luxury—a matter of absolute preference among the cadets. The gentleman from New York will find, by the rules and regulations of the Academy, the months of July and August, or of August and September,* are selected for this camp duty: seasons of the year, sir, when it is absolutely a luxury and privilege for the cadets to leave their close quarters and confined rooms, to perform duty out door, and to spend the nights in their well-furnished camps. Sir, the hardships and exposures of the cadets are nothing compared with those of the generality of our fellow-citizens in the North, in their ordinary pursuits; and yet we are called upon to add to their luxuries—two hundred and fifty dollar† horses to ride, splendid camp equipage to protect them from the dews and damp air of summer, and magnificent buildings to shield them in their winter exercises. I think it is high time for Congress, and for the people of this nation, to reflect seriously upon these matters, and to inquire with somewhat of particularity into the character of this institution.

But the honorable gentleman from Pennsylvania [Mr. INGERSOLL] has volunteered to put the reputation of the West Point Academy for morality in issue at this time, and sets it out in eloquent description, as pre-eminently pure and irreproachable in this respect.

Sir, does not the honorable gentleman know that the history of this institution, within a few years back only, bears quite different testimony upon this subject? Does not the gentleman know the fact—a fact well substantiated by the Register of Debates in your library that only a few years since the Government was forced into the necessity of purchasing up, at an expense of ten thousand dollars, a neighboring tavern stand, as the only means of saving the institution from being overwhelmed and ruined by the gross immoralities of the cadets? Is not the gentleman aware that the whole argument urged to force and justify the Government into this purchase was, that the moral power of the Academy was unequal to the counter influences of the neighboring tavern? And are we to be told, sir, that this institution stands forth in its history pre-eminently pure, and above comparison with the institutions that exist upon the private enterprise and munificence, and thirst for knowledge, that characterize our countrymen? I make these suggestions, and allude to these facts, not voluntarily, and from a wish to create a discussion upon either the merits or demerits of the Academy. When I made the proposition to strike from this bill the ten thousand dollars proposed to be appropriated for the purchase of horses, I neither intended nor desired to enter into a discussion of the institution. I have not now spoken, except upon the impulse given by the remarks of the gentlemen from New York and Pennsylvania; and now, instead of going into the facts that do exist in relation to the Academy, I can assure gentlemen that I have but scarcely approached them. I have been willing, and am now willing, to have these facts brought to light at another time, and upon a proper occasion that will occur hereafter, and leave the people of this nation to judge of them dispassionately. A report upon the subject of this institution will be made shortly, as the honorable gentleman

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* The rule adverted to is as follows:

"38. During the months of July and August the cadets will be encamped, and the instruction will be exclusively military. During the remaining ten months of the academic year, instruction will be given in all the courses."—*Page 14 of Regulations of the Academy.*

† The same bill proposed $10,000 to purchase forty horses for the use of the institution.

from Kentucky [Mr. HAWES] has assured the House. From that report, all will be able to form an opinion as to the policy of the institution in its present shape and under its present discipline. That some grave objections exist to both its shape and discipline, I think all will agree. But I wish not to discuss either at this time. Let us know, however, and let the country know, something about the expensive buildings now in progress at West Point, before we conclude to add this further appropriation of thirty thousand dollars to the expenses of the institution; and, while I am up, I will call the attention of the honorable gentleman who reported this bill to another item in it, which embraces forage for horses among other matters; and I wish him to specify to the committee what proportion of the sum of over thirteen thousand dollars, contained in this item, is based upon the proposed supply of forage. We have stricken out the appropriation for purchasing horses, and another part of the bill provides forage for the officers' horses; hence a portion of the item now adverted to should probably be stricken out.

After some remarks from Messrs. HAMER, CAMBRELENG, INGERSOLL, McKEON, and JENIFER, the question was taken, and the House determined to reconsider the vote: Yeas 68, nays 62.

The question recurring on the motion to strike out the clause, Mr. DUNLAP moved to amend the clause by providing that the sum to be expended for this purpose should not exceed the amount appropriated.

After some remarks by Messrs. DUNLAP, HAWES, VANDERPOEL, HAMER, INGERSOLL, and HUNTSMAN, the question on the amendment of Mr. DUNLAP was taken, and rejected.

The subject was further debated by Messrs. GHOLSON, HUNTSMAN, and G. LEE;

When, the question being taken, the motion to strike out was decided in the negative: Yeas 56, nays 79.

So the clause was not struck out.

Mr. BOND moved to amend the bill by striking out the following:

"For the erection of a barn and public stables, $1,000."

Which motion was agreed to.

On motion of Mr. McKAY, at the suggestion of Mr. HAWES, so much of the item (lines 17 and 18) as was for the forage of horses was stricken out.

Mr. PATTON moved to amend the bill by adding an appropriation of $1,000 for the purchase of law books for the Congress Library.

Mr. P. explained that his reason for proposing the amendment here was, that it had been cut off from the civil list bill, to which it properly belonged, by the previous question.

The amendment was rejected.

Mr. DUNLAP moved to strike out the words "as per plan," in the 46th line. Rejected.

Mr. McKAY moved to strike out the appropriation of $2,000 for the expenses of the board of visiters to said Academy. Rejected.

There being no further proposition to amend this bill, it was laid aside.

INDIAN HOSTILITIES.

The House proceeded to the consideration of the bill making an additional appropriation for the suppression of Indian hostilities for the year 1837.

After some remarks from Messrs. BELL and CAMBRELENG, the bill was laid aside without amendment.

On motion of Mr. CAMBRELENG, the committee rose and reported the three last-mentioned bills to the House.

The House concurred with the Committee of the Whole in their amendments to the Cumberland road bill.

Mr. WEBSTER renewed his motion, made in Committee of the Whole, in regard to the direction of a portion of this road.

Mr. HANNEGAN demanded the previous question; which was seconded by the House: Yeas 74, nays 51.

And the main question was ordered to be now taken.

And the main question, being on the engrossment of the bill, was taken, and decided in the affirmative.

And the bill having been ordered to a third reading at this time, and the question being on its final passage—

Mr. BOND said his attention had been called to the journal of the House in relation to the bill for the continuation of the Cumberland road, passed at the last session. He said his name there appeared recorded in the negative, but that he had not so voted. Mr. B. said he did not attach any blame to the Clerk, as the error was no doubt accidental; but he felt himself bound to notice the mistake, and he thought this the appropriate moment to do it.

Having done so, Mr. B. expressed the hope that the House would now indulge him with the yeas and nays on the present bill; and they were ordered accordingly.

The question was then taken on the passage of the bill, and it was decided in the affirmative: Yeas 89, nays 59.

So the bill was passed.

The House then took up the bill making appropriations for the suppression of Seminole hostilities, which was ordered to a third reading at this time.

And the bill was read a third time, and passed.

WEST POINT ACADEMY.

The House took up the bill making appropriations for the Military Academy at West Point. The amendments made in Committee of the Whole were concurred in.

Mr. CHAPIN demanded the previous question; which the House seconded; and the main question was ordered to be now taken. And the main question, being on the engrossment of the bill for a third reading, was taken, and carried. And, having been ordered to a third reading now, the bill was read a third time, and passed.

Mr. BRIGGS moved an adjournment, but withdrew the motion at the request of

Mr. RENCHER, who moved that the engrossed bills on the Speaker's table be taken up and read a third time; which motion was agreed to.

The first bill in order was the bill to provide a uniform rule for the pay and mileage of members of Congress.

Mr. GARLAND, of Louisiana, moved to lay the same on the table.

Mr. RENCHER called for the yeas and nays; which were ordered.

Mr. VINTON said it was very evident that the rule in relation to the transmission of bills from one House to the other would have to be suspended, and that the House must do to-morrow the business which it could not get through with to-night. He moved an adjournment; (it being now ten o'clock.)

Mr. REED asked the yeas and nays on that motion; which were ordered, and were: Yeas 55, nays 80.

So the House refused to adjourn.

Some bills were received from the Senate; and, on motion of Mr. SLADE, at a few minutes past 10 o'clock,

The House adjourned.

WEDNESDAY, MARCH 1.

INVESTIGATION REPORTS.

Mr. GARLAND, of Virginia, from a majority of the select committee appointed on the 4th day of January

last, to inquire whether the several banks employed for the deposite of public money have employed an agent, to reside at the seat of Government, to transact their business at the Treasury Department; also, the character of such business; the compensation received by said agent; whether employed at the request or through the procurement of the Treasury Department; whether he receives compensation from the Treasury Department, &c., reported thereon at length, concluding with the following resolutions:

1. *Resolved*, (as the opinion of this committee,) That the several banks employed for the deposite of the public money have not all, or any of them, by joint or several contract, employed an agent, to reside at the seat of Government, to transact their business with the Treasury Department.

2. *Resolved*, (as the opinion of this committee,) That no agent for the transaction of business between the deposite banks and the Treasury Department has been employed at the request or through the procurement of said Department.

3. *Resolved*, (as the opinion of this committee,) That the business of the deposite banks with the Treasury Department is not conducted through any agent, but is transacted directly with the Secretary of the Treasury or some officer of the Department.

4. *Resolved*, (as the opinion of this committee,) That no agent, in any way connected with the public deposites, since the removal of said deposites from the Bank of the United States, has received any compensation from the Treasury Department.

5. *Resolved*, (as the opinion of this committee,) That several of the deposite banks have employed an agent, to reside at the seat of Government, for the purpose of receiving and transmitting information affecting the interests of said banks, both from the Treasury Department and other sources, and transmitting public documents; that agent is Reuben M. Whitney, who receives such salary from said banks as they annually deem his services worth.

Which said resolutions lie upon the Speaker's table.

Mr. H. JOHNSON, from the same committee, believing that the committee has drawn erroneous conclusions from some of the testimony, presented the grounds of his difference in writing, and his reasons for not concurring in the report of the majority, remarking that, agreeing with the views of the majority in the greater part of their report, he regrets the difference of opinion on points to which he has alluded.

Mr. PEYTON, from the same committee, submitted, at length, the views of the minority, accompanied by a resolution that the same, with the accompanying documents, be inserted in the journal of the House, as containing the views of the minority of this committee; and moved that the report of the minority of said committee be committed to the Committee of the Whole House on the state of the Union, with instructions to report a bill prohibiting in future, under sufficient penalties, the communication of secret intelligence, by the Secretary of the Treasury, for the benefit of the deposite or any other banks, which concerns all banks alike.

In presenting the above report,

Mr. PEYTON rose and said: I rise, Mr. Speaker, to present a report from the minority of a select committee of which the honorable gentleman from Virginia [Mr. GARLAND] is chairman. I offer the paper which I hold in my hand, as containing the views of the minority of that committee, from a majority of whom a report has just been made by the chairman. In reference to the report of the minority, I wish to submit a motion to the House, directing that it be committed to a Committee of the Whole House on the state of the Union, with instructions to report a bill prohibiting in future, under sufficient penalties, the communication of secret intelligence, by the Secretary of the Treasury, for the benefit of the deposite or other favorite banks, which is withheld from others, and which concerns all the deposite banks alike.

The CHAIR said the gentleman from Tennessee must obtain the leave of the House.

No objection being raised in any quarter,

Mr. PEYTON was proceeding. Mr. Speaker, upon the proposition--

The CHAIR. The gentleman will forward his proposition to the Chair.

Mr. PEYTON having done so, was again about to proceed, when

The SPEAKER inquired if the gentleman included the report of the majority also in his motion to commit.

Mr. PEYTON replied in the negative, and proceeded. Mr. Speaker, upon the proposition which I have sent to the Chair, I wish briefly to state the reasons which have influenced me, as one of the minority, to make the motion.

It appears, sir, from the evidence taken in this case, that there is resident in this city a secret agent of many of the most important of the deposite banks, who is in the habit of communicating to those banks secret information which he obtains from the Secretary of the Treasury, and from the Treasury Department, which, in my opinion, is unauthorized and unjustified by any law, principle, rule of reason or of justice, and tends, also, in an eminent degree, to jeopard the safety of the public money, to encourage corrupt combinations for the purpose of speculation, and to destroy the equality of benefits which should be extended to all the citizens and all the banks of the United States alike. I will name one instance, which must force itself strongly upon the mind of the most incredulous, as well as upon that of the most prejudiced partisan.

This agent, Reuben M. Whitney, obtained information of the expected issuance of the Treasury order of July 11, requiring specie payments for the public lands, and communicated that information, as a matter of favor and indulgence, to his distant friends; while, sir, Congress, then in session, and every individual member of it, as far as we have any information, were permitted to remain in profound ignorance of the intention or design of issuing such an order! Yes, sir, this "Treasury *familiar*," as he has been appropriately styled, obtained possession of this cabinet secret about the last of June or first of July—Congress adjourning upon the 4th—and informed, for one, the cashier of the Girard Bank, at Philadelphia, of the intended issuance of that order. And what makes the case still more aggravated and suspicious is this: that when the question was propounded to the witness, who communicated to his friends and partners in speculations in the public lands, and bank stocks, and Treasury certificates, whether he was not a party interested in these transactions, the witness stood mute, and refused to answer the question! And, sir, shall it be tolerated in this land, shall it be sanctioned by this House, that a man irresponsible to the laws and unknown to the country, a secret spy in the Treasury, shall obtain information of an intended measure, which was at least a doubtful exercise of power on the part of the Executive, involving the currency, trade, and commerce of the country, and the value of every species of property of the citizens of these United States; and that he shall use that information as a matter of speculation, in connexion with others, and those others high officers of this Government; and yet the American Congress not have the independence, not have the political honesty, to interpose its shield and protect the Treasury of this nation, and the people of this country, from such abuses of power? Why, sir, when it was proposed to forward in-

terrogatories to the deposite banks and the receivers of public money, as to the secret emoluments of this agent, I propounded, or proposed to be propounded, a question to this effect: whether the said agent was not engaged, directly or indirectly, with any officer or officers of the Government, in speculations, and whether he did not derive the larger part of his emolument in that way, the gentleman from Ohio, [Mr. HAMER,] one of the members of the committee, moved to strike out the words "any officer or officers of the Government," wherever they occurred; which motion was sustained by a majority of the committee, but only by a majority of one, the honorable chairman [Mr. GARLAND] voting, as he did on almost every occasion, for the most liberal investigation into what we were directed to inquire; a most important branch of which was, as to the amount of the agent's compensation. Yet the majority of the committee chose to give so rigid and technical a construction to the resolution under which we were authorized to act, that we were denied the right of proving to this nation that Whitney, in connexion with high officers of the Government, was engaged in speculating upon this very Treasury order of the 11th of July, by drawing specie from the deposite banks, and selling it as a matter of merchandise, instead of applying it to the purposes of Government. That inquiry was suppressed by the majority of the committee, upon the motion of the gentleman before referred to, because, no doubt, the majority thought they had not the power to reach any gentleman connected with the Government, unless he was in the Treasury Department! notwithstanding that every individual may have formed a partnership, a league of alliance, offensive and defensive, in this war upon the public treasure, with R. M. Whitney. That, sir, was the construction given to the resolution of the House by the majority of this committee.

Mr. CUSHMAN here sprung up, and announced that he rose to a question of order.

Mr. PEYTON. Did the gentleman move the previous question? because, if not, I call him to order.

Mr. CUSHMAN said he understood the majority of the committee had made their report, which was ordered to be printed and lie on the table. The minority of that committee, he understood, wished also to present their views, and, having the leave of the House, had done so, making a different motion for its disposition. Now, the point he raised was this: whether it was proper that the minority of the committee should go into facts laid before them, until the whole proceeding, as contained in both reports, should come up before the House.

The CHAIR decided against the point, and that the gentleman from Tennessee was strictly in order.

Mr. CUSHMAN again rose, and was about to proceed, when

Mr. PEYTON said, Mr. Speaker, I shall object to the gentleman's being heard, because I have always understood the previous question is debatable. [Laughter.]

Mr. CUSHMAN. I ask the gentleman if he intends to insinuate any thing from my course in this House?

Mr. PEYTON. Mr. Speaker, I do not know the operation of the previous question as well as that gentleman does. I had supposed that the sphere of its operations was circumscribed to the limits of this House; but, sir, I am just informed that the gentleman moved the previous question on my friend from North Carolina, [Mr. GRAHAM,] in the late election in the Buncombe district. [Mr. C. sent documents, under his frank, during the canvass between Graham and Newland, in behalf of the latter.] But, sir, the previous question was cut off in that instance by my friend from North Carolina.

Mr. CUSHMAN. The gentleman is mistaken; I have not moved the previous question.

The CHAIR. Order! The gentleman from Tennessee is on the floor.

Mr. PEYTON. Mr. Speaker, if the previous question is settled, I will—

The CHAIR. The previous question is not before the House.

Mr. PEYTON. But its personification just has been.

[Much laughter. This will be understood by a word of explanation. A distinguished gentleman from Virginia last session described Mr. C. as the "very personification of the previous question," and he has ever since gone, in the House, by that name. The gentleman is generally on the look-out for the eye of the Chair on particular occasions, and it has been whispered aside that, &c., *vice versa.*—*Rep.*]

Mr. P. proceeded. Mr. Speaker, I was proceeding, as well as I could make myself understood, and it is very difficult for me even to speak so as to be heard, owing to a severe cold and accompanying hoarseness, in consequence of attending your night sessions—I say, sir, I was proceeding to show that there was an agent here; that he was vested with great power; trusted with secrets; suspected of being engaged in heavy speculations, and in all probability, from the evidence, connected in those speculations with the officers of this Government; all of which tended to corrupt its purity and to squander the treasure of the nation; and that such abuses required and called aloud for the exercise of the power of the House to shield the public treasure from further loss and peculation.

Sir, we have established that this agency exists; that Reuben M. Whitney is the principal agent; we have also shown the nature and objects of this agency, and I have just glanced at some of the duties which appertain to his station. What is the amount of his compensation? This is a question which, it will be seen, is difficult if not impossible to answer, because the agent himself and those connected with him refuse to disclose the facts. What is the character of his business? It is no easy matter to give a specific response to this inquiry, his powers are so broad and his business so general. I have alluded to one or two branches of his business, such as giving information of the forthcoming of the Treasury circular of the 11th July; joining his friends at a distance and officers of the Government in converting that circular into a matter of merchandise, &c. I will now allude to another branch of said agent's business, independent of his speculations for himself and his friends: that Reuben M. Whitney has friends and partners high in office, high in power, who are so strongly linked with him, so closely allied to him, that to separate them would be like separating the Siamese twins—it would be death to both; and hence they are bound to make common cause with him—compelled to protect him. Of this there can no longer remain a doubt. Look at the facts, sir.

I propounded to Mr. Whitney this interrogatory while he was on his examination before the committee: In drawing up your protest, were you aided by, or did any member of this committee, or of the House, give you any advice, assistance, or opinion, in relation to said protest? The witness answered that, so far as the members of the committee were concerned, he was not assisted, aided, nor counselled. But, when I came to press the other branch of the inquiry upon him, in all its forms and shapes, he shrunk from the investigation, said the question was "inquisitorial," and therefore would not answer it. He could not deny but that his protest was drawn up in full consultation with some members of this House; else why did he answer one branch of the interrogatory, and refuse to respond to the other?

Again, sir: when called upon to disclose who were his partners in these speculations, derivable, and derivable alone, through his power, as an agent or officer of the deposite banks, he demurred, and refused to answer.

When questioned as to whether he had or had not,

since this investigation commenced, written to those at a distance, who were supposed to be in possession of facts which might lead to important developments, making important communications to them on public matters, affecting the treasure of the country and the legislation of Congress, and whether he did not, in conclusion, mark these letters as "confidential," and holding up threats of ruin if they dared disclose them; to that question he also stood mute, and refused to answer.

But, sir, there was one gentleman of the committee which the delicacy of Mr. Whitney, though on oath before the committee, would not suffer him to mention, whom he seems to have consulted; but it eked out in the investigation before the House. When asked whether any members of the committee, or of the House, did or did not counsel him in drawing up his protest, he swore that, from motives of delicacy, he would not approach the members of the committee, and had carefully abstained from all conversation with them. Yet, sir, how does it turn out in evidence? Why, it was disclosed by the gentleman from Maine, [Mr. FAIRFIELD,] in his evidence before the House, that, upon a certain occasion, he called upon the gentleman from New York, [Mr. GILLET,] and found him and Reuben M. Whitney in close conclave together, after night, in the room of the gentleman from New York, and that he [Mr. FAIRFIELD] thereupon went away, leaving them alone in their glory! Now, Reuben must have pretty suddenly changed all his ideas of propriety, or "delicacy," as he himself terms it, to have become bold enough to force himself upon a member of the committee.

Why, Mr. Speaker, I unhesitatingly assert that he may have employed counsel most learned in the law, and skilled in all the rules of criminal jurisprudence, deeply read, and pre-eminently acute and ingenious in quibbles and technicalities, but he never could have got one more true to him than has been that very gentleman from New York, [Mr. GILLET,] a member of the select committee. And I will say for him that he has been consistent throughout the whole of the investigation. Why, sir, I propounded a question of this character, to which he objected. Having been informed by a gentleman, well known here, of the first respectability and highest honor, residing in Philadelphia, that the cashier of the Union Bank of Tennessee, coming to the city of Washington to transact business in relation to his bank with the Treasury Department, had better sense than to call upon the Secretary of the Treasury, the mere man of straw, like Maelzel's automaton, in the hands of Reuben Whitney, but that he passed him by, and, approaching the source of power in that Department, went directly to Whitney, taking care to deposite to his credit or in his hands a bill or check for a thousand dollars, or some large amount of money. That he called in the morning, and Whitney told him he had arranged his business to his satisfaction; that the favors which he sought were extended. Unfortunately there was not time from the 28th of January, when the information reached me, to get Mr. Van Wyck's (the cashier of said bank) testimony. This, however, I do know, from the highest sources, that he (Van Wyck) has said that he gave Whitney a check or note to pay him for his services. Now, sir, is or is not this a case of bribery? It must be so, sir. It could not have been otherwise; for his influence he received the money. I do not reflect on Mr. Van Wyck. I asked him, (Whitney,) is it true or false? But when I propounded the question he was mute—he was dumb.

[Mr. P. being called on by a member, [Mr. BEALE,] here explained how he came in possession of the above facts, by a letter received on the 28th of January, from a gentleman in Philadelphia, and that he drew out the facts conveyed in that letter in a series of interrogatories which he propounded both to R. M. Whitney and to the late cashier of the Union Bank of Tennessee, A. Van Wyck.]

Now, sir, what does this establish? Does it not establish Whitney's power, and his abuse of that power, by receiving a bribe of a thousand dollars for the exercise of it? Whitney could not, dare not, attempt to gainsay the fact. I instantly, sir, proposed the inquiry to be sent to the witness at Nashville, and have him examined upon the facts, but the gentleman from New York [Mr. GILLET] objected, and recorded his vote against it upon the yeas and nays, as did the gentlemen from Maine [Mr. FAIRFIELD] and New Hampshire [Mr. PIERCE,] suppressing, or attempting to suppress, that important branch of the inquiry; but we succeeded. Nor was this all. When it was agreed that the interrogatories I had framed should be propounded to Mr. Van Wyck, the gentleman from New York was found alone voting against his being summoned. I have since received a letter from a gentleman of known honor and integrity, at Nashville, confirming the statements contained in the letter from Philadelphia, and expressing the regret of the writer at Mr. Van Wyck's absence at New Orleans. I have, however, the letter from the gentleman to whom I have alluded, confirming the facts in every particular, and stating that the cashier (Mr. Van Wyck) expressed his surprise that the other bank at Nashville did not employ Mr. Whitney.

Mr. P. continued. Sir, the Secretary of the Treasury travels a long way out of the issue, particularly according to the strict construction put upon the resolution of the House by the gentleman from New York, and passes a high eulogium upon Reuben M. Whitney with regard to political transactions. He says, in substance, that justice to that gentleman (Mr. Whitney) requires him to state that he always held political considerations of no influence whatever in the selection of deposite banks. That is what the Secretary says of Reuben. Now, what does Reuben say to the officers of these banks themselves, when they make their application for the public money? Why, sir, he writes a letter to the president of the Planters' Bank at Natchez, James C. Wilkins, then a candidate on the White ticket for Congress, beginning as follows:

"WASHINGTON, *Sept.* 30, 1835.

"DEAR SIR: When I wrote you last, I did not inform you that it had been represented here that you were, or would be, the candidate for the Senate in opposition to Walker. This I then considered was a tale for the purpose of operating prejudicially to the interest of the Planters' Bank, got up by some one who was striving to direct a part of its Government agency to another institution," &c.

Yes, says he, when he first heard it, he believed it to be a calumny, a "tale," got up by "some one who was striving to direct a part of its Government agency to another institution." Was it then a crime to run for the Senate in opposition to Walker? He then goes on to lay down his doctrines, some of which are very sound, but winds up by stating that he would consider it proper to remove the deposites from any institution employed as the fiscal agent of the Government which should be hostile to the administration. This is no interference in politics! Reuben M. Whitney is entitled to all praise on account of abstaining from such interference! So swears your Secretary.

Take, Mr. Speaker, the case of the Illinois Bank. His conduct in that instance was the most outrageous, impudent, overbearing, reckless exercise of power which was ever perpetrated by any man in office—and this known to and connived at by the Secretary of the Treasury. An application was made by the Illinois

Bank to become one of the depositories of the public money; and then began a fair test of Whitney's power, politically speaking, for this was altogether a political contest. I believe I can say that the evidence is in existence showing that every one of the Representatives in Congress from Illinois recommended the bank of that State to be employed as a depository of the public money. I think the two Senators also united in the request. These gentlemen were governed, as I hope and believe, by higher considerations than party politics. They looked alone to the interest of the country in which the bank was located; and, rising above all sordid and selfish views, recommended this bank to be selected, notwithstanding its officers were known to be politically opposed to the administration. Well, what was the result? Whitney opposes it, and puts his veto upon it. He stands up against the bank. The cashier applies to him; no, I am wrong, one of the directors applies to Reuben M. Whitney, the cashier having written to the Secretary of the Treasury, who had not, it would seem, answered his letter; but he appeared to be disposed to decline any correspondence on the subject, because it would have to be placed on file in the Department. Correspondence is often carried on through this dark and suspicious organ of communication, Reuben M. Whitney, though the final consummation, the mere matter or form, is transacted through the Secretary of the Treasury. One of the directors writes to Reuben M. Whitney, offering him a large reward, as much as the other banks gave him, and asked him to obtain from the Secretary of the Treasury a reply to the cashier's letter. Reuben replied, "I must be frank with you; candor compels me to say that charges of the most serious character are brought against your bank." And what are these charges, Mr. Speaker? Why, Whitney says the charter has been violated by the manner in which the stock was taken. This is one allegation—a mere pretext. But then he proceeds mainly to charge that some of the officers connected with the "Ohio Life and Trust Company" are stockholders in the Illinois Bank, and that these are known to be hostile to the administration, and that their object was to produce a political change in the States of Illinois, Missouri, Indiana, and Ohio. And, in a letter to Mr. Tillson, a director, he says, "there are serious charges against your bank; and I must tell you that, with any pecuniary sacrifices to myself, I will oppose your application, unless you can clear your bank of all these charges." And yet, sir, the Secretary of the Treasury says that Whitney abstained from all political influence whatever! The result was, that the bank did not get the public money, was turned out of competition with the other banks, and the moneys arising from the sale of public lands in that State were transferred from it to the bank at St. Louis, Missouri, and the Commercial Bank of Cincinnati, of which he, Reuben M. Whitney, at a salary of $1,000, was the agent!

Take another case. The Bank of Michigan, at Detroit, says: "This bank desires to co-operate with the Treasury Department in its measures for the general good; and with that view solely, the proposition received from you (to become its agent) will be acceded to in due time."

Take again the case of the bank at Burlington, Vermont. There, sir, you will find the most flagrant and palpable influence and exercise of political power, through Reuben M. Whitney, upon that State during the late elections. Whitney applied to become the agent of that bank, and they implored him almost on their knees to spare them from the tax he had exacted from other banks. "Look," say they, "at our insulated situation, cut off, as it were, from trade and commerce; you cannot expect to receive the same from us as from the other banks in the large commercial cities. We are willing to co-operate with the Government, and pay for all the services you may render us." Whitney, however, renewed his application for an annual salary in the most imposing form, sending—what think you, Mr. Speaker? why, sending a letter from the Secretary of the Treasury, and from "a distinguished gentleman residing here, high in the confidence of the Executive," without a name, but who speaks for the President and the Secretary, pledging both to Reuben's scheme, and both answering for Reuben's fitness, and recommending his employment. And yet, sir, when I moved in committee (he having been discharged before that letter came to the committee from the bank) to have Whitney resummoned, to testify in reference to its authorship, a majority of a committee appointed by this House to ascertain and report facts shrunk appalled from the investigation, and suppressed the truth of that most important inquiry. But, sir, what did this House itself do? I appealed from what I conceived to be an unjust exercise of power, on the part of the majority of the committee, to the fairness, justice, and duty, of the House. I offered a resolution requiring the Speaker to summon Whitney to appear, either before the committee or before the House itself, and answer as to the authorship of that letter, and let us see whether the President, the Secretary of the Treasury, or the Postmaster General, wrote it, or whether it was a forgery of your Treasury pet. And what course did the House take? Having the day before humbled itself upon its knees to Reuben Whitney, it dared not ask him to come to its bar! Having just before appeared at its bar, and gone away in triumph, it refused to summon him either before the committee or before the House. Have I not a right, therefore, Mr. Speaker, to say to the American people, (I will declare it to my constituents,) that this inquiry was suppressed, that the truth was suppressed by the majority of the investigating committee, backed by "the party" in this House? The people will see and appreciate the craven spirit which has governed it.

Mr. Speaker, you have not only humbled yourselves to the President, and pocketed in silence his rebuke for appointing these committees, but you have humbled yourselves to the meanest and vilest instrument in the hands of the slaves of the President. Sir, you have humbled yourselves to Reuben M. Whitney! Now, in all bodies, heretofore, that had any regard even to the forms of justice, or the slightest regard to the expectations of the people, in the appointment of committees raised for the purpose of carrying out any measure, but more particularly to carry on investigations like the present, which are always unthankful, and more or less perilous to those charged with them, the Speakers of all deliberative bodies have heretofore never failed to appoint majorities in favor of the inquiries. How is the case here, sir? Two committees have been appointed at the close of this Congress, for which we have been battling for years past, but so near the close of the session that we have only twenty-nine days remaining in which to collect testimony from all parts of the country, and six members out of nine of the committee opposed to the very investigation they were raised to carry on! Such an appointment by a Speaker is unprecedented in the history of the civilized world. But how can it be otherwise, sir? The price, in these days, which must be paid for power is the sale and prostration of every principle of honor, patriotism, and independence; and, I fear, sir, the day is distant when we shall see the Speaker of an American Congress dare to appoint investigating committees a majority of whom will be in favor of inquiry, how important soever it may be to the preservation of the institutions and liberties of this country. No, sir. He who obtains place in these days, upon the con-

ditions annexed to it, will look down from his lofty height, from the Tarpeian rock on which you are tottering, and knowing he was lifted there as a party instrument, to do the bidding of those who placed him there, he will not dare to act independently; feeling conscious of the means and motives of his elevation, and the little claim he had on the score of merit, he would shrink back amazed and terrified at the prospect of his fall. It would be too great a sacrifice, for it would sink him into the abyss of nothingness out of which he sprung. Why, sir, for a small great man to look down from that height upon which you sit, would be like the immense precipices over which the guide of the poor old blind man in the play of Lear seemed to be looking, at the cliff of Dover. The members upon the floor would appear to him no larger than mice, smaller than Gulliver's Lilliputians. And would he hazard such a fall? Oh, no, sir, never! Any man who crawls up to that point, in these days, will never hazard the consequences of a patriotic, a generous, or a noble action; it would be fatal to him. How, then, could it be expected otherwise in the appointments of the investigating committees? But, while I think of it, candor, honor, justice, require of me that I should say, and I do so with the utmost pleasure, that the chairman, [Mr. GARLAND,] although opposed politically to the inquiry, has, like an honest man, in spite of your party tactics and party technicalities—his honest bosom, swelling with patriotism, elevated him above all other considerations—he has given a latitude of interpretation to the resolution under which we were authorized to act, for the fullest inquiry. Sir, it is honorable to him, and he has risen higher in my estimation. I wish I could say it of all the members of the committee. He has raised a monument to his honor and patriotism higher than the dizzy height upon which you sit, sir.

[Mr. BOON here interposed, and called for the orders of the day. There were loud cries of "go on! go on!" But Mr. B. insisted on his motion, and Mr. PETTON was consequently compelled to give way without concluding.]

SUSPENSION OF RULES.

Mr. WHITTLESEY moved to suspend the 15th rule, by which no new bills should be sent from one House to the other during the last three days of the session. Lost.

Mr. W. moved that the bills from the Senate lying on the Speaker's table be taken up and referred to the appropriate committees. He said that, unless this was done, they must lie over until the next session. If the House refused, he should ask the yeas and nays, so that it might be known who were opposed to taking up those bills.

CURRENCY BILL.

Mr. PATTON moved a suspension of the rules for the purpose of taking up the Senate's bill designating and limiting the funds receivable for the revenue of the United States; which was agreed to: Yeas 116, nays 28.

This bill had been reported back to the House, with the following amendment:

"*And be it further enacted*, That no part of this act shall be construed as repealing any existing law relative to the collection of the revenue from customs or public lands in the legal currency, or as substituting bank notes of any description as a lawful currency for coin, as provided in the constitution of the United States; nor to deprive the Secretary of the Treasury of the power to direct the collectors or receivers of the public revenue, whether derived from duties, taxes, debts, or sales of the public lands, not to receive in payment, for any sum due to the United States, the notes of any bank or banks which the said Secretary may have reason to believe unworthy of credit, or which he apprehends may be compelled to suspend specie payments."

Mr. CAMBRELENG said that, at any other period of the session than the present, he might have addressed some remarks to the House on this subject, but he would now forbear. The Committee of Ways and Means, for the purpose of preventing a misconstruction of the act, and securing the public revenue from serious frauds, had brought forward this amendment. It was, however, for the House to adopt or reject it, as they thought proper; but he hoped those gentlemen who were so solicitous about this bill would grant him the privilege of recording his vote upon the amendment. Mr. C. then called for the yeas and nays; which were ordered.

Mr. LAWRENCE said he would not occupy the attention of the House more than a moment. The amendment, he apprehended, was new to most of the members upon this floor. He had examined it carefully, and he believed that the effect of it, if it passed, would be to legalize powers that were claimed and exercised by the Secretary of the Treasury, which were before, to say the least, very doubtful. Its effect would be to destroy the bill, to neutralize and to nullify every valuable provision in it. He stated this to the gentlemen of the West; for, if he understood the amendment, its effect, if carried out, would be the same as the Treasury order, viz: to bring the whole country, in the region of the land offices, down to a specie basis; to drive from circulation every bank note, which could be converted into specie, issued by the banks in the neighborhood of the land offices; and, in place of their own paper, have in circulation the notes of distant banks—those of Pennsylvania, New York, and New England.

He did not give his assent to all the provisions of this bill; it was not one which he would have offered, nor was it the best bill that could have been presented and matured. He took this occasion to say that he deemed the whole system of banking, the whole financial operations of the Government, so far as the currency was concerned, as in a distracted condition, and such as did not meet his concurrence. He believed it was a system which, sooner or later, would inflict, must inflict, on the country a calamity which now was probably little anticipated. He believed that the currency of this wide-extended country never could be properly regulated without some great central controlling power over the State banks. But he would not now go further into the subject, because he knew that the time of the House was too valuable, at this period of the session, to be occupied by him.

Mr. MANN, of New York, said gentlemen looked upon this bill as a repeal of the Treasury order. This was not so; because at last it left the matter with the Secretary of the Treasury; and he ventured to say, if the bill was now passed, the specie order would not be repealed. It did not require the Secretary of the Treasury to receive the notes of specie-paying banks for the public revenue, but left it discretionary with him to do so or not. The amendment proposed by the Committee of Ways and Means merely declared the effect of the provisions of the constitution, which were paramount to all the laws which could be passed on the subject. If the bill went to legalize the notes of any banks in payment for the public revenue, he ventured to assert that it would receive but few votes in that House.

Mr. MERCER made some remarks in opposition to the gentleman from New York, [Mr. MANN,] and in opposition to the amendment.

Mr. BOULDIN merely rose to say that he should vote on the various bills, propositions, and amendments, relating to the currency and money in which the public dues were collected, as it might seem best, or rather least mischievous. By these votes he did not wish to be understood to mean that any remedy could be found for the evil proposed to be cured or affected—pretend-

ed to be designed by these measures to be cured. He meant the evil arising out of having in, or passing through, the Treasury of the United States such vast sums of money as are, and have been, and probably will be for some time.

The evil (he said) consisted in having the money. The sore evil of the gathering this money has been felt by all in the South—the selling of a man's property for half its worth, to raise money that is not wanting. The same has been felt by all in the North, except a few rich monopolists; but the eyes of the people have been blinded by these monopolists, who have felt the benefit of the collecting of it. A few rich owners of stock in the manufactories are the only persons benefited by the collection, except the officers through whose hands the money is to pass, and those who have received the ill-gotten gains by favor of those officers.

Now, sir, said Mr. B., who is to be injured by the fact that we have these sums? All, all, sir, (there is no general rule without an exception, however,) except those same stockholders in manufactories, and the same officers in whose hands the money is remaining, or through which it is passing, and those whose ill-gotten gains have made them feel the advantage of large sums of money—so large—in the hands of men who have the power to distribute it, and have their own ways and means and benefits in the choice of those hands into which it is to fall.

It was said that some charged that it had been urged that people might be corrupted by their own money. No such belief had been entertained or suggested by him. Sir, the people got none of it back. It corrupted the agents of the people; not the people themselves. It corrupted those into whose hands such large sums were gathered; not those out of whose hands those sums were taken, never again to be returned.

Some, he observed, said that a continued distribution was a high tariff measure. Mr. B. knew it was. Some urged one distribution would be an example for another. Mr. B. knew it would, and that consideration brought him to a stand on the engrossment of the deposite bill last session.

Some said we would then reduce the tariff, (at the last session,) but there was not time then. Mr. B. waited to see; had his doubts. At the commencement of this session, his colleague [Mr. MERCER] moved to introduce a resolution to relinquish all claim to the money deposited with the States. Mr. B. voted to lay it on the table; not that he doubted his right and duty to return to the people any money, or any part of any money, that we, or any body, had unjustly or illegally taken from them.

Still waiting and hoping to see the revenue taken down to the wants of the Government, or some serious and efficient means and steps taken to bring it to that point, it is now within a day or two only of the close of the session, and the rules, perhaps, would not allow of the introduction of a new bill, and passing it. He had taken an oath to support the constitution, not the rules of the House, and would gladly see any bill introduced, or brought forward, which was likely to bring the revenue down to the wants of the Government.

Mr. Speaker, how is this to be done? By drying up the fountains only—no other way. What are they? Imposts and sales of public lands. He would cast off either, or half of either, or both of them, and be in debt, sooner than endure this state of things. Why not cut down the tariff? It will kill the monopolists. Why not stop sales of public lands? It will produce some inconvenience to the settlers. Why not remedy this, by giving pre-emption before instead of after settlement, and sell when you want the money; and it will do no harm to any body, giving the settlers the benefit of their improvements. It will kill the speculators in public lands. Sir, if the present system is to go on, it will kill us all.

As to the bill from the Senate, it will stop but little of the accumulation. We are told that there will be no surplus. We were told last year there would be none—a slight mistake of thirty-seven and a half millions; (some one said forty-two;) Mr. B. said, perhaps, some trifle! Such a mistake might happen again! He was pleased that it then occurred to him to do (what he had hardly ever thought to do in any speech of his) justice to a meritorious officer. He was sure that the Secretary of the Treasury (Mr. Woodbury) was as honest, able, industrious, and courteous an officer as he ever saw. Some one remarked that he had made a mistake of thirty-seven millions. Mr. B. said that might be true; a great many had, besides him, if he did. He made a great mistake, and was an honest man. He might make it again; and a worse man might make a worse mistake. He might overlook the propriety of paying it over or putting it into safe places of deposite. Mr. Woodbury had kept safe—lost none—paid over—so far as it appears yet.

Suppose this mistake is made again? He was told, he said, by some, that if it did, there must be no provision made to divide—that tended to tariff and consolidation. Mr. B. knew it. But what is to be done with it? Let it stay, is the only answer. What is the consequence of that? Corruption of the officers, and all the fountains of truth and justice, is the answer. But (said Mr. B.) some proposed to appropriate money enough to cover it. Certainly you can appropriate money enough to cover any sum. But will that remedy the evil? Will not the money laid out, and passing through the hands of the officers, corrupt as much as any thing? And is not this the very evil we wish to cure?

When evils of this magnitude are before us, can we be in earnest in saying we will remedy them, when we are spending weeks and months and years upon vain disputes and trifles, and descantations upon the relative merits and demerits of particular men in office, or out of office, seeking to get in?

If we wish to reduce the revenue, the means are simple and the way is plain; and the time is ample now, and has been more ample than it is now, and has been wasted; and why do we not do it? There can be but one answer. We do not wish to do it.

Well sir, (he said,) if we will not, he would send as much of it back to his own State and people as he could. This disturbs the constitutional sensibilities of some gentlemen desperately. Where are their constitutional difficulties when they are raising and holding it against all right and all constitution?

He said he did not mean to advocate distribution, tariff, breach of constitution, consolidation; nothing like it. All this thing is done. The money has been raised almost at the point of the bayonet, or rather the sums that paid off our debts, and left this balance under protecting duties; against which he had labored all he could, and all in vain. What should be done with them? He knew they corrupted the people's agents, in the States as well as here. Those agents are neither better nor worse than they are here. This is the reason that we cannot find out and agree upon what shall be done with the money. They that have it there, as well as they that have it here, do not wish to part with it.

We can reduce the amount by stopping the sales of the land—but we will not. We can bring it down by giving the lands away to the States and Territories but we will not. I think either preferable to this state of things. As to the idea that we shall sell the lands to the people for less money than we can get for them,

it is preposterous in the statement. Would we do so with our own lands? Certainly not. Why, then, do so with the public property?

If we give any, let us say so, and tell to whom we give it. If we sell, let us sell as we sell our own property. When we give, if we have any right to give, let us tell the people to whom we give it.

He had no idea (he said) that there was any prospect whatever of reducing the income, and had, at the same time, no belief that, while these vast sums were collected and kept either in the State or United States Treasury, the currency could be kept steady. There was but one way to keep that steady. Let every man mind his own business, take care of his own money, and pay his own debts, and that promptly, in any money that his creditors will take, as soon as they fall due; and let the Government do the same, and take care to collect no more than it needs, and spend no more than is necessary, and I will warrant the currency to be kept steady. The Government and its officers, having under their control these vast sums, can unsettle the currency, and they will do it, whoever may be at the head; and neither act nor proviso, nor the great central controlling money power, (the Bank of the United States,) can prevent it. All such things serve rather to shield the officer than to expose him to responsibility. If, then, I vote for any of these bills, or provisoes to them, I wish now to notify the House, and particularly my constituents, that I have little faith in any measure in regard to regulating the currency, or providing a better, or any thing else that is good in public matters, until the revenues of the Government are greatly reduced, and these vast sums already accumulated, and held, directly or indirectly, it is immaterial which, under the control of the officers of the Government, either State or Federal, be returned to the people, or actually spent.

Mr. PATTON supported the bill, and opposed the amendment, which he insisted went to nullify the bill.

Mr. SUTHERLAND, remarking that the House and the nation well understood the whole subject, demanded the previous question.

Mr. GALBRAITH inquired if the previous question would cut off the amendment of the Committee of Ways and Means.

The CHAIR replied that such would be the effect of the success of that motion.

The House seconded the demand for the previous question: Yeas 82, nays 66.

Mr. CAMBRELENG then said, as this previous question was one of the most important ever taken in that House, he must ask for the yeas and nays on the question, "Shall the main question be now put?" which were ordered.

Mr. ELMORE said, as he had voted, under a misapprehension, for the second to the previous question, he would move a reconsideration of that vote.

The CHAIR. The motion was a novel one, but he had no doubt of its not being in order.

The question was then taken, and decided in the affirmative: Yeas 126, nays 71, as follows:

YEAS—Messrs. Adams, C. Allan, H. Allen, Anthony, Bailey, Bond, Boon, Borden, Bouldin, Bovee, Buchanan, Bunch, J. Calhoon, Campbell, Carter, Casey, G. Chambers, J. Chambers, Chapman, Chetwood, Childs, N. H. Claiborne, J. F. H. Claiborne, Clark, Connor, Corwin, Craig, Crane, Cushing, Darlington, Dawson, Denny, Elmore, Evans, Everett, Fowler, J. Garland, R. Garland, Gholson, Graham, Granger, Graves, Grayson, Grennell, Griffin, H. Hall, Harlan, Harper, S. S. Harrison, Hawkins, Hazeltine, Henderson, Hiester, Herod, Hoar, Hopkins, Howard, Howell, Hubley, Huntsman, Ingersoll, W. Jackson, Janes, J. W. Jones, Kilgore, Lane, Lawler, Lawrence, Lay, G. Lee, L. Lea, Lewis, Lincoln, Love, Lucas, Lyon, Martin, S. Mason, Maury, May, McCarty, McComas, McKennan, Milligan, Montgomery, Morgan, Morris, Muhlenberg, Owens, Parker, Patton, D. J. Pearce, J. A. Pearce, Pearson, Pettigrew, Phelps, Phillips, Pickens, Pinckney, Potts, Reed, John Reynolds, Richardson, Robertson, Schenck, Shields, Slade, Sloane, Spangler, Sprague, Standefer, Steele, Storer, Sutherland, Taliaferro, W. Thompson, Turner, Wagener, Washington, Webster, White, E. Whittlesey, L. Williams, S. Williams, Wise, Yell—126.

NAYS—Messrs. Barton, Beale, Bean, Beaumont, Black, Bockee, Boyd, Briggs, Brown, Burns, W. B. Calhoun, Cambreleng, Chapin, Coles, Cramer, Crary, Cushman, Doubleday, Dromgoole, Efner, Farlin, French, Fry, Fuller, Galbraith, Haley, J. Hall, Hamer, Hannegan, Hardin, A. G. Harrison, Hawes, Haynes, Holt, Huntington, Ingham, C. Johnson, B. Jones, Lansing, J. Lee, Leonard, Logan, Loyall, A. Mann, J. Mann, W. Mason, M. Mason, McKay, McKeon, McKim, McLene, Mercer, Page, Parks, F. Pierce, Rencher, Joseph Reynolds, Rogers, Seymour, A. H. Shepperd, Shinn, Sickles, Smith, Taylor, J. Thomson, Turrill, Underwood, Vanderpoel, Vinton, Ward, Wardwell—71.

So the House ordered the main question to be now put.

Mr. McCARTY asked for the yeas and nays on the main question; which were ordered, and were: Yeas 143, nays 59, as follows:

YEAS—Messrs. Adams, C. Allan, H. Allen, Anthony, Bailey, Beale, Bell, Bond, Boon, Borden, Bouldin, Bovee, Briggs, Buchanan, Bunch, J. Calhoon, W. B. Calhoun, Campbell, Carter, Casey, G. Chambers, J. Chambers, Chapman, Chetwood, Childs, N. H. Claiborne, J. F. H. Claiborne, Clark, Connor, Corwin, Craig, Crane, Crary, Cushing, Dawson, Denny, Elmore, Evans, Everett, Fowler, French, J. Garland, R. Garland, Gholson, Graham, Granger, Graves, Grayson, Grennell, Griffin, Hiland Hall, Hannegan, Harlan, Harper, S. S. Harrison, Hawkins, Haynes, Hazeltine, Henderson, Hiester, Herod, Hoar, Hopkins, Howard, Howell, Hubley, Hunt, Huntsman, Ingersoll, Ingham, W. Jackson, Janes, Jenifer, J. W. Jones, Kilgore, Lane, Lawler, Lawrence, Lay, G. Lee, L. Lea, Lewis, Lincoln, Love, Lucas, Lyon, J. Mann, Martin, S. Mason, Maury, May, McCarty, McComas, McKennan, McKim, Mercer, Milligan, Montgomery, Morgan, Morris, Muhlenberg, Owens, Parker, Patton, D. J. Pearce, J. A. Pearce, Pearson, Pettigrew, Phelps, Phillips, Pickens, Pinckney, Potts, Reed, Rencher, John Reynolds, Richardson, Robertson, Schenck, W. B. Shepard, A. H. Shepperd, Shields, Slade, Sloane, Spangler, Sprague, Standefer, Steele, Storer, Sutherland, Taliaferro, W. Thompson, Turner, Underwood, Vinton, Wagener, Washington, Webster, White, Elisha Whittlesey, L. Williams, S. Williams, Yell—143.

NAYS—Messrs. Ash, Barton, Bean, Beaumont, Black, Bockee, Boyd, Brown, Burns, Cambreleng, Chaney, Chapin, Coles, Cushman, Doubleday, Dromgoole, Efner, Fairfield, Farlin, Fry, Fuller, Galbraith, J. Hall, Hamer, Hardin, A. G. Harrison, Hawes, Holt, Huntington, Jarvis, C. Johnson, B. Jones, Lansing, J. Lee, Leonard, Logan, Loyall, A. Mann, W. Mason, M. Mason, McKay, McKeon, McLene, Page, Parks, F. Pierce, Joseph Reynolds, Rogers, Seymour, Shinn, Sickles, Smith, Taylor, Thomas, J. Thomson, Turrill, Vanderpoel, Ward, Wardwell—59.

So the bill was ordered to a third reading, and was then read a third time and passed, (after some remarks from Mr. HARDIN, explanatory of his reasons for voting against the bill.)

A joint resolution was received from the Senate, suspending the operation of the 16th joint rule, so as to authorize bills which passed either House on the 28th ult. to be sent to either House.

Mr. CAMBRELENG moved to postpone the further consideration of the resolution until after the recess.

After some remarks from Messrs. GARLAND of Louisiana, ADAMS, C. JOHNSON, MERCER, and SUTHERLAND, the motion to postpone was agreed to.

LAND BILL.

The House proceeded to the consideration of the Senate bills, on the Speaker's table, coming up on the question of reference.

The first in order was the bill from the Senate entitled "An act to prohibit the sales of the public lands except to actual settlers, in limited quantities, and for other purposes;" which bill had heretofore been read a first time, and was arrested in its further progress by an objection from Mr. HARDIN to the second reading; which objection brought the question directly before the House, "Shall this bill be rejected?"

Mr. HARDIN was entitled to the floor, and concluded his remarks in opposition to the bill. After which, he withdrew his objection to the second reading.

Mr. UNDERWOOD renewed the objection.

And, pending the question, the hour of three having arrived, the House took a recess until half past four o'clock.

Evening Session.

The House resumed the consideration of the bill from the Senate entitled "An act to prohibit the sales of public lands except to actual settlers, in limited quantities, and for other purposes."

Mr. BOON was entitled to the floor, but, after some conversation, gave way to

Mr. UNDERWOOD, who renewed the motion made by his colleague, [Mr. HARDIN,] and withdrawn, to reject the bill.

Mr. U. then made an argument of considerable length against the provisions of the bill.

Mr. JOHNSON, of Louisiana, then obtained the floor, and moved the previous question.

Mr. LOVE moved to lay the bill on the table.

Mr. GHOLSON moved a call of the House. Lost.

Mr. GARLAND called for the yeas and nays on the motion to lay on the table; which were ordered.

Mr. McKENNAN moved a call of the House, and, on that motion, called for the yeas and nays; which were ordered, and were: Yeas 62, nays 124.

So the House refused to order the call.

The question was then taken on the motion to lay the bill on the table, and decided in the affirmative: Yeas 107, nays 91, as follows:

Yeas—Messrs. Adams, Alford, Heman Allen, Bailey, Beale, Bond, Briggs, Buchanan, Bunch, John Calhoon, William B. Calhoun, Campbell, Carter, George Chambers, John Chambers, Chaney, Chetwood, Childs, Nathaniel H. Claiborne, Connor, Corwin, Craig, Crane, Cushing, Darlington, Dawson, Deberry, Denny, Dromgoole, Elmore, Evans, Everett, Fowler, French, James Garland, Graham, Granger, Grantland, Graves, Grayson, Grennell, Griffin, Hiland Hall, Hard, Hardin, Harlan, Harper, Samuel S. Harrison, Hawes, Hawkins, Henderson, Hiester, Herod, Hoar, Hopkins, Howell, Ingersoll, William Jackson, Janes, Joseph Johnson, John W. Jones, Kennon, Kilgore, Lawrence, Lay, Luke Lea, Lincoln, Love, Samson Mason, Maury, McComas, McKennan, McLene, Mercer, Milligan, Morgan, Morris, Parker, Patton, James A. Pearce, Pearson, Pettigrew, Phillips, Pickens, Potts, Reed, Rencher, Richardson, Robertson, Rogers, Schenck, William B. Shepard, Augustine H. Shepperd, Slade, Smith, Spangler, Steele, Storer, Sutherland, Taliaferro, Waddy Thompson, Underwood, Vinton, Washington, Elisha Whittlesey, Lewis Williams, Wise—107.

Nays—Messrs. Anthony, Ash, Barton, Bean, Beaumont, Black, Bockee, Boon, Borden, Bovee, Boyd, Brown, Burns, Cambreleng, Casey, Chapman, Chapin, John F. H. Claiborne, Coles, Cramer, Crary, Cushman, Doubleday, Dunlap, Fairfield, Farlin, Fry, Fuller, Galbraith, Rice Garland, Gholson, Haley, Joseph Hall, Hamer, Albert G. Harrison, Haynes, Holt, Howard, Hubley, Hunt, Huntington, Huntsman, Jarvis, Cave Johnson, Henry Johnson, Klingensmith, Lane, Lansing, Lawler, Gideon Lee, Joshua Lee, Leonard, Lewis, Logan, Loyall, Lucas, Lyon, Abijah Mann, Job Mann, Martin, William Mason, Moses Mason, May, McCarty, McKay, McKim, McKeon, Miller, Muhlenberg, Parks, Patterson, Franklin Pierce, Phelps, Pinckney, John Reynolds, Seymour, Shields, Shinn, Sickles, Sprague, Standefer, Taylor, Thomas, John Thomson, Vanderpoel, Wagener, Ward, Wardwell, Webster, Sherrod Williams, Yell—91.

So the bill was laid on the table.

A number of Senate bills, on the Speaker's table, were then read twice by their titles, and appropriately referred to the standing committees.

The Senate bill for the relief of the executrix of R. W. Meade coming up on its first and second reading,

Mr. A. MANN moved to lay the same on the table.

Mr. LANE demanded the yeas and nays, but withdrew the motion.

And the question being taken, the motion to lay the bill on the table was agreed to: Yeas 82, nays 61.

The Senate bill to remit the duties on certain goods destroyed by the late conflagration in the city of New York coming up on the question of reference,

Mr. HAWES moved to lay it on the table.

Mr. CAMBRELENG asked for the yeas and nays; which were not ordered.

The motion to lay the bill on the table was rejected: Yeas 71, nays 79.

Mr. CAMBRELENG moved the commitment of the bill to the Committee of the Whole on the state of the Union.

Mr. C. JOHNSON moved its commitment to the Committee of Ways and Means, but withdrew the motion on the suggestion of Mr. McKEON that a bill similar to this was now in Committee of the Whole on the state of the Union.

The question was then taken, and the bill was committed to the Committee of the Whole on the state of the Union.

The bill from the Senate entitled "An act to organize the several fire companies in the District of Columbia" was read twice by its title; and, on motion of Mr. W. B. SHEPARD, the bill was ordered to a third reading at this time, and was passed.

The bill to charter the Firemen's Insurance Company of Washington and Georgetown, in the District of Columbia, was read twice by its title; and, after a few remarks from Messrs. WARDWELL, W. B. SHEPARD, LAWRENCE, and WASHINGTON,

The bill, on motion of Mr. WARDWELL, was so amended as to add a proviso that it should be lawful for Congress, at any time, to alter, amend, or repeal the same.

And, thus amended, the bill, on motion of Mr. W. B. SHEPARD, was ordered to a third reading to-morrow.

The Senate bill entitled "An act to amend the several acts imposing duties on imports" coming up on its first and second reading,

Mr. CAMBRELENG moved its commitment to the Committee of the Whole on the state of the Union.

Mr. ADAMS moved its commitment to the Committee on Manufactures.

And, the question being taken, the motion of Mr. CAMBRELENG prevailed.

Several bills from the Senate were severally read a

first and second time, and then read a third time and passed.

The joint resolution from the Senate, authorizing the purchase and distribution of a number of copies of Macomb's Tactics, coming up on the first and second reading,

Mr. HAWES moved to lay the resolution on the table; which motion prevailed: Yeas 78, nays not counted.

Mr. HOWARD moved to reconsider the vote by which the joint resolution of the Senate, authorizing the purchase of Macomb's Tactics, was laid on the table.

Mr. HAWES moved to lay that motion on the table; which last motion, after an ineffectual effort, on the part of Mr. THOMPSON, to induce Mr. H. to withdraw it, prevailed.

So the motion to reconsider was laid on the table.

On motion of Mr. HOWARD, the House took up, considered, and concurred in, the amendments of the Senate to the bill repealing the discriminating duties on Dutch and Belgian vessels and their cargoes.

Mr. CAMBRELENG made an ineffectual motion again to go into committee on certain bills.

On motion of Mr. RENCHER, at nine o'clock,

The House adjourned.

THURSDAY, MARCH 2,

NAVAL APPRENTICES.

The bill authorizing the enlistment of boys in the naval service of the United States being under consideration,

Mr. McKIM moved, as an amendment, a bill, reported during the last session of Congress, which defines the number of men and boys to be shipped in the merchant service, and authorizing the owners and commanders of vessels to take boys as apprentices, &c.

After some remarks from Messrs. CAMBRELENG, JARVIS, McKIM, PARKER, HOWARD, HAYNES, and G. LEE, the amendment was rejected.

Mr. GRENNELL moved an amendment providing for the education of the said boys in the naval service, under certain restrictions.

Mr. JARVIS requested the gentleman from Massachusetts to withdraw this amendment. The education of the boys would be regulated by the Navy Department.

Mr. GRENNELL said the enlistment of boys was a new policy, and he wished to make it as efficient as possible, by giving them such an education as would fit them not only for the duties of sailors but for those of civil life.

The amendment was rejected.

And the bill, having been ordered to a third reading at this time, was read a third time and passed.

INVESTIGATION REPORTS.

On motion of Mr. GARLAND, the report of the minority of the select committee of which he is chairman was ordered to be printed.

Mr. GARLAND moved to print 5,000 extra copies of the two reports, without the evidence.

The House having agreed to consider the motion at this time,

Mr. HAWES moved to amend this motion by adding 5,000 copies of the report of the select committee on the West Point Academy. Agreed to: Yeas 64, nays 48.

Mr. VANDERPOEL moved to amend the motion by adding 5,000 copies of the report of the select committee on amendments to the constitution.

And the original motion, as amended, was then agreed to.

Mr. PEYTON, by leave, presented certain additional views of the minority of the select committee of which Mr. GARLAND is chairman; which were ordered to be printed.

On motion of Mr. CAMBRELENG, the House proceeded to the orders of the day.

SUSPENSION OF RULES.

On motion of Mr. CAMBRELENG, the House proceeded to the consideration of a joint resolution suspending the 16th joint rule of the two Houses, so as to authorize the sending from one House to the other such bills as passed either House on the 28th ult.

Mr. CAMBRELENG moved to amend the resolution by adding "that the 17th joint rule, which prohibits the sending of bills to the President on the last day of the session, be also suspended."

Mr. PARKER moved to amend the amendment by adding at the end thereof "until to-morrow at twelve o'clock."

After some remarks from Messrs. PICKENS and MERCER, the question on the amendment to the amendment was taken, and the same was rejected.

And, after some further remarks from Messrs. MERCER, CAMBRELENG, CRAIG, CAVE JOHNSON, and VINTON, the question on the amendment was taken, and carried.

Mr. GARLAND, of Louisiana, moved to amend the resolution by adding that the 16th joint rule be suspended, if the Senate concur, for the purpose of receiving certain bills from the House, (therein enumerated,) and to receive from the Senate such bills as may be designated by that body.

After some remarks from Messrs. PICKENS, GHOLSON, and VINTON, the question was taken, and the amendment was rejected.

On motion of Mr. WARDWELL, the words "joint resolutions" were inserted after the word "bills."

Mr. McKAY proposed to strike out the first portion of the resolution, which suspends the 16th rule.

Mr. PICKENS raised the point of order, that a vote of two thirds would be required to decide the question.

The SPEAKER decided that the rule which required a vote of two thirds for the suspension or postponement of the order of business applied to the rules of this House, and not to the joint laws of the two Houses.

Mr. PICKENS appealed from the decision.

The appeal was debated by Messrs. SUTHERLAND and PICKENS.

The SPEAKER stated, in full, the words of his decision, referring to the precedents in the House in such cases.

Mr. WARDWELL called for the previous question; which the House seconded.

And the main question was ordered to be now taken.

Mr. HAWES demanded the yeas and nays on the main question; which were ordered.

And the main question, "Shall the decision of the Chair stand as the judgment of the House?" was taken, and decided in the affirmative: Yeas 134, nays 43.

So the decision of the Chair was affirmed by the House.

The question then recurring on concurring in the joint resolution, as amended,

Mr. TURRILL demanded the previous question; which was seconded by the House.

And the main question was ordered to be now taken.

Mr. GRAVES asked the yeas and nays on the main question; which were refused.

And the main question, being on concurrence with the Senate in their joint resolution as concurred in, was taken, and decided in the affirmative.

So the resolution was concurred in.

After some conversation as to priority of business, be-

tween Messrs. CAMBRELENG and BELL, the House proceeded to the consideration of the

FORTIFICATION BILL.

The bill making appropriations for certain fortifications for the year 1837, and for other purposes, had been returned from the Senate with an amendment, striking out that portion of the bill which provides that the money which may remain in the Treasury of the United States on the 1st of January next, reserving five millions of dollars, shall be deposited with the several States, according to certain provisions of the act to regulate the public deposites, passed June 23, 1836; and the question was on concurring with the Senate in their amendment.

Mr. BELL said he would make but a remark or two upon the motion which he proposed to make in relation to the amendment of the Senate.

The House had incorporated the clause for a distribution of any surplus which might be in the Treasury at the end of the year, among the States, into the fortification bill, by a large and decisive majority. The Senate amended the bill by striking out this most important provision; and this House, upon a reconsideration of the subject, reaffirmed their first decision, and disagreed to the amendment of the Senate, by a majority equally decisive, and one which, under the circumstances, I might say was overwhelming. The Senate has thought proper, nevertheless, to insist upon its amendment; and the question is now presented, whether we shall recede from the ground we have taken, or firmly adhere to a measure which we believe to be of vital interest. The question is one of the first magnitude, of the greatest importance, and connected directly with the permanent interest and welfare of the whole country. We have now to decide whether this, the popular branch of the National Legislature--whether we, the representatives of the people, to whom the constitution has intrusted, in an especial manner, the guardianship and the duty of preserving the public treasure--shall surrender up our trust, abandon our own views of public duty, and conform to the wishes and will of the Senate. A principle of deep interest is thus involved in this question, besides that of mere expediency in relation to the particular measure under consideration. Can any one doubt the line of duty thus plainly marked out to us? Are we not bound, in justice to ourselves, in justice to the constitution and to the best interests of the country, firmly to adhere to our first resolve? Upon the point of expediency, whatever doubt may have existed in the minds of any, whether there would be a surplus of any considerable amount at the end of the year, when this proposition was first submitted, surely now, since the land bill has been laid upon the table, and not the slightest prospect remains of reviving it at the present session, there is no longer any ground of uncertainty as to that question. All must now admit, not only that there will be a surplus, but that it will be a very large one; and the question is now presented, and must be decided by the vote which we are about to take, whether the fifteen or twenty millions in the Treasury, over and above the demands of the public service, will be more secure when deposited with and distributed among the several States of the Union, or in State banks over which we have no control, whose condition at this moment is inflated, uncertain, and perilous in the highest degree. Those who think the States less safe or trustworthy than the numerous State banks which hold the public moneys in deposite will of course be against us.

Another great question is presented, and must be decided by our present action. It is, whether we shall suffer a surplus revenue, the unavoidable and unforeseen result of past legislation, to remain in the national Treasury to tempt the next Congress, as it has done the present one, to swell the expenditures of the Government in a degree and in a manner wholly inconsistent with every idea of economy. I do not intend to enter further into the argument. I have observed, at another step of the progress of this measure, that I considered the argument, both for and against it, fully before the country; and I conclude by moving that this House do insist upon its disagreement to the Senate's amendment.

The SPEAKER said that motion, if rejected, would be equivalent to a motion to agree to the amendment.

Mr. MERCER submitted some remarks in favor of the motion of Mr. BELL, in which he referred to some statistical statements, showing the probable amount of surplus revenue which would be in the Treasury on the 1st of January next.

Mr. VANDERPOEL said that this was a motion to disagree, and he had understood the Speaker to decide that the motion to disagree, if rejected, would be equivalent to a vote of agreement.

The CHAIR said such would be its effect.

Mr. VANDERPOEL then said that, as he believed every gentleman had made up his mind, he would move the previous question.

Mr. CHILDS moved a call of the House.

Mr. GRAVES asked the yeas and nays; which were ordered, and were: Yeas 71, nays 113.

So the call was refused.

The question then recurred on the demand for the previous question, and was decided in the affirmative.

So there was a second.

Mr. HOWELL demanded the yeas and nays on ordering the main question; which were refused. And the House determined that the main question should be now taken.

Mr. BELL asked for the yeas and nays on the main question; which were ordered.

And the main question, "Will the House disagree to the amendment of the Senate?" was taken, and decided in the affirmative, as follows:

YEAS--Messrs. Adams, Chilton Allan, Heman Allen, Bailey, Bell, Bond, Borden, Briggs, Buchanan, Bunch, John Calhoon, William B. Calhoun, Campbell, Carter, Casey, George Chambers, John Chambers, Chetwood, Childs, Nathaniel H. Claiborne, Clark, Connor, Corwin, Crane, Cushing, Darlington, Dawson, Deberry, Denny, Elmore, Evans, Everett, French, Rice Garland, Graham, Granger, Graves, Grayson, Grennell, Griffin, Hiland Hall, Hard, Hardin, Harlan, Harper, Hawes, Hazeltine, Henderson, Hiester, Herod, Hoar, Hopkins, Howell, Hunt, Ingersoll, William Jackson, Janes, Jenifer, Henry Johnson, Kennon, Kilgore, Lane, Lawrence, Lay, Luke Lea, Lewis, Lincoln, Love, Lyon, Job Mann, Samson Mason, Maury, May, McCarty, McComas, McKennan, Mercer, Milligan, Montgomery, Morgan, Morris, Parker, James A. Pearce, Pearson, Pettigrew, Peyton, Phillips, Pickens, Potts, Reed, Rencher, John Reynolds, Robertson, William B. Shepard, Augustine H. Shepperd, Slade, Spangler, Standefer, Steele, Storer, Sutherland, Waddy Thompson, Turner, Underwood, Vinton, Washington, White, Elisha Whittlesey, Lewis Williams, Sherrod Williams—110.

NAYS--Messrs. Anthony, Ash, Barton, Beale, Bean, Beaumont, Black, Bockee, Bovee, Boyd, Brown, Burns, Bynum, Cambreleng, Chaney, Chapin, John F. H. Claiborne, Coles, Craig, Cramer, Crary, Cushman, Doubleday, Dromgoole, Dunlap, Fairfield, Farlin, Fry, Fuller, James Garland, Gholson, Glascock, Grantland, Haley, Hamer, Hannegan, Albert G. Harrison, Hawkins, Haynes, Holt, Howard, Hubley, Huntington, Huntsman, Ingham, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Lansing,

Lawler, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Logan, Loyall, Lucas, William Mason, M. Mason, McKay, McKeon, McKim, McLene, Miller, Muhlenberg, Patterson, Patton, Franklin Pierce, Dutee J. Pearce, Phelps, Pinckney, Joseph Reynolds, Rogers, Schenck, Seymour, Shields, Shinn, Sickles, Smith, Taylor, Thomas, John Thomson, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Webster, Thomas T. Whittlesey, Wise, Yell—94.

So the House disagreed to the amendment of the Senate.

INDIAN APPROPRIATION BILL.

On motion of Mr. CAMBRELENG, the House then resolved itself into a Committee of the Whole on the state of the Union, (Mr. PIERCE, of New Hampshire, in the chair,) and, on motion of the same gentleman, took up the amendments of the Senate to the "Indian annuity bill," which having been concurred in—

Mr. CAMBRELENG submitted several additional items, which he said had undergone the revision both of the Committee of Ways and Means and the chairman of the Committee on Indian Affairs.

The principal of these were as follows:

For carrying into effect the treaty with the Menomonies, of September, 1836, $288,540.

For carrying into effect the treaty with the Pottawatimies, of August, 1836, $73,423.

For the same with the Ioways, of September, 1836, $65,590.

For the same with the Sacs and Foxes, of September, 1836, $138,240.

For the same with the Missourias, $3,000.

For the same with the Omahas, $2,470.

Several other additional items were also proposed, together with a proposition for an inquiry into the depredations committed by the hostile Indians of the South, (the latter slightly modified on motion of Mr. E. WHITTLESEY;) all of which were agreed to.

Mr. BELL, from the Committee on Indian Affairs, submitted several additional items and amendments; which were agreed to.

Mr. GARLAND, of Virginia, submitted an amendment proposing an appropriation of $17,000 to defray the expenses of holding treaties with all the Indian tribes east of the Mississippi, and of examining the country to be assigned to them, &c.; which was agreed to.

The bill was then laid aside, to be reported to the House.

NAVAL APPROPRIATION BILL.

The committee then, on motion of Mr. CAMBRELENG, took up the amendments of the Senate to the "bill making appropriations for the naval service for the year 1837."

All the amendments of the Senate, with one exception, were concurred in.

The amendment appropriating the sum of $100,000 for launching the ship of the line Pennsylvania was taken up.

Mr. FRENCH moved to amend it by inserting a provision authorizing the President to select and cause to be purchased, for the use and benefit of sick seamen and boatmen on the Western waters, suitable sites for marine hospitals, &c., not exceeding three upon the Ohio, three upon the Mississippi, and one upon Lake Erie; which, after some remarks from Messrs. FRENCH, PHILLIPS, DUNPLAP, DENNY, and JARVIS, was agreed to.

Mr. JOHNSON, of Louisiana, proposed an item of $70,000 for the erection of a marine hospital at New Orleans; which, after some remarks from Messrs. JOHNSON, HUNT, SMITH, and WILLIAMS of North Carolina, was rejected.

Mr. HARPER then adduced a letter from an officer of the navy, in support of the propriety of ordering the Pennsylvania to be launched forthwith, and said a few words himself in support of the amendment of the Senate; and, after some further remarks from Messrs. INGERSOLL, REED, and WILLIAMS of North Carolina,

Mr. INGERSOLL moved to insert $400,000 in place of $100,000.

Mr. CAMBRELENG resisted this increase, and said the appropriations in this bill were already large enough for the present year—larger, by far, than met his approbation.

The amendment of Mr. INGERSOLL was then disagreed to, only 45 voting for it; and the question recurring on agreeing to the amendment of the Senate, as amended by the committee,

Mr. MERCER moved to reconsider the vote by which Mr. FRENCH's amendment had been adopted, but subsequently withdrew it.

Mr. PEARCE, of Rhode Island, moved further to amend the Senate's amendment by appropriating the sum of $15,000 for the erection of a marine hospital at Portland, Maine; $10,000 for one at Wilmington, North Carolina, and alike for a similar object at Newport, Rhode Island; when, after some remarks from Messrs. PEARCE, JARVIS, and SUTHERLAND, the amendment of Mr. PEARCE was disagreed to, and the amendment of the Senate, as amended, was agreed to: Yeas 77, nays 57.

Mr. LYON moved an amendment making an appropriation of $15,000 for a marine hospital at Mobile. Lost.

The committee then rose and reported, and the amendments of the Committee of the Whole to the Indian annuity bill having been agreed to by the House, the amendments of the Senate, as amended, were severally concurred in.

The House then took up the amendment of the Committee of the Whole, moved by Mr. FRENCH, to the amendment of the Senate to the naval service bill; but, before any action was had thereon, the hour of three having arrived, it took the usual recess till half past four.

EVENING SESSION.

NAVAL APPROPRIATION BILL.

The "bill making appropriations for the naval service for the year 1837," returned from the Senate with amendments, being under consideration; the question pending was on concurring with the Committee of the Whole on the state of the Union in the following:

The Senate had amended the bill by inserting a clause appropriating "$100,000 for launching and securing the ship of the line Pennsylvania;" and the Committee of the Whole had amended the same by inserting an additional item, authorizing the President to select and cause to be purchased, for the use and benefit of sick seamen and boatmen on the Western waters, suitable sites for marine hospitals, &c., not exceeding three upon the Ohio, three upon the Mississippi, and one upon Lake Erie.

Mr. CAVE JOHNSON called for a division of the question on the amendment, so as to take it separately on that of the Senate and that of the Committee of the Whole.

The CHAIR ruled that such a division was out of order, but suggested to the gentleman from Tennessee that he might attain his object by a motion to recommit the bill to the Committee of the Whole, and, if that motion should prevail, then moving a reconsideration of the vote by which the amendment to the amendment had been agreed to.

Mr. JOHNSON accordingly made that motion.

Mr. WARDWELL moved the previous question, but

the House refused to second it; and the motion to recommit was disagreed to, without a division.

Mr. JOHNSON, of Louisiana, moved an amendment making appropriations for marine hospitals at New Orleans, Mobile, Portland, Newport, and Wilmington, North Carolina, amounting in all to $115,000.

After some remarks by Messrs. JOHNSON of Louisiana, SMITH, REYNOLDS of Illinois, PEARCE of Rhode Island, and PARKER, the amendment of Mr. JOHNSON was agreed to: Yeas 79, nays 56.

The question then recurred on the amendment of the Committee of the Whole, as amended.

Mr. RENCHER called for the yeas and nays; which were ordered.

Mr. BOND opposed the amendment, on the ground that it had been introduced with the expectation of carrying it through by a bargain. He was opposed to all bargains of this kind, and would take the responsibility of voting against this amendment.

Mr. LANE would say to the gentleman from Ohio [Mr. BOND] that he made no bargains; that he did not belong to the bargain and sale party; that he was not surprised to hear that gentleman denounce the amendment in such unmeasured terms; it was an appropriation for the West, and connected with Western interests, so uniformly opposed by that gentleman.

After some remarks by Mr. SUTHERLAND, in support of the amendment,

Mr. JARVIS moved an amendment providing that no greater sums should be expended on said hospitals than the amounts herein appropriated. Agreed to.

The question was then taken on the amendment of the Committee of the Whole, as amended, and decided in the negative: Yeas 72, nays 110.

So the House non-concurred in the amendment of the Committee of the Whole.

The question then recurred on the amendment of the Senate making an appropriation of $100,000 for launching and repairing the ship of the line Pennsylvania.

Mr. JARVIS called for the yeas and nays; which were ordered.

After some remarks by Messrs. GRAVES and SUTHERLAND, the question was taken, and decided in the affirmative: Yeas 89, nays 86.

So the amendment of the Senate was concurred in.

All the other amendments of the Senate were then concurred in, without a division.

Mr. CAMBRELENG moved that the House resolve itself into a Committee of the Whole on the state of the Union.

Mr. WISE asked leave to present a report from the select investigating committee of which he was chairman. Mr. W. remarked that it would not occupy ten minutes.

Objection being made, Mr. W. moved a suspension of the rule; but the motion was disagreed to, without a division.

CIVIL AND DIPLOMATIC APPROPRIATION BILL.

On motion of Mr. CAMBRELENG, the House, went into Committee of the Whole, (Mr. PIERCE of New Hampshire, in the chair,) and took up the "bill making appropriations for the civil and diplomatic expenses of the Government for the year 1837," which had been returned from the Senate with various amendments.

The first amendment of the Senate was, that the annual salary of the Recorder of the General Land Office shall be $2,000, and that the sum of $100 shall be paid to Charles Gordon, for services rendered under the resolution of the Senate of July 2, 1836.

Mr. BRIGGS moved an amendment to this amendment, making the salaries of the three Assistant Postmasters General the same as the Auditors of the Treasury and Commissioner of Patents.

Mr. BOND addressed the House at some length, in opposition to the amendment.

After some few remarks by Mr. CAMBRELENG, Mr. BRIGGS withdrew his amendment.

The amendment of the Senate to increase the salary of the Surveyor General of Arkansas from $1,500 to $2,000, being taken up separately, was discussed by Messrs. YELL, LOVE, CAVE JOHNSON, and JOHNSON of Louisiana; after which, the committee non-concurred in the amendment.

The amendment of the Senate making an appropriation of $30,000 for the purchase of certain manuscripts of the late James Madison, being taken up separately, was, after some remarks by Messrs. DAWSON, HUNTSMAN, and CAMBRELENG, concurred in.

The amendment of the Senate to increase the fund for the contingent expenses of foreign intercourse, being taken up separately, was, after some explanations between Messrs. CAMBRELENG, A. H. SHEPPERD, HOWARD, and CAVE JOHNSON, non-concurred in.

Mr. CUSHING moved an amendment appropriating $15,500 for the purchase of Gales & Seaton's Register of Debates, for the use of members; which was agreed to.

The amendment of the Senate increasing the salaries of the clerks in the executive departments being taken up separately,

Mr. JOHNSON, of Tennessee, moved an amendment, also increasing the salaries of the messengers and assistant messengers; which was agreed to.

Mr. G. LEE moved an amendment increasing the salaries of the collectors, naval officers, and surveyors, &c., twenty-five per cent. Lost.

After some remarks by Messrs. JOHNSON, THOMPSON of South Carolina, R. GARLAND, and LAWRENCE,

Mr. VINTON moved an amendment providing that said increase shall not be allowed to any clerk who now receives more than $1,200.

After some remarks by Messrs. VINTON, ANTHONY, CAMBRELENG, and HAWES, the amendment of Mr. VINTON was disagreed to: Yeas 21, nays 103.

Mr. PEYTON moved an amendment excepting the clerks in the quartermaster general's office. Lost.

Mr. GRENNELL moved an amendment including the first clerks to commandants in the navy yards at New York, Boston, and Norfolk.

After some remarks by Mr. GRENNELL, the amendment was disagreed to.

Mr. THOMPSON, of South Carolina, moved an amendment to increase the pay of the officers of the army twenty-five per cent. Lost.

The amendment of the Senate, as amended, was then concurred in.

Mr. CAMBRELENG moved an amendment appropriating $8,200 as compensation for commissioner, secretary, and contingent expenses of the commissioners under the convention with Spain. Agreed to.

Mr. LEWIS moved a reconsideration of the vote by which the amendment of the Senate, increasing the salaries of clerks, was concurred in; which motion was disagreed to.

Mr. PEYTON submitted the following amendment, [on which he concluded his remarks in Committee of the Whole House on the state of the Union, not having an opportunity to do so in the House on the night of the 1st of March:]

SEC. 3. *And be it further enacted*, That the President, by and with the advice and consent of the Senate, shall appoint an officer, to be called the superintendent of the public deposites, whose duty it shall be to manage and superintend all the correspondence, business, and interests, connected with the deposite banks, under the direction of the Secretary of the Treasury; and whose cor-

respondence and all other proceedings shall be deemed official, and regularly filed and kept with the other papers of the Treasury Department.

SEC. 4. *And be it further enacted*, That said superintendent shall receive a fixed annual compensation of three thousand five hundred dollars.

SEC. 5. *And be it further enacted*, That no bank shall be continued or hereafter selected as a depository of the public money, unless such bank shall expressly stipulate that all correspondence and other proceedings, between said bank and the Secretary of the Treasury, or between said bank and said superintendent, or any other person or persons, touching the public deposites, their custody, use, or disbursement, shall at all times be open for the inspection or examination of any committee of either House of Congress.

Mr. Chairman, I offer that amendment, sir, with the assurance to this committee that I am serious when I propose it for its consideration. Sir, this unknown, illegitimate, secret agent should no longer exist. This minister extraordinary near the Treasury Department should have a salary and an outfit; his character should be known; his credentials should be received; his compensation provided for by law; his correspondence should be public, inasmuch as it appertains to the public interest; and this secret, collusive, and fraudulent intimacy, which has so long existed, should be broken up.

Sir, there is an agent, or an officer of the deposite banks or of the Treasury, now living in this city, with a salary, as has been proven, of near seven thousand dollars per annum; and yet, sir, the amount of his salary and the extent of his power are unknown, and the sources of his revenue have scarcely been touched or fathomed; for, from upwards of ninety deposite banks, the select committee have not received returns from half the number; yet his direct compensation is now proven to be near the sum, over or under, of $7,000 per annum, from eleven or twelve institutions.

Mr. Chairman, the question arises, is there a necessity for such an officer of your Government? If so, there must be a necessity for making provision for his salary. If there be no such necessity, this House ought to declare it by rejecting the amendment I have offered.

Sir, for the broad investigation which has been attempted to be made into the nature of this agency, the character of the agent's business, the amount of his compensation, the time has been, as you know, [Mr. PIERCE, of New Hampshire, one of the select committee, then occupied the chair,] short and limited, so much so indeed that it was impossible to ascertain the nature or extent of either. On the 20th of January, as you well remember, in the committee, resolutions were proposed, calling upon all the receivers and officers at a distance to furnish the committee with such information as they were possessed of touching the subject of our investigation. They passed upon that day; and upon the 18th February you will remember that a motion was made and carried in the committee that no further testimony be taken; allowing, therefore, only twenty-nine days to carry on this most extended correspondence. But, sir, the want of time was the smallest difficulty with which we had to contend. We had to contend with the whole power of the Executive, which was interposed, at every step and stage of the inquiry, to shield this agent, to suppress inquiry; and, with such encouragement, such countenance, and such support, that agent treated the committee itself with contempt day after day, and time after time. Sir, we passed resolutions requiring that the witness should answer all questions of a public nature propounded to him; he responded by demanding that we should decide upon the preliminary question, his application for a week's delay. Even that the committee yielded to him, and then he finally refused to answer at all; and he was not only supported by a majority of the committee in these refusals, but he was supported also by a majority in this House; the same body, sir, which appointed the committee, professing to confer upon it the power, and requiring of it the duty, to ascertain all that he or any other witness might know or had done in reference to the subject proposed to be inquired into. He persists in his refusal, and is sustained in it by the majority of the committee and of the House. Again he is summoned to appear at the bar of the House, to answer upon the most important subjects of the inquiry, but the majority again sustain him in his contumacy.

How changed are the notes of these gentlemen! Upon the 9th of April, 1836, when my friend, who sits before me, from Virginia, [Mr. WISE,] alluded to this agency and official connexion as possibly existing, as now proven to have existed, the official organ came out with an authorized denial, emanating from the Secretary of the Treasury, of any official connexion between that Department and this agent; and volunteered a readiness upon the part of Whitney to respond to any and all questions which that gentleman might choose to ask! Then was the gauntlet thus thrown down.

Again, when the President was in the State of Tennessee, during the last summer, in a public speech to him at Jonesborough, he was called out to testify upon this subject; and what position did he then take? Why, that no such agency existed; that the allegation was false; a slander got up by the partisans of the bank to calumniate an injured man, who was persecuted by the Bank of the United States! And yet now, sir, when a committee is appointed to investigate these charges, and when the agent himself has an opportunity to testify to his innocence, and prove the falsehood of these charges against him, what position do the President, the Secretary of the Treasury, the official organ, the innocent man, all take? Why, that it is "inquisitorial," and that we deserve to be punished for calling upon an innocent man to disprove his own guilt!

Mr. Chairman, I feel authorized to say, upon the authority of one of the members of this House from Pennsylvania, also a member of another select committee, [Mr. MUHLENBERG,] not that he has himself told me, but I have it as coming from a gentleman who was present with him on the occasion, of which I have no doubt, that the President of the United States did say "that Peyton and Wise were the men (or fellows) who should be punished, and that innocent man (Whitney) should be discharged." Have I been misinformed? The gentleman can answer. Did not that gentleman, in company with a gentleman from his own State, perhaps one of his constituents, visit the President a short time since; and, in that visit, did not the President denounce my friend and myself in strong terms, and say we ought to be punished, and Whitney discharged?

Now, sir, what was the course of the witness himself? This innocent man! Why, he avails himself of that protection which authorizes a man to refuse to testify against himself; a provision made for felons and malefactors, and never sought to be pleaded by any man who is not conscious of guilt. Let me, sir, allude to an illustrious example in history. When the Governor General of Hindostan, the celebrated Warren Hastings, was arraigned at the bar of the British House of Commons, upon charges impeaching his character, his official conduct, and his honesty, what did he say? Why, sir, even a man standing in the high and elevated position of Governor General of Hindostan dared not assume the high ground this Whitney has taken in defiance of the American Congress, and in the face of the American people. "Mr. Hastings said he had only five days in which to make the refutation of charges it had been the labor of his accusers, armed with all the powers of Par-

liament, to compile during as many years of almost undisturbed leisure."

Yes, sir, the British Parliament armed its committees with all its power. Whatever power the one had was bestowed upon the other; and so should it be in the American Congress. Yet, sir, here was a committee of investigation, with a majority of six to three of its members politically opposed to the very object for which the committee was raised. I am not, however, to be understood as including the honorable chairman of that committee [Mr. Garland] in any thing that I may say. My allusion is to the appointment of the committee by the Speaker of the House. Now, let me ask, what power have three against six? Even when our honorable chairman, in his patriotic, just, and upright feelings, voted with us, which he very generally did, we were then only as four to five; and what could we do?

Sir, Warren Hastings further observes: "If truth can tend to convict me, I am content to be myself the channel to convey it."

Yes, sir, that was his language: "If truth can tend to convict me, I am content to be the channel to convey it." Warren Hastings, if guilty, knew the importance of assuming at least the semblance of innocence.

What a contrast does this conduct present to Whitney's! When we propounded questions to him, as to his connexion with the public treasure, his connexion with the deposite banks, and his fraudulent speculations in stocks and lands, he declined to answer. He then changes the position he had assumed in the Globe. He had advertised himself as an injured and innocent man, ready and willing to answer all and every thing he knew; but, when he is brought to the test, he shrinks and skulks under what he conceives to be his privilege—a privilege always assumed by a man conscious of guilt—of not being his own accuser. Why, this very plea is tantamount to an acknowledgment of his guilt, and will be so held by the American people.

I will allude, sir, briefly to only one other evidence to the same effect, in which the majority of the committee made a similar interposition, calculated to suppress inquiry, and I will then proceed to the consideration, more directly, of the amendment I have offered. Here was a question I propounded to William D. Lewis, cashier of the Girard Bank of Philadelphia, and he took the same ground that Whitney did with regard to disclosures of correspondence.

"3. In the evidence of the president of said bank and yourself, you state that his (Mr. Whitney's) annual compensation was, and is, $500; and that upon each of two occasions, as I understand the evidence, he received a gratuity of $500, in addition to his regular compensation. Will you have the goodness to explain to the committee for what extra or other services said allowance was made, if said services were rendered for the said bank as a fiscal agent of the Government, in and about the public money on deposite, or to be on deposite in the same.

"Mr. Gillet objected to this question, which was decided in the negative by the following vote:

"Ayes—Messrs. Garland, Martin, Peyton.

"Noes—Messrs. Pierce, Fairfield, Gillet, Hamer."

"5. The president of the Girard Bank, of which you are cashier, expressed a willingness to annex to his statement, heretofore sent to the committee, copies of every thing contained 'in books, papers, letters, orders, resolutions, contracts, correspondence, and memoranda,' referred to in the interrogatories upon which his testimony was taken, from '1 to 10, and from 18 to 21, inclusive, and 25, 26, and 31,' 'but abstained from doing so, because he was aware that the cashier (you) was about being examined as a witness under the same commission, and upon these identical interrogatories,' &c.; and he further says, that he (meaning yourself) will annex to his deposition all the copies called for, and which it would be in his power to give, except of the correspondence directly from and to the Secretary of the Treasury, which is voluminous, &c. State if you are willing, at this time, to give copies, or answer questions as to the purport of the memoranda, letters, &c., above referred to. If yes, annex copies, or state the purport of the same, if in your power.

"Mr. Gillet objected to this question, which was decided in the affirmative by the following vote:

"Ayes—Messrs. Garland, Pierce, Fairfield, Peyton, Hamer.

"Noes—Messrs. Gillet, Martin.

"The question was put to the witness, who replied as follows:

"Answer. I am not.

"6. Does or does not the correspondence, copies of which you have heretofore, in your testimony, and still decline to lay before the committee, between yourself as cashier of the Girard Bank, and R. M. Whitney as agent of that bank, relate to the public money in or out of said bank, its use, or the expected use of the same? And state, further, whether the said correspondence, upon the side of said Whitney, is marked confidential; and, further, whether you have reasons to apprehend injury to the pecuniary interest of said bank, if you were to make a disclosure of the same.

"Mr. Pierce objected to this question, which was decided in the negative by the following vote:

"Ay—Mr. Peyton.

"Noes—Messrs. Garland, Pierce, Fairfield, Gillet, Martin, Hamer.

"7. Do you know the facts upon which the president of said bank differs with you in relation to the propriety of producing said correspondence? If yea, state what are the facts.

"Mr. Pierce objected to this question, which was decided in the negative by the following vote:

"Ayes—Messrs. Garland, Fairfield, Peyton.

"Noes—Messrs. Pierce, Gillet, Martin, Hamer.

"8. Has or has not R. M. Whitney been compensated, directly or indirectly, for services rendered, or supposed to be rendered, to any deposite bank, or company, or individual, in procuring the use of money for or from any deposite bank, since he has been acting as agent for the deposite banks, or some of them? Speak from information which you may have received from him, said Whitney, or any agent or officer of said banks, or within your own knowledge, if any such exists.

"Mr. Gillet objected to this question, which was decided in the negative by the following vote:

"Ayes—Messrs. Garland, Martin, Peyton.

"Noes—Messrs. Pierce, Fairfield, Gillet, Hamer.

"9. Is not R. M. Whitney a stockholder—if yea, to what amount—in any of the deposite banks at this time?

"Mr. Pierce objected to this question, which was decided in the negative by the following vote:

"Ay—Mr. Peyton.

"Noes—Messrs. Garland, Pierce, Fairfield, Gillet, Hamer.

"10. Who wrote the original, of which the letter exhibit A is substantially a copy? At what time did Mr. Amos Kendall, if ever to your knowledge, come to a knowledge of the existence of such or a similar plan as is therein contained?

"Mr. Gillet objected to this question, which was decided in the negative by the following vote:

"Ayes—Messrs. Garland, Peyton.

"Noes—Messrs. Pierce, Fairfield, Gillet, Hamer.

"11. Has or has not the bank of which you are cashier derived information from R. M. Whitney which

enabled it to use public money on deposite advantageously for itself, or its friends, in speculation?

"Mr. Gillet objected to this question, which was decided in the negative by the following vote:

"Ayes—Messrs. Garland, Peyton.

"Noes—Messrs. Pierce, Fairfield, Gillet, Hamer.

"12. Did you hold a conversation with R. M. Whitney on the subject of the issuance of the Treasury circular of July 11, before its issuance? If yea, what information did he possess and communicate on that subject?

"Mr. Fairfield objected to this question, which was decided in the negative by the following vote:

"Ay—Mr. Peyton.

"Noes—Messrs. Garland, Pierce, Fairfield, Gillet, Hamer.

"13. Could or could not large speculations have been made by banks, companies, or individuals, in consequence of knowing in advance that such a circular as that of July 11 last would be issued? If yea, state the *modus operandi*.

"Mr. Fairfield objected to this question, which was decided in the negative by the following vote:

"Ay—Mr. Peyton.

"Noes—Messrs. Garland, Pierce, Fairfield, Gillet, Hamer.

"14. Do you or do you not know that R. M. Whitney did communicate that information to his friends, and that large speculations were made by them in consequence of that information?

"Mr. Fairfield objected to this question, which was decided in the negative by the following vote:

"Ay—Mr. Peyton.

"Noes—Messrs. Garland, Pierce, Fairfield, Gillet, Hamer."

My friend from Virginia being absent, as he was almost all the time, at this period, engaged in the labors of the other committee.

This, sir, affords a pretty fair sample of the views and the construction given by the majority of the committee to any power of inquiring into the indirect compensation derived by this agent in speculations with companies or individuals; and, taken in connexion with the course of the President, and the House itself, as well as the witness and some of the deposite banks, an imperfect idea may be formed of the difficulties with which the minority of this committee had to contend. But, Mr. Chairman, I will call the attention of the committee for a short time, for I do not mean to trespass on its patience, to the first resolution adopted by this majority, and then I will take up the testimony of Mr. Woodbury, and of one of his clerks. I will show, sir, and convince any man in this House, of whatever party he may be, who will give his ears to my statement, and do himself the justice to think, that the testimony and the resolution are in the direct face of each other. If I fail in doing so, I will surrender every thing like judgment in the case. Here is the resolution:

"*Resolved*, (as the opinion of this committee,) That the several banks employed for the deposite of the public money have not all, or any of them"—mark that word "any," Mr. Chairman—"have not all, or any of them, by joint or several contract, employed an agent, to reside at the seat of Government, to transact their business with the Treasury Department."

Well, sir, here is a declaration sufficiently explicit. The deposite banks have not, "any of them," employed an agent here to transact business with the Treasury Department.

I will now read a single clause from the testimony of the chief clerk of the Treasury Department, Mr. McClintock Young. Here is what he says on oath:

"1. State all you may know upon the subjects of inquiry contained in the resolution of the House which is now before you.

"Answer. There is an agent of some of the deposite banks residing in Washington, R. M. Whitney. My information on this subject is derived partly from letters from banks on file in the Treasury Department, and partly from having heard Mr. Whitney say he was employed by some of them as their agent. I know nothing of any agreement or contract he may have with any of those banks. The character of his business I believe to be to attend to their interests, so far as relates to their connexion with the Department; that is, he attends generally to all matters in which their operations are required in relation to the keeping, disbursing, and transferring of the public money. Those operations sometimes operate, as the banks say, injuriously to their interests, and he has frequently called on the Secretary, and other arrangements have been made, I presume and believe, on his representations. I know not what compensation he receives. I am under the impression that I have heard him say that the three first selected banks in New York paid him one thousand dollars each."

And yet, Mr. Chairman, this resolution, which was introduced by you, sir, [Mr. PIERCE,] and adopted by the majority of the committee, expressly says that not "any" of the deposite banks have employed this agent to transact their business at the Treasury Department! How can that resolution stand with the testimony of the chief clerk of that Department?

But, sir, it is possible to make this inconsistency still more apparent. I will quote the testimony of Levi Woodbury himself; and although his answers are elaborate arguments, page after page, yet, sir, when we come to the answering part of them, he is compelled to admit this official connexion between him and his friend Reuben M. Whitney. He is compelled to show the nature of the business transacted personally by the agent, Whitney, as the authorized agent of some of the deposite banks, with the Department; and by the Department through the agent, Whitney, as an "organ of communication" with the deposite banks. I will show it all, Mr. Chairman. Let any man attend to the testimony of Mr. Woodbury, and disbelieve it if he can. I will first read a short sentence or two, to show the "official connexion."

In speaking of Whitney and other agents he says:

"With all these agents before named, as well as many others, when transacting business for their principals, the official connexion of the Department has, in all other respects, as well as in these, been similar."

Again he says:

"They have access to papers and every species of public information." "But, in the case of the agent of the bank, no indulgence of any kind is known or believed to have been granted, which, if requested, has been withheld from the agents on other subjects, and especially the agents of corporations or persons in public employment; nor any withheld which, in other like cases, has, on request, been granted."

"I can think of no further explanation desirable as to the official connexion between the agent for some of the deposite banks and this Department."

Now, sir, I will show you what that "official connexion" is.

"44. In the cases alluded to in your report of the 11th instant, where the Planters' Bank, Natchez, and the Commercial Bank, Cincinnati, confided authority upon said Whitney, as shown to you in a written communication, what was that authority, what were the claims or requests made by him, what was the case of the Commercial Bank at New Orleans?

"Mr. Gillet objected to this question, which was decided in the affirmative by the following vote:

"Ayes—Messrs. Garland, Pierce, Wise, Johnson, Hamer, Martin, Peyton, Fairfield.

"No—Mr. Gillet.

"Answer. The cases referred to in my report of the 11th instant, where differences of opinion occurred, and an authority was produced, but not found necessary to be filed, were those of the Commercial Bank at Cincinnati and the Commercial Bank at New Orleans. I mentioned the Planters' Bank only as one in which a general notice had been given, and was on file, as to his agency, and a copy of which was annexed. The particular case of the Commercial Bank at Cincinnati was, so far as I recollect, a letter which he held in his hand and read, wishing him to request the Department to change the place to which some of the transfers outstanding against it were to be made, such as from other parts of Ohio or Kentucky, to New Orleans or Philadelphia; and stating the reasons for the request to be, that the banks in Ohio and Kentucky would probably demand specie, or be less accommodating as to the payments than those at a distance. I think it stated, further, that an extension of some of the transfers was desirable, if the Department could conveniently grant it, and complained that the time already allowed was too short. The agent also urged both these requests, assigning similar reasons, and that the time granted in several cases was less than that formerly allowed, under like circumstances, to the United States Bank to make transfers. I declined to change the places from Ohio and Kentucky, as requested, because, under the late deposite law, I felt bound to confine to the neighborhood those particular transfers, till about money enough was placed in Ohio and Kentucky to meet their share of the anticipated division of the surplus and the current expenditures, rather than send it to a distance; but the time for some of the transfers, which seemed too short, I proposed to extend as long as seemed to me proper. He, however, declined taking such extension in behalf of the bank, unless I could make it longer, thinking it would not be useful so little extended; and, therefore, I wrote to the bank itself what had been proposed to him, and his declining it, and that I should, notwithstanding, give the extension which to me seemed suitable, and the bank, if not accepting it, might pay the money over at the time originally fixed. In respect to the Commercial Bank at New Orleans, the application by the agent was, according to my recollection, with a letter, setting out that the Department had, by transfers and warrants, drawn out, or proposed to draw out, all or nearly all the public money in its possession, and wishing him to request it to revoke some of the transfers, and possibly to postpone some to a much later day if none could be revoked. I informed him that the bank must be in an error, as, before signing a transfer, or sending one, I was always careful to see that it would not reduce a bank too low. I sent for the clerk who had charge of the subject, and examined into it critically, and declined to revoke any of them, as I felt satisfied that the bank and its agent considered the money the bank had been notified it would probably be called on to pay the State of Louisiana during 1837, but for which no transfers had then been issued, and which I told him would not be issued when the time of payment arrived, provided the bank should, before that time, be drawn down too low. I informed him, also, that the bank had, by mistake, included one transfer, in order to make out its case, which had never been issued, according to our records; and hence I could not revoke any that had been issued. He seemed to be satisfied that the bank was right. Whether any extensions of time were given in this case I do not remember, but know that none were given beyond the period of the quarterly payments to the States, for which purpose these transfers had been seasonably ordered."

Here, sir, there is the authority, conceded by the banks to their agent, he holding in his hand the written authority, "not necessary to be filed." Sir, I am sorry for the character of the majority of the committee; I regret that this resolution should be as it is.

But I have not done. Although here is evidence which shows you the when, and where, and how; it shows you the manner of these bank transactions, in all their details, as carried on through their agent. Not only has all this business been transacted by him, but Mr. Woodbury says that, upon some occasions, this agent took an appeal from his decisions, as Secretary, to the President of the United States; and, not content with that, he even went, or threatened to go, to Congress for redress. We have seen, from one of his published letters, that this private gentleman seems to have a fancy for enlightening and instructing this *opaque* body, these ignorant members of Congress, on his magnificent schemes of banking and legislation. That is a part of his ordinary duty; for he writes to the deposite banks, to these moneyed corporations, to use their exertions in making a concentrated movement upon this body, so as to produce some stupendous pecuniary result favorable to them and to himself, and which would enable him to fleece the people upon a more extended and liberal scale.

Having proven the official connexion, and that some of the deposite banks transact their business with the Treasury Department through Whitney, I will now show that the Department has looked to Whitney "as an organ" to transact its business with the deposite banks. Here is the position assumed by the majority in their last resolution, "that Whitney's business is to communicate information to the banks." That he is a mere correspondent, and only half a correspondent at that. He communicates nothing from the banks to the Department; mark that, sir!

Now, although this resolution declares, upon the character and responsibility of the majority, that such are the facts, Mr. Woodbury swears he is the organ of communication to and from the banks. Why, sir, if two steam engines upon the same track of railroad were to meet together, they could not come more directly and violently in conflict than does this resolution of the majority of the select committee with the testimony of Mr. Woodbury. He says, "occasionally they [communications] are made through Mr. Whitney to the banks!" Why, what more can be wanted, sir, to establish the utter falsehood of that resolution? Mr. Woodbury then says, "I am not aware of any letter on record, from or to Mr. Whitney," &c. Oh, no, sir! No letter "on record." That was one reason for my offering the resolution I did. If all be right, and fair, and honest, it ought to be there, sir. It should be "on record." I want to break up this secret, fraudulent, collusive connexion, upon which shadows, clouds, and darkness, have so long rested, between that officer and this agent. So much for the first and last resolutions of the majority, as sustained by the testimony.

But, sir, the resolutions are not consistent with each other. The first, as we have seen, explicitly declares that not "any" of the banks have employed an agent, at the seat of Government, to transact business with the Department, but the last actually acknowledges that there is an agent for some purpose. But they say he merely transmits information to the banks from the Treasury Department, &c. Nothing is transmitted from the banks themselves, through him, to the Department! No business done by him. Why, sir, he is only half a correspondent, at that rate. A correspondent to send information to a bank from the Treasury Department, but not a correspondent to communicate any thing from a bank to that Department. Sir, is that so? Is it possible that any one can have a doubt about it? Let us see.

Here is what Mr. Woodbury says; and let us see how it agrees with the resolution:

"8. Is Reuben M. Whitney the person through whom all or any of the communications, verbal or written, which are or have been made by the Treasury Department, or by you personally, to the banks of deposite of the public money of which he is agent, or which are or have been made by said banks to said Department, or to you personally?

"Answer. In reply to this question, if properly understood by me, I would state that most of the communications received from the deposite banks, or made to them, are direct between them and the Department, though occasionally they are made through Mr. Whitney in behalf of some of them. I am not aware of any letter on record, from or to Mr. Whitney as their agent, except as named in my report of the 11th instant; though, in some instances, I think, when making some request for information, in their behalf, he has shown to me letters, or held them in his hand, which he said were from them.

"When the application in their behalf has been made by him verbally, and no letter has been written by them to the Department, it has been customary to make him a verbal reply, if the business was of little importance; but, if it was considered of much magnitude, a written communication has generally been sent by the Department directly to the bank concerned.

"Other persons, as remarked in my report to the committee on the 11th instant, have been the organ of communicating the wishes of several of the deposite banks on several occasions, and in a manner similar to that above described as to Mr. Whitney.

"9. Are most or all of the communications received by you or the Department, from the deposite banks, or made to them by you or the Department, directly or through Mr. Whitney, contained in your communication of the 11th instant to this committee? If not, where and what are they?

"Mr. Gillet objected to its being propounded. On the question, shall the interrogatory be propounded? it was decided in the affirmative, as follows:

"Ayes—Messrs. Garland, Pierce, Fairfield, Wise, Johnson, Hamer, Martin, and Peyton.

"No—Mr. Gillet.

"The question being propounded to the witness, he returned the following answer:

"All the communications made to or from the Department, whether directly or through Mr. Whitney, which have been found on record or on file, and which relate to his appointment or compensation as agent, are believed to be annexed to my report to the committee on the 11th instant.

"But there are numerous other communications on other subjects with the deposite banks, relating to their duties and requests, &c.; both to and from them, and which probably fill several volumes, and are now at the Department."

"8. 'The names of the banks employing said agent' are, with the few exceptions before alluded to, unknown to me, except by rumor.

"Besides the Planters' Bank at Natchez, and the Commercial Bank at Cincinnati, copies of whose correspondence have already been furnished, I think that in one or two cases of difference of opinion as to claims made by the banks, through their agent, and in those alone, a written communication was shown to me by him concerning the authority confided by them.

"But the final question in those cases not having been one as to competent authority on the part of the agent to do any official act in their behalf, but as to the sufficiency of the reasons in favor of the claims or requests made by him, and which are believed not to have been acceded to, it did not become necessary to ask the evidence of his authority to be filed; and no names are recollected beyond those above stated, except the Commercial Bank at New Orleans."

He says, Whitney is "to be the organ, at times, of presenting their wishes to the Department in respect to subjects connected with their public obligations; and to procure here, and communicate, the best intelligence in his power on the state of the money market at home or abroad; on the condition of the currency and of the exchanges; and on the supposed legislation likely to happen in Congress, either as to the banks themselves, or as to heavy appropriations to be paid by them; and, in fine, on any other topic which he may consider interesting or beneficial to his employers."

Why not speak plainly like that? Why make use of an equivocation? Mr. Woodbury swears to the facts; and why report a resolution directly in the face of the facts, which overturns all he has affirmed on the subject? Why, it is impossible to make the case, by testimony, any plainer than he has done.

I will now, Mr. Chairman, come to the next resolution; it is as follows:

"*Resolved*, (as the opinion of this committee,) That no agent for the transaction of business between the deposite banks and the Treasury Department has been employed at the request or through the procurement of said Department."

How could they get Levi Woodbury to swear to that? No, sir, they could not. I brought him to the book, and he swore down that resolution, "*toto cœlo*." We always wanted men, under oath, to prove these facts; and, when we got them, we either made them disclose and prove them, or we made them skulk and shrink under the term "inquisitorial," or else they brazenly and conscience-stricken screen themselves behind the constitutional provision which protects a felon from testifying to his own guilt. Well, what are Levi Woodbury's words? Here is the question propounded to him:

"Have you ever given a recommendation in favor of Whitney, or has he been employed through your procurement?"

"None," said he, "unless that letter of the 5th of November, 1834, can be so construed."

Mr. Chairman, that was the very thing we wanted. He would not himself say but what that was a letter of recommendation for Whitney, and that it was so meant and so intended. He could not say otherwise; it would have been in the face of reason, and in direct violation of the most palpable construction of the English language, to deny that it is as strong a recommendation as was ever penned by man, for both the scheme and the agent who was applying for the office.

But, sir, what does Mr. Ela, the confidential clerk of the Secretary of the Treasury in that Department, say?

"10. Do you know of any application made by Mr. R. M. Whitney to any officer of the Treasury Department, either for a recommendation to be employed as agent for any deposite bank, or for an agency or office in that Department connected with the deposite banks?

"Answer. I do not, further than is contained in the letter of the Secretary to him, dated in November, 1834, appended to the Secretary's answer, which I have seen."

Here, then, we see that Levi Woodbury and his clerk admit the letter of recommendation. Now, what is that letter? It was written in reply to Reuben M. Whitney's letter of the 4th of November, 1834, enclosing a copy of the celebrated letter from certain deposite banks, written by Whitney himself, proposing to convert the Treasury Department into a Bank of the United States, with State banks for its branches, and placing Reuben M. Whitney at the head of a bureau in the Department, to be assimilated to a committee in the bank, called the committee on the branches, thereby placing the whole

fiscal concerns of the country under his care and supreme control. These were the propositions contained in that letter: that Whitney should be placed at the head of such a bureau, with these powers, and for this object, with a salary of $5,000 per annum. When these propositions reached the ears of Mr. Taney, he never condescended to reply in writing to them.

Here is what he (Mr. Woodbury) says in reply to the former application:

"To that application I made answer the ensuing day, stating what was my own opinion, and what was understood to be the opinion of my predecessor, (corresponding with my own,) that the Treasury Department, under existing laws, had no authority to constitute any such officer or agency; and if one was appointed, it must be done by the banks themselves."

Now, when Whitney approached Levi Woodbury with this letter, it should be remembered when it was, and under what circumstances. When he came to Mr. Duane, upon the 15th of June, 1833, almost three months before the deposites were removed from the Bank of the United States, he applied for this agency in advance; and the first sentence of his letter sets forth—

"That he having enjoyed the confidence of the President in a great degree, &c., and knowing the views of the President on the subject of the removal of the public deposites, &c., I look upon that measure as definitively resolved upon, so far as his views and recommendations have weight and influence. I have good reason to believe that the President will forward a communication from New York to you, expressive of his views and wishes upon this subject."

Whitney further says:

"I take the liberty of tendering to you my services to execute the duties and to solicit the situation."

He further states:

"I have never spoken to the President upon this subject, but circumstances lead me to think that I should not be otherwise then perfectly acceptable to him. The only persons to whom I have mentioned the subject, connected with the Government, are Messrs. Taney and Kendall—to the former gentleman a week since, at Baltimore, who replied in these words: 'I have always understood, and taken it for granted, that you were to have the situation when it is created.'"

Mr. Duane replied to this letter on the 17th June, 1833, and in that response to this impudent application he raised himself in the estimation of all honest men of every party. Whitney tried to introduce himself to Mr. Duane, to become Secretary of the Treasury *de facto*, and thereby save that gentleman all trouble of thinking for himself. Mr. Duane made a very polite reply, and said:

"Whenever the President shall express his wishes in relation to any subject of public concern, or with regard to yourself, I will so act, I trust, as to merit the respect of the President and preserve my own."

This array of high officers had no effect on Mr. Duane. This was the last communication that passed between Mr. Duane and Whitney.

He then, sir, comes upon Mr. Taney, backed by the recommendation of six banks, but with no better success than he met with from Mr. Duane.

Mr. Taney's conduct merits the highest praise; and I must do him the justice to say that he stated, upon his oath, that the statement of Whitney, as far as regarded himself, was false; that he never encouraged him; and, in his letter to Mr. Reverdy Johnson, he puts his refusal on the ground of that individual's notoriously bad character, saying "his appointment would be received, I am sure, with one general, universal feeling of disapprobation, by friends and foes. I will never mortify my friends by such an appointment," &c. Amos Kendall also denies, in his evidence, having been consulted by Reuben M. Whitney, as stated in his letter to Mr. Duane. This is a question of veracity between Amos and Reuben, in which no honest man should interfere; let it, therefore, stand as a family affair between them. But a year afterwards, when Mr. Taney was gone, Mr. Duane swept away, and Mr. Woodbury came into the Department, then we find Whitney there. I asked one of the clerks, when did Whitney first come amongst them? Soon after Mr. Woodbury was placed at the head of the Department, was the substance of the reply. Yes, sir, then it was that Reuben M. Whitney became a "pet"—that he was taken into the Department—into the bosom of the Secretary. Let these things be remembered, and that he was just setting out upon his grand Northern tour, to make a personal application to the deposite banks to employ him as their agent, and that he was hunting up letters of recommendation to carry with him; the letter of Levi Woodbury of the 5th of November was obtained, and was used for that purpose every where he went. Mr. Woodbury, as we have seen, did not pretend to deny it was a letter of recommendation. Sir, in what company this letter was found! Whitney also applied for, and obtained, another strong letter of recommendation from one, as he says, "high in the confidence of the President." Here is the language of the anonymous letter itself:

"The President and Secretary of the Treasury, I know, view the subject in the same light that I do, and will be gratified if the banks will establish such an agency; and, from his talents, experience, and fidelity, no appointment would be more acceptable to them than that of Mr. Whitney, who has already been recommended to the Department."

This is the letter the authorship of which has been suppressed by a majority of the committee and by this House.

That letter was not signed. It was anonymous, but was carried in company with that of Mr. Woodbury. The bank at Burlington, Vermont, before whom they were laid, said, in reply, "that, in all business transactions with the Government, they [the board of directors] have and wish to meet their views." Now, sir, what was this which the board of directors considered a "business transaction with the Government?" It was the appointment of Reuben Whitney as their agent. Sir, it is impossible to misunderstand this letter of Mr. Woodbury. Take the construction put upon it by the Moyamensing Bank, of Philadelphia, when it was laid before that bank as a recommendation of Mr. Whitney. In a resolution of the board, referring to this letter, they say: "R. M. Whitney, Esq., coming highly recommended, &c., we do therefore employ him," &c. This was the only letter of recommendation, as it appears, before the board, and they consider it a high recommendation of Whitney. Yet, in the face of all this testimony, we have a resolution from the majority of the select committee, declaring that he has not been employed at the request or through the procurement of the Treasury Department. That, sir, is the resolution. Here is the proof. How, let me ask, can they stand together? Many of our friends have manifested no little uneasiness to me, knowing the multitude of difficulties thrown in the way of this investigation; but I can tell them, Mr. Chairman, with confidence, that, when they see how much direct positive proof we have elicited, they will admit that all we have ever said, ever thought, or imagined to have existed, will fall far, very far, short of the developments which are made. I have been astonished myself at the evidence brought to light before this committee.

A few words upon the 5th resolution of the majority,

and I will pass on. In effect, this is the substance of the resolution: that this agent, such as he is, is a mere correspondent, a mere channel to convey information to the banks, but never from the banks.

Now, Mr. Chairman, I will call the attention of the House to one other subject upon this branch of the case. You all remember the celebrated Treasury circular of the 29th August, 1835, in which Mr. Whitney assumed upon himself the power to prescribe what bank notes should or should not be received in payment for the public lands, and which winds up with a threat that, upon any violation of his orders, he was authorized by the Secretary of the Treasury to say that "HE [the Secretary!] would take prompt measures!" &c.

Now, Mr. Chairman, you recollect how this was denied, evaded, attempted to be concealed, and how the Globe published mutilated accounts of it; and yet, sir, when we get Mr. Woodbury, and even Reuben Whitney himself, upon the stand, they both acknowledge it to be genuine! that it is a *bona fide* order, conferring upon Whitney all the power the circular purports he possessed. Here is the question, sir, which brought it out:

"32. Have you ever used the following language in any of your circulars, letters, or instructions, to any of the public officers, to wit: 'I have forwarded a copy of this to each of the public receivers, and have no doubt that they will act with such fairness that no injustice will be done to any one of the deposite banks. Should it ever be otherwise, and any one of the banks have cause to feel aggrieved, I am authorized by the Secretary of the Treasury to say that he will take the most prompt measures to remove any just cause of complaint?' If yea, state whether you had received any such authority from the Secretary of the Treasury.

"Answer. I refer the committee to my printed letter of the 29th of August, 1835, (see appendix I 2,) in which will be found the paragraph quoted in this interrogatory.

"In effecting the arrangements informed of in that letter, a fear was expressed by some of the banks that the banks and receivers might not act in perfect fairness with each other; and that some of the banks might be subject to impositions under the arrangements they entered into. I communicated the same to the Secretary of the Treasury; who, viewing, as I believed, the arrangement an important one for the community, and for the purpose, as I supposed, of inspiring the banks with confidence that they would not be imposed upon, told me I might communicate the substance of what is contained in the concluding part of the quotation, though probably in other words.

That printed letter was forwarded to the public land receivers by me as a mere matter of information, but not of 'instructions.'"

Now, sir, that that statement of Reuben Whitney is true can be shown by the facts and circumstances of the transaction, Mr. Woodbury knowing his intention of sending the circular, and actually franked that very circular, to those receivers and those banks, knowing what it contained, as he in effect admits himself. I will cite the question propounded to Reuben Whitney himself on this subject of franking:

"34. Have you or have you not issued such circulars as are above mentioned to any other officer or officers of the Government? If yea, to whom and when? Either furnish the committee with copies, or state their purport if you cannot furnish copies.

"Answer. I do not recollect to have issued any circulars, except such as were intended for the deposite banks; copies of which, in the instance referred to, were sent to the public land receivers, and for the purpose mentioned.

"35. In forwarding to the public offices and the deposite banks the before-mentioned circulars, or making any other communications to them, have you at any time used the frank of the Secretary of the Treasury, or any other officer of that Department? If yea, state whether it has been your habit to do so.

"Answer. The Secretary of the Treasury franked, or authorized to be franked, two or three of the circulars furnished to the committee, marked A, one of which was forwarded to many, if not all, of the deposite banks, and of one of them a copy was sent to each of the receivers, also franked by him; also, tables showing the condition of the deposite banks, which I have occasionally prepared, the character of which was, in all cases, made known to him, on the papers themselves being first shown to him. Beyond these I do not recollect that he has ever franked, or authorized to be franked, any communications to the banks, or to any person whatever, of mine."

But, sir, another, and one of the strongest evidences that this illegitimate, collusive association between your Secretary of the Treasury and this deposite bank minister near your Treasury Department ought to cease. Why, sir, Reuben Whitney has access to every document, letter, and paper, in that Department, whether it concerns the public money, the deposite banks, or any other matter. Not only so, sir, but he will go to your Department, enter the rooms of the clerks, and take from the file such original papers as he sees fit, and carry them through the street to his own room, where he will keep them till the next day, or till it suits his pleasure or convenience to return them. That, sir, is the positive and direct testimony of one of the clerks, Mr. McGinnis. It occurred, he testified, during the present session of Congress. A Senator wishing to obtain some information from the Department, instead of applying himself to the Secretary, he goes at once into Whitney's room, to the fountain head of information, and Whitney goes into the clerk's office, takes down the file, and carries it to his own room. The statement of the witness is, that he said Thomas H. Benton, Senator from Missouri, wished to obtain some information from him, and he accordingly took the original files containing it, passing down stairs from the third story of the building, passed along the Avenue, and then entering at another door, took them to his own room, where he and the Senator kept them all night, and it was some time next day before they were returned, when the fact was, for the first time, made known to the Secretary, who rebuked the clerk, but had not the boldness to rebuke Mr. Whitney. No, sir; it was all right, so far as he was concerned, for neither the clerks nor the Secretary dare to resist him. You have humbled yourself to his power; he is above you; why, you all must bow to Reuben M. Whitney as well as to his master! Not a word of rebuke to him, sir; oh, no! The helpless, honest clerks are censured, but Reuben M. Whitney is retained; and, although he is not paid by the Secretary, or nominally out of the public money, yet he is under the same roof, in the same building with the Secretary, nay, they use the same wash-basin, and Reuben M. Whitney can take almost any and every liberty he pleases. Hence his power, his employment, his emoluments.

On another occasion, he goes into a store, and, seeing some handsome paper that took his fancy, he instantly orders some of it to be sent over, and to be charged to the Department. All's right, sir; it was ordered by "Mr. Whitney." The witness, Mr. Sullivan, testified to this fact, and he produced his leger, showing the entries corroborating the fact.

Not only so, sir, but the Secretary of the Treasury has acknowledged upon oath instances where Whitney

thought for the Secretary, where his talents were brought into requisition for the service of the Department, where his statements have been sent to Congress by the Secretary as his own. This is not right. We have two Secretaries—one to think and write, and another to receive the salary. Surely, the thinking one ought to be paid, and it seems the salary of the other ought to be increased, or he ought to be removed. I give my reason, sir. He must be hard run for change. Why, sir, he sent in to the committee a claim for five days' attendance, at two dollars a day, amounting to the enormous sum of ten dollars. The Congress of the United States ought certainly to increase his salary, and make it six thousand and ten dollars. But how did he get it up to ten dollars? Why, he would come to the committee room, undergo an examination of half or three quarters of an hour, or less, and then say he was compelled to leave the committee on official business. In this way, he made out seven days, and sent his account, in writing, by a confidential messenger, with authority to receive the money; but it turned out that no more than five days could be made out from the journal, by which he said he would be governed in this important affair, and so he gets his ten dollars.* This, Mr. Chairman, is Levi Woodbury, Secretary of the Treasury! It reminds me of a little incident I heard of him. As I descended the Ohio on my way home last summer, I was informed by a very intelligent gentleman who was educated at the same seminary with him. He spoke of Levi Woodbury as the stingiest boy in the whole school, who was never known to expend one cent. One day, however, (said he,) he, in company with my informant, went to a large collection of the people, (an election, I believe,) and, contrary to all expectation, he bought a ninepence worth of milk punch, and divided it with his friend. They returned to college; and when this unprecedented act of liberality, on the part of Levi Woodbury, was made known, many would not believe it. What! that he should buy a ninepence worth of milk punch, and divide it with a friend! It was incredible! And upon the establishment of the fact, there was a general illumination in commemoration of the occasion. And, Mr. Chairman, let no man disbelieve this punch story, after this ten-dollar affair.

Mr. Chairman, one great necessity for legislation on this subject is the attitude assumed both by the deposite banks and by their agent. It is this: That the deposite banks are responsible only to the Secretary of the Treasury or his agent, but that they owe no responsibility to Congress. That is the position which they assume. Notwithstanding they have undertaken the charge of the deposites under the act of Congress, yet they insist that Congress has no power of supervision or inspection over them, because it has delegated that power to the Secretary. Then how does it stand? Here is your ten-dollar milk-punch Secretary and Reuben Whitney, who have entire and unlimited control over the treasure of the nation, from which there is no appeal! Conceive the case, sir, of the whole being seized, and a division of the spoils about to take place. According to this doctrine, Congress has not even the power to interpose and save it! That is the position which they assume.

What does the Secretary himself tell you? That, notwithstanding, from the first instructions given by the President, through Mr. Dusne, to Amos Kendall, special agent to visit the banks, and see upon what terms they would receive the deposites, it was expressly stipulated that an agent should be appointed, with full power to examine into the condition of them all, not, to be sure, touching their private affairs; and that, notwithstanding this power was contemplated in the first contract with the original deposite banks, and the insertion of such a provision in the recent law, yet, what does Levi Woodbury say? Why, he says "I have not, and never will appoint such an agent." What is the protection now? Why, that the banks are the principals, and Whitney their agent—a shameful perversion of terms, sir. Reuben Whitney is their dictator and their plunderer. Let me give you an instance.

Three banks in the city of New York fixed his salary at $600 per annum for each bank. The Bank of America even passed a resolution that he should have no more than that amount; but he soon compelled them to reverse their resolve, and he demanded $1,000 from each; they yielded to his demands. He is now their agent, and is in the receipt of this sum annually from each.

There is another and a still more flagrant case. The Bank of Burlington, Vermont, in reply to his importunities, almost goes on its knees, to beseech him to have mercy on it; for that, owing to its remote and isolated situation, they have no need of an agent. But he renewed and repeated his requisitions, till they were driven finally to make an unconditional surrender, telling him, "we have employed you, but have fixed no salary; we leave that to yourself." And he fixed it, sir, accordingly.

Now, Mr. Chairman, there is a peculiar way of managing these matters between Whitney and the banks; and as I am in possession of it, and as every gentleman, of every party here, ought to wish to know it, I will read it for their especial edification.

President of the Bank to R. M. Whitney.

"Burlington, *February* 12, 1835.

"Your letter, dated the 23d ult., is received, on the subject of an agency of the deposite banks. I have communicated the same to our board of directors, and am instructed to say that, in all business transactions with the Government, they have and wish to meet their views, and do the public business intrusted to them to their satisfaction.

"So far as this institution may be profited by an agency, as it respects business, public or private, they will cheerfully pay a sum commensurate to such advantages."

Cashier of Bank of Burlington to R. M. Whitney.

"Burlington, *January* 25, 1836.

"Being located in the same place where a branch of the United States Bank was established, and as we are a deposite bank, where the branch has discontinued its operations, the public seem to expect that we could at once afford the same facilities and accommodations that they enjoyed when the branch was doing business. There has been, on the part of our directors, a desire to meet this expectation; and the consequence has been, that a very sensible change has taken place, politically, in favor of the Government; and as it is our desire to strengthen these sentiments, we feel that it is important to afford to our farmers and merchants the coming spring a pretty extensive accommodation, especially about the time of the wool clip. * * * * *

"My wish is, that you would have an interview with the Secretary of the Treasury on the subject of allowing the present amount to remain, or, rather, that the warrants in favor of the pension agent should not be made upon the deposite for next spring."

* On the 10th of March, several days after this speech was delivered, Mr. Peyton called for a copy of Mr. Woodbury's account, to be published with his remarks, but was informed by the clerk that Mr. Woodbury had withdrawn his account. Ten dollars saved for distribution among the States.

R. M. Whitney to the Cashier of Bank of Burlington.

"WASHINGTON, *March* 18, 1836.

"I called upon the Secretary of the Treasury, and went to the Commissioner of Pensions, and can assure you that you have nothing to fear from the efforts of your neighbors. No other bank will be employed by either Department unless compelled to do so by the legislation of Congress. Mr. Everett, a member from your State, has been trying to have the pensions paid in another quarter, (Windsor, I suppose.)

"You need not fear but I will look after and protect your business."

From same to same.

"WASHINGTON, *August* 23, 1835.

"As it may be important for you to know, as a guide in your operations, I can state to you that, until January next, I feel confident you may safely calculate upon the Treasury deposites being kept up to the maximum of what your bank can hold; say three fourths of the amounts of capital."

Now, sir, does not that paper at once convince the most incredulous that this bank applied for the use of the public money for the purpose of effecting political changes in favor of the administration? It will not be denied that it did have that effect in some degree, and that the bank continued to exert its influence for like purposes, especially about the time of the elections—about the time of the wool clip—when they were told they should have liberally of the public money: the people were literally fleeced—dyed in the wool, sir; dyed in the wool. In the month of August, Whitney tells them "you shall have as much as your bank can hold" for six months to come.

I wish here to say, sir, that no man can feel more the necessity that I felt myself under, as a man and as a member of this body, to discharge what I think should be considered a solemn duty to my country, and a duty also to myself, to take the course which I have done in this investigation. And, sir, I knew well what I would have to deal with. I may well say that, considering the use made of the executive power, I am astonished we have been able to do any thing; but we have accomplished more than the most sanguine of us ever contemplated. I was assailed in the official journal, as you well remember, sir, as having made a false and slanderous statement in regard to Mr. Taney and Reuben Whitney. Mr. Taney has himself testified to the truth of my statement. But, sir, I have had more to bear, and I have borne it more patiently from others than even from Mr. Whitney. Sir, I care nothing about Whitney. If I did not think he was doing a serious public injury, neither his name nor his concerns would ever occupy my thoughts. I solemnly believe, before God and man, before this House and the country, that Reuben M. Whitney has been stimulated to treat me with rudeness and with personal violence. Hence his course in the committee, where he cast, as it were, his offensive card in my face, coupled with the most insulting frowns on account of what I had stated in relation to Mr. Taney's refusing to countenance him. Out of that transaction statements have gone forth and been scattered far and wide, comments have been made, facts have been sworn to, which, Mr. Chairman, never had an existence. I am as charitable, I hope, as any one to my fellow-men, but gentlemen have stated what I know to be incorrect.

Sir, that my friend from Virginia [Mr. WISE] on that occasion left his chair, and walked with me when I went to Whitney, and rebuked him for the manner in which he had treated me, is not only unlikely, but impossible. Sir, before God, such a thing never happened! The gentlemen gave their statements upon oath. Well, sir; that only shows, perhaps, that they might have been at the time in a condition not to recollect any thing. I was astonished at the gentleman from Maine [Mr. FAIRFIELD] stringing together such a set of oaths as he did, and that other gentleman should take a copy of them to swear to; nay, more, that there should be a concerted movement upon the subject of getting those oaths upon the journal of this House. Now, that I made use of unbecoming language, I will not deny, because I was highly excited at the time; but I instantly apologized to the committee. I would not have used such language, certainly, under ordinary circumstances of excitement. But, sir, that gentlemen should calmly and deliberately undertake to make it a matter of record in this House, is unaccountable, and wholly unprecedented. Why, sir, the gentleman from Maine [Mr. FAIRFIELD] strung together a set of oaths that would prove to every body in America that I was no swearer. He has strung them like a silly country girl stringing birds' eggs, hen eggs, duck eggs, goose eggs, and turkey eggs—mixed with a little Yankee pumpkin—out of time, and out of place, without sense or meaning in them. Sir, I can account for this but in one way, as I am unwilling to attribute improper motives to that gentleman, who is one of that class of Christians who consider swearing an unpardonable sin, but can look with perfect complacency upon the robberies perpetrated upon the Treasury by Reuben M. Whitney.

I say, sir, I cannot charitably account for that gentleman's want of memory but in one way; and that was the manner in which Dr. Gloster's friends accounted for his mistake on a certain occasion. It was during the late war, on the Northwestern frontier, when the Doctor, with a small detachment, ventured out from the main army, and remained all night. About daylight next morning he was seen coming, panting and blowing. "What's the matter, Doctor?" "Matter enough, (cried he;) a thousand Indians out yonder, firing all around the camp, and have killed every one of the boys." "Is it possible? What party can it be?" "Tecumseh's party, for I heard *General* Tecumseh say, as plain as any thing, 'I'll have Doctor Gloster's scalp before day, by G—.'" Well, sir, all the boys soon came in, one at a time, and it turned out to be nothing but the howl of a wolf which had alarmed the excellent Doctor's fears so much.

And, sir, the gentleman from New York, [Mr. GILLET,] what was his condition, that he is able to swear with such particularity on every word which passed on the occasion? He was between a wild and a shy, peeping for a place to get out, like a wild turkey out of a pen, alarmed, no doubt, at the giant frame of Reuben. He knew about as much of what passed as the lame captain did of the battle which he did not wait to see. You recollect the case of the lame captain, sir: he was in the woods with his men, and suddenly coming upon the Indians, cried out, "Boys, here they are!" peeping under the bushes, said he, "they are very numerous, and my opinion is they'll whip us; but fight hard, retreat in good order; as I'm a little lame, I'll go now."

But, sir, I forgive these gentlemen for all they have said, or thought, or have sworn against me, because I hope they believed it.

Mr. Chairman, I have but one other question to ask, and then I take leave of Reuben M. Whitney forever—and that is, who is he? How came he in the Treasury? Why is he possessed of so much power? Why, sir, gentlemen, under the 29th interrogatory, have gotten a few favorable responses, "so far as the witness knew, individually, as to his character for integrity and capacity." They got hold of one man, a director in the Moyamensing Bank, who would not trust him with his private affairs, from his general character. When we asked Levi Woodbury whether, from his general character,

he would believe Reuben M. Whitney on his oath, the majority of the committee would not let the question be put, even to him. Why, sir, Whitney invited an investigation into his character: he went to Canada, and Philadelphia, and Washington, and challenged the world to inquire into his conduct and standing. Yet, sir, whenever, in the committee, we approached his character, gentlemen shrunk back, and proclaimed that we had no power to ascertain whether this secret Treasury agent was an honest man and a patriot, or a rogue, bankrupt, and traitor.

I, sir, propounded the following interrogatories, which were rejected:

"32. Do you know R. M. Whitney's general character? If yea, what is his character as an honest, trustworthy man? Would you, from his general character, believe him on his oath, or trust him when he was subject, by great pecuniary temptation, to err?

"Mr. Gillet objected to this question, which was decided in the negative by the following vote:

"Ay—Mr. Peyton.

"Noes—Messrs. Martin, Pierce, Fairfield, Gillet, Garland.

"33. Has he or has he not borne the general character, at and about Philadelphia, of having been a traitor, and one of the British emissaries who were engaged in smuggling gold from the United States of America, to pay the British troops in Canada, during the late war, and of having acknowledged and made a boast of the same to gentlemen in Philadelphia? Did he not sustain the general character in Philadelphia, after the war, of being the keeper of a gambling-house, or faro bank, in that city? Does he not now sustain the character of a bankrupt, who is defrauding his just creditors, while he is living in the prison-bounds of this city in a style of princely extravagance?

"Mr. Gillet objected to this question, which was decided in the negative by the following vote:

"Ay—Mr. Peyton.

"Noes—Messrs. Garland, Pierce, Fairfield, Martin, Gillet."

Now, sir, is Reuben M. Whitney fit to be trusted with the management of your treasure? Is he not a notorious bankrupt, now living within the prison bounds of this city? I have filed with the minority report a transcript, which the committee rejected, but which I obtained myself from the records, showing the amount of judgments now in damages against him in the court of this District to be upwards of $95,000. Sir, we offered to prove, not only that Whitney was a bankrupt, but that he was guilty of the most dishonest practices to defraud his just creditors. We also offered to prove a declaration of Whitney himself, that, if his creditors would not compromise with him upon his own terms, he would take the benefit of the insolvent act. We could have proved that all that splendid and princely establishment of his belonged, or had been made over, to others, and that he did not own a dollar in his own name. And yet, sir, he gives diplomatic dinners. His Britannic Majesty's minister lives not in a more costly and magnificent style than does Reuben M. Whitney. Yes; you who have sat at his board, and feasted at his table, ate the meat and drank the wine of his honest creditors. Yes, sir, on the very night of that day when Whitney took his stand in contempt of the authority of this House, in defiance of its power, he gave a splendid dinner, and many, I know, of the members of this House attended. The President elect, the Vice President elect, and all the heads of the departments, went up to do him reverence. Why, sir, he greatly surpassed your ten-dollar Secretary. Nine hundred invited guests; 500 dollars in champagne: not Woodbury's sort, but the best which the public money could command. Sir, let me ask you, if the committee had then reported him for a contempt, what condition would this House have been in the next morning to pass on his case? Would gentlemen here, with Whitney's wine thumping in their heads, with his beef eaten the night before still undigested, have been prepared to send him to prison, as a court of justice would have done, there to remain until he was willing to answer interrogatories? Reuben, perhaps, thinks, as many others do, that the shortest way to men's affections is down their throats!

Now, Mr. Chairman, it is a little remarkable that even gentlemen who were on the bank committee of 1832, where his perjuries and his treason were proven, and who could not, consequently, have been ignorant of his character, were of that party. Many gentlemen, doubtless, went without knowing his character; some went by the force of example; others because, perhaps, they liked a good dinner more than they hated Reuben M. Whitney, though they knew his character.

Mr. PEYTON here read from the minority report of the bank committee of 1832:

"There was one occurrence, during the transactions of Thomas Biddle & Co. with the bank, which merits particular notice.

"An informer and witness, by the name of Whitney, who had formerly been a director of the bank, was produced, who declared, upon oath, that, in May, 1834, two of the cashiers of the bank had informed him that Thomas Biddle & Co. had been in the habit of drawing money out of the bank on a deposite of stock in the teller's drawer, without paying interest; and that the president of the bank had discounted two notes, one for Thomas Biddle & Co. and one for Charles Biddle, without the authority of the directors. This witness stated that he went with these officers of the bank and examined the teller's drawer and the discount book, and found the facts which had been stated to him verified by the examination. He also stated, to give additional certainty to his averments, that he made a memorandum at the time, with the dates of the transactions; which memorandum he produced to the committee. Having thus unalterably fixed the date of the transaction, as if by some fatality, he went on to say that he immediately proceeded into the room of Mr. Biddle, the president, and remonstrated with him against the irregular proceedings, and that Mr. Biddle promised him that they should not occur again.

"In the interval between the adjournment of the committee that day and its meeting the next, a member of the board of directors suggested to Mr. Biddle that he was, about the time of this alleged transaction, in the city of Washington. On examining the journal of the board, and the letter book, it was found, by entries and letters, that, for several days previous to the alleged interview between the president and Whitney, and for several days afterwards, the president was absent on a visit to this city, on the business of the bank, and General Cadwalader was acting as president in his place. Thus was this artfully devised story, which was intended to blast the reputation of a high-minded and honorable man, through one of those extraordinary interpositions by which Providence sometimes confounds the contrivances of the wicked, made to recoil upon the head of its inventor, who must forever stand forth as a blasted monument of the speedy and retributive justice of Heaven.

"The following resolution was unanimously adopted by the committee, a majority of whom were the political friends of said Whitney, and three of that majority, to wit, Messrs. F. Thomas of Maryland, C. C. Cambreleng of New York, and Colonel R. M. Johnson of Kentucky, are now members of the House of Representatives:

"*Resolved*, That the charges brought against the president, of lending money to Messrs. Thomas Biddle & Co. without interest, and of discounting notes for that house, and for Charles Biddle, without the sanction of the directors, are without foundation; and that there does not exist any ground for charging the president with having shown, or manifested any disposition to show, any partiality to those individuals in their transactions with the bank.

"The following questions were propounded to said Whitney, when examined before that committee in 1832:

"Question by Mr. Watmough. How long have you been a resident of this country?

"Answer. I was born in this country.

"Question by the same. Were you not a resident of Canada during the late war?

"Answer. I resided there from 1808 to the spring of 1816, when I removed to this city.

"Question by Mr. Adams. In what place in Canada did you reside during the late war?

"Answer. In Montreal. I went to Canada as a clerk. I afterwards became engaged in business on my own account. When the war broke out, I had a great deal of money scattered about in that country, having sold much on credit; all of which I should have sacrificed by leaving it when war was declared. I remained, therefore, having the permission of the British Government to do so.

"Question by Mr. Adams. Did you ever ask permission of the Government of the United States to remain there?

"Answer. I never did.

"Question by Mr. Adams. On what conditions did the British Government permit you to remain in Canada during the war?

"Answer. I took an oath to observe the laws of the country while I remained there.

"Question. Did you understand that to be an oath of allegiance?

"Answer. No; I did not, permanently."

Not "permanently." No, sir, he only took an oath of allegiance during the war, from 1812 to 1816.

Sir, this lame apology, which places Whitney's avarice in bold relief with his patriotism, is wholly untrue. He was a traitor, who obtained the favor of the King of England by perpetrating treason against his own country, as he did the favor of General Jackson, by perjury against the bank, of which he had been a director.

How could these gentlemen, who were on the bank committee, [Messrs. FRANCIS THOMAS of Maryland, RICHARD M. JOHNSON of Kentucky, and CHURCHILL C. CAMBRELENG of New York,] and who voted for that resolution which affixed to his name eternal infamy—how could they honor him with their presence at that dinner?

Mr. THOMAS explained, and, as a member of that committee, stated several circumstances which induced him to believe that Mr. Whitney was not perjured, but had honestly stated what he appeared to have sufficient grounds for believing.

Mr. PEYTON then called on Mr. J. Q. ADAMS, to know if what he had read from the report of the minority of the bank committee was not correct.

Mr. ADAMS said that, after the course which he had deemed it his duty to take throughout the whole of this investigation, that is, of taking no part in it whatever, he had hoped to be spared the necessity of saying one word to the House in relation to it, or having any connexion with it, or with the individual whose very name he had no disposition to pronounce. But as the gentleman from Tennessee, [Mr. PEYTON,] after reading a passage from the report of the minority of the committee appointed to investigate the condition of the Bank of the United States in April, 1832, to which report his (Mr. A's) name was subscribed, had thought proper specially to call upon him to confirm the statement which he had read, he felt it was no longer proper for him to remain silent; but, in what he was about to say to the committee, he should confine himself strictly within the call of the gentleman from Tennessee, with the exception of a very few remarks upon what had fallen from the member from Maryland, who had also been a member of the bank investigating committee of 1832, [Mr. THOMAS.]

There were three reports made from that committee to the House of Representatives, with a considerable mass of documents appended to each: the report of a bare majority, which had the assent of the gentleman from Maryland; a report written by the chairman of the committee, (Judge Clayton, of Georgia,) who afterwards, in a manner highly honorable to himself, and with a magnanimity as generous as it was rare, publicly retracted, in this hall, every word of it that was disparaging to the character of the president of the bank; the report of the minority, from which the gentleman from Tennessee has read the extract which he now called on Mr. ADAMS to avouch; and a separate report made by Mr. ADAMS himself, and signed by one other member of the committee. The report from which the extract had been read was written, not by Mr. ADAMS, but by a member then among the most eminent men in the House, and since that time Governor of the State of South Carolina, (Mr. McDuffie.) It had also been subscribed by Mr. ADAMS, who, in his own report, had given his own views in relation to the transactions referred to in the extract just read. That extract, he repeated, was not written by him, but he had subscribed his name to the report in which it was contained; and, as he stood in presence of God and of the House, he now believed every word of the extract to be true, as he did believe when he signed the report.

With regard to the explanations and revisions of opinions of the gentleman from Maryland, with which he had favored the committee, Mr. ADAMS would not have thought himself called upon to notice them, but that they had an appearance, he could not believe intentional, of reviving and countenancing dark suspicions of dishonor against a man as honorable as any one that breathed upon earth; a man basely slandered and persecuted, and whom he numbered among the dearest of his friends: he meant the president of the Bank of the United States.

The resolution read by the gentleman from Tennessee, "that the charges brought against the president of the bank, of lending money to Thomas Biddle and Co. without interest, and of discounting notes for that house, and for Charles Biddle, without the sanction of the directors, are without foundation; and that there does not exist any grounds for charging the president with having shown, or manifested any disposition to show, any partiality to those individuals, in their transactions with the bank," is stated in the report to have been unanimously adopted by the committee. It was so understood at the time. But now, the gentleman seems not to know whether he voted for it or not. He says that if the yeas and nays had been taken, he should probably have voted for it then; but, after time for reconsideration and re-examination of the evidence, he has had occasion to alter his opinion. He withdraws now, at the end of five years, whatever credit his assent to that resolution may have given to the unanimous acquittal by the committee of the president of the bank from a charge maliciously and infamously false. He is not yet quite willing to assume the burden of defending the general character of the delator. He knows very little about him, and has been but once in his house; but he thinks his charges against the president of the bank were true, or, at least, not wilfully false;

because, notwithstanding they were flatly contradicted and denied by every individual witness to whom he appealed for confirmation of his statements, they were yet confirmed by the entries on the books of the bank; and because Mr. Philander Stevens, then a member of Congress, did, even while the committee were at Philadelphia, obtain a loan by order of the president, and without a vote of the directors. The transaction with Mr. Stevens was not within the commission of the investigating committee, and was satisfactorily explained and accounted for at the time. But the charge affecting the integrity of the president of the bank was, that, by his direction, Thomas Biddle & Co., brokers, and his relations, were habitually allowed to take large sums of money out of the bank, giving merely their notes for the amount, or depositing mere slips of paper, or pledges of stock, in the teller's drawer, all without the knowledge of the directors, and without payment of interest, while they had the use of the moneys. This was no occasional irregularity, or incidental and inadvertent looseness of practice in the hurry and multiplicity of business; it was a direct charge of gross malversation in office against the president of the bank, and as such it was first brought forward in the committee. To substantiate this, a dirty old paper, containing a minute of two sums of money, thus alleged to have been taken from the teller's drawer, on the 25th of May, forty-five thousand, and on the 26th of May, twenty-four thousand dollars, was produced, and sworn to be minutes taken at the time; and it was sworn that, when this practice was thus detected, Mr. Whitney ordered these sums should be entered upon the books, which was accordingly done; that he immediately went into the president's room; there expostulated with him against this practice; that the president colored up very much, and promised that it should not happen again. The criminality of this charge, had it been true, consisted in the allowance to the brokers to take out money and use it without payment of interest; and the pretended interview and expostulation with the president, and his blushes upon detection, were to prove a consciousness in him of dishonesty and breach of trust. Now, all this was not only positively and most solemnly denied by the president of the bank himself, but every individual to whom Whitney appealed to sustain his allegation of facts, as flatly denied them—the teller, the discount clerk, the cashier then of the bank, every one of them, denied every part of such a transaction as having occurred within their knowledge. When every individual named as having acted in the transaction had thus explicitly denied his statements, he resorted for confirmation of his narrative to his own testimony, as he had told the story to others shortly after the dates of his minutes. He had told it to a Mr. Wilson Hunt; and Mr. Hunt was examined by the committee. Mr. Hunt stated that Whitney had spoken of certain loans which he said had been made to Thomas Biddle & Co. without the knowledge of the directors, and had shown him a memorandum which he had taken of such loans; but he denied unhesitatingly, and with a strong expression of surprise, that he had ever told him they were without interest, and said he was very sure, if he had told him so, it was impossible he should have forgotten it.

[Mr. Anthony interrupted Mr. Adams by raising a question of order, and objecting that these statements were not relevant to the subject under consideration. The chairman (Mr. Pierce, of New Hampshire) said the debate had taken so wide a range already, that he not feel himself authorized to call Mr. Adams to order, but thought he might proceed, unless the committee should direct otherwise. Mr. Adams said he had very reluctantly risen at the sudden and unexpected call of the gentleman from Tennessee, [Mr. Peyton.] He had added a few remarks, which he thought called for by those of the gentleman from Maryland, [Mr. Thomas,] but nothing could be further from his intention than to proceed a hair's breadth beyond the rules of order; nor would he now proceed without express authority so to do from the chairman or from the committee. Some debate then arose; the chairman referred the question to the committee, and two successive divisions, by tellers, took place; on both of which a majority of the voters were for authorizing Mr. Adams to proceed, the want of a quorum on the first division having rendered the second necessary. The chairman then directed Mr. Adams to proceed. He was twice or three times interrupted or replied to by Mr. Thomas. The following is the substance of what he said, though possibly some of the preceding and some of the following observations may be transferred from the order in which they were spoken.]

Upon Mr. Thomas's last replication Mr. ADAMS said:

Mr. Chairman: The gentleman from Maryland is anxious to have the last word, and he shall have it. He bore an honorable testimony to the unsullied integrity of the president of the bank, by assenting to the resolution read by the gentleman from Tennessee; and now he does not know whether he voted for it or not. He has had new lights, by a re-examination of the evidence; and, above all, he believes Whitney's story, because his minute of the two sums taken from the teller's drawer on the 25th and 26th May, 1824, is confirmed by the entries on the books of the bank. Now, sir, there are two ways of accounting for the conformity of Mr. Whitney's minutes and the books of the bank: one, that the entries and the books were conformed to the minutes; and the other, that the minutes were made conformable to the entries on the books. The gentleman from Maryland chooses to believe the first of these alternatives, and thence derives all his confidence in Whitney's testimony. I believe (said Mr. A.) that the minutes were made from the entries on the books, to which Whitney, as a director, always had access. Whitney swore at first that the entries on the books of those sums taken out of the teller's drawer on the 25th and 26th of May were made by his order. The clerk who made the entries swore, not only that they were made without his order, but that, if he had assumed to give such an order, it would not have been obeyed; no single director having any right to give such an order. Whitney then, with the permission of the committee, revised his testimony, to correct what he called discrepancies, and said his impression was that he directed the two loans to be put upon the books, or that he was informed that they had been placed there, and that he confirmed their having done so. Confirmed their having done so! What was there to confirm? His charge was, that there had been no entries on the books till he had ordered they should be made. The gentleman from Maryland relies upon the confirmation of the entries on the books. There is not one tittle of evidence on the books to show that there ever was such a transaction as Whitney's going with Andrews and Wilson to the teller's drawer, and to the discount clerk's desk, nor that Whitney's memorandum was made at that time. Andrews, Wilson, Patterson, (the first teller,) and Burtes, (the discount clerk,) denied positively all recollection of any such transaction having occurred; and these are the four persons with whom, and in whose presence, he had sworn that it took place. With regard to the non-payment of interest upon the loans to Thomas Biddle & Co., of which Whitney swore Wilson had told him, Wilson denied with indignation that he had ever told him of or known any such thing. Was there any confirmation of this charge on the face of the books? Not a particle. The face of the books, and all the witnesses, proved directly the re-

verse; and in this consisted the *gravamen* of the charge. It was not the mere hasty, incautious practice of loaning money, upon deposites of stocks, for three or four, ten or fifteen days, charged as cash, and repaid, with interest, to a day and hour; it was the embezzlement of the funds of the bank by unlicensed loans, to favorites and kinsmen, without interest. That was the charge to which Whitney swore against the president of the bank, and which the books of the bank, and every witness to whom he appealed for confirmation of his testimony, contradicted and disproved.

There was not a shadow of evidence that any such a transaction as his going to the teller's drawer, or the discount clerk's desk, with the cashiers, ever occurred. They all denied any recollection of such an incident; but the remainder of his story, of an immediate private interview with the president, his remonstrance against the continuance of the practice, and the president's blushing promise that it should cease—of the falsehood of all this there was other conclusive proof besides the positive denial, upon oath, of the president himself. The dates upon the memorandum, corresponding with the entries on the books of the bank, fix this transaction, if it happened at all, upon the 27th of May, 1824. Now, it turned out that the president of the bank, on that day, and for a week before, and several days after, was not at Philadelphia, but at Washington; so that the loans and the deposite of stocks were made in his absence, and altogether without his knowledge—General Cadwalader then acting as president of the bank. The dates of the memorandum had fixed the time of the discovery and expostulation so unalterably, that if it did not happen then, there was no pretence that it could have happened at all. The whole foundation of fact upon which this fabulous fabrication was erected appears to be, that on the 25th and 26th of May, 1824, Thomas Biddle & Co. received, upon interest, from the bank, considerable sums of money, on the security of deposited stock, and perhaps at other times upon their notes. That these loans were not for definite terms of thirty, sixty, or ninety days, but for an indefinite and small number of days, after which the cash was replaced, and the interest paid for all the time they had had the use of the money. One of the occasions of this practice was, that Thomas Biddle & Co., as brokers, were agents of the bank itself for the purchase of bills of exchange, sometimes to the amount of millions in a few days. As they purchased the bills in the market, they needed the money to pay for them; and in the process of such negotiations the money for payment may be wanted before the equivalent can be delivered. In such cases, moneys to a very large amount might appear to be borrowed by the brokers, when their real debt to the bank would be little or nothing; and such was the amount of all the charges against the bank which formed the subject of inquiry to the investigating committee of 1832.

Especially was every charge against the integrity of the president of the bank, at that time, signally defeated and confounded, notwithstanding the candor of the gentleman from Maryland; that candor of which he now makes such liberal profession, and of which that committee had abundant demonstration throughout the whole course of their labors. Even a majority of that committee, hostile as they were to the Bank of the United States, did, in the resolution read now by the gentleman from Tennessee, bear their unequivocal testimony to the integrity of the president of the bank, upon the very point with regard to which it has been impeached. The gentleman from Maryland accepted that resolution as a substitute for one of non-committal, which he himself had offered; and now he withdraws that acceptance, and does not know whether he voted for the resolution or not.

It is not, Mr. Chairman, for the purpose of interposing in the good offices of the gentleman from Maryland in behalf of the individual whose character and conduct have recently occupied so much of the time of this House, that I have said thus much. Of them I have no disposition to discourse, or to open my lips. I rose merely to answer to the call of the gentleman from Tennessee, and to vindicate the untainted honor of my friend, which I am not disposed in silence to hear assailed in this place, either by open assault or by insidious insinuation.

Mr. THOMAS reaffirmed his statement, to the effect that the testimony of R. M. Whitney on the occasion referred to was apparently corroborated by the documents and the books of the United States Bank, and that the charge of perjury was not made out against him.

Mr. PEYTON resumed. I will not, Mr. Chairman, repeat what is better understood, and much more ably expressed, by the gentleman from Massachusetts, [Mr. ADAMS.] I will take one admission of the gentleman from Maryland, [Mr. THOMAS,] which will seal the fate and stamp the character of Reuben M. Whitney beyond redemption. He bears witness to the honorable bearing and unimpeachable character of the officers of the bank, and says they are incapable of falsehood, but attempts an escape for Whitney on the ground of mistake. That is impossible. Whitney swears that Thomas Biddle & Co. "had been in the habit of drawing money out of the bank without paying interest; that the president of the bank had discounted notes for Thomas Biddle & Co. and Charles Biddle, without the authority of the directors; that, on a certain occasion, and on a given day, he went into the president's room, remonstrated with and extorted a promise from him that he would not be guilty of such favoritism again. Now, sir, every officer of that bank solemnly swore that there was not one word of truth in any one of these charges. There is ground for mistake; there must be perjury somewhere: the gentleman acquits the officers of the bank. Could the president have forgotten it, if Whitney had broken into his room, and have given him such a rebuke, and have extorted from him such a promise? Impossible! Here I drop Reuben M. Whitney's perjury. Let gentlemen reconcile it if they can, and associate with him if they choose. It is a matter of taste, about which I will not quarrel with them.

A few words more, Mr. Chairman, and I have done. When the true patriot, quitting his peaceful avocations in the workshop or the field, dropping his plough handles or his planes, regardless of home and its endearments, tearing himself from the wife of his bosom, and shaking off the children even that cling around his knees, rushed to the rescue of his bleeding country; when the star-spangled banner, consecrated and hallowed as it was, and is, with so many and such glorious recollections, was seen streaming to the breeze, all bathed in blood, its crimson folds appealing to every American heart to rally around and defend it; when the cloud of war, lurid with the cinders of the Capitol, hung over this devoted city; when, on the night of the 23d and morning of the ever-glorious 8th, General Jackson, with the chivalry of the West, was winning imperishable renown, and rearing to the American name a monument which will stand a landmark on the steeps of fame whilst Mississippi rolls his waters to the ocean, where, then, was Reuben M. Whitney? A traitor in the hostile camp! The sworn subject and officer of a foreign Power! A British commissary, smuggling gold, and driving herds, to pay and feed the British troops! Could he, with one throb of American feeling in his bosom, have remained within hearing of his country's cannon, pealing on the plains of Chippewa and Bridgewater, and thundering from the leaguered battlements of Erie, without trampling in the dust his traitor's livery, and adding one arm to those which struck for victory and his native land!

Sir, he could, and did; and yet this man is high in the confidence of an Executive who is mainly indebted for his station to the laurels which he won in that contest, and is enabled to defy with impunity the process of a committee of Congress! Gaines, and Scott, and other gallant spirits, whose achievements brighten so many glorious pages of our history, are disparaged, censured, and sought to be disgraced, while this minion of favoritism is to be shielded and protected, in contempt of justice, and in defiance of the lawful authority of this House.

When Mr. PEYTON had concluded his remarks,

Mr. HAMER said: No one regrets more deeply than myself the necessity to which I have been driven of addressing the committee at this late period of the session, and at such an unseasonable hour of the night.* I know the anxiety which is felt by every gentleman to vote upon the question under discussion, and to act upon the bill itself; and were this an ordinary case, I should yield to this feeling, and forego any remarks upon the present occasion. But it is not. The attacks made upon the majority of the investigating committee by the gentleman from Tennessee [Mr. PEYTON] are of such a character as to demand a reply. It is due to myself, as one of that majority, and to the gentlemen with whom I acted, that we should be heard in our defence. I must entreat the indulgence of gentlemen, therefore, whilst I briefly notice some of the charges which he has presented against us.

I promise to be as brief as the circumstances of the case will admit. I shall not detain the House by reading large masses of irrelevant matter, having no connexion with the proposition before us. Neither will I interweave subjects which bear no analogy to the question in debate, and which would answer as well for a speech upon one subject as another. If I desired to make a discourse for electioneering purposes, to affect my own constituents or the public at large, I would run rapidly over the different heads of it, and afterwards write out and print the details, without troubling the House to listen to what is not only very uninteresting, but is pernicious in its consequences, by wasting the time that is now so valuable to the country.

Sir, I had hoped that when the reports of the committee had been laid upon our table, and were ordered to be printed, the members would all have been willing to see the views of the majority and of the minority, as well as those of the honorable gentleman from Louisiana, [Mr. JOHNSON,] who has made a separate report, not being able to agree fully with either the majority or the minority, published to the world. I had supposed that each member would content himself with allowing these several reports, accompanied by the journal of our proceedings, to be printed and laid before Congress and the American people, and let them judge between us. They will decide who is right and who is wrong. By their decision I am willing to abide.

But, sir, the gentleman from Tennessee [Mr. PEYTON] has thought proper to pursue a different course. He has come forward, and by two successive motions has afforded himself an opportunity to make a very violent onset upon the majority, in which he has done them great injustice. His speech is to be published, I presume, and will go out in advance of the reports and the journals, giving a direction to public opinion before the official proceedings have reached the people. The effect of this movement upon his part must necessarily be to prejudice the public mind against the majority of the committee, and to disqualify the country, in some measure, to give an impartial verdict when the facts shall have been laid before them. These consequences can only be averted by a full and fair exposition of the case; by a statement which shall exhibit the gross misconceptions and palpable errors of the gentleman from Tennessee in regard to this whole affair.

In whatever point of view we consider the appointment and proceedings of this committee, we shall find its history to be of a most extraordinary character. The resolution was passed merely to gratify a few individuals in this House, and a very small party in the country. A large majority of the members here, and an overwhelming majority of the American people, were satisfied that no improper connexion existed between the Treasury Department and R. M. Whitney. The violent declamation to the contrary, both in this House and in the community, had produced very little effect. The explanations published by the friends of the administration had convinced impartial men—all men whose judgments were not warped by party feelings and prejudices—that Mr. Whitney was merely a corresponding agent of the deposite banks, employed and paid by them; having no official station; no power to bind the banks by any contract he could make, and no control whatever over the public money. Still there were gentlemen who asserted the contrary; and I dare say they believed their charges to be true. They insisted that, if we would give them a committee, they would prove this connexion to exist, and that it was a most dangerous and corrupt union, jeoparding the safety of all the public treasure, and constituting this agent a great "money king," who could wield the entire revenues of the country to overturn the public liberties, or to accomplish any designs of personal or political ambition. We know this to be otherwise. The great body of the American people knew it was not so. Still we gave them a committee to satisfy them; and now, after having been in session for five or six weeks, and procuring and immense mass of testimony, what do we hear? The gentleman from Tennessee comes in, and proclaims that they have proven a great deal more than he and his friend from Virginia [Mr. WISE] ever charged, more than they ever imagined; but they would have proven more still, if the committee had not been "packed" by the Speaker, so as to vote down the interrogatories which they desired to ask the witnesses, and thus suppress the truth. I shall not attempt to compare the charges made by these gentlemen with the proof they have adduced. The country will do that. When the facts are laid before the people, they will speak in a voice that will be understood by us all. But I shall presently notice what has been proven, so that each side of the question may be fairly considered, and a comparison can then be made by any one who chooses to undertake the task for his own satisfaction. Before I do this, however, I must advert to the charge which has been made against the Speaker of this House.

The gentleman complains that there were six friends of the administration placed upon the committee, and but three of the opposition. Why, sir, this is very nearly in the proportion which the parties bear to each other in the House. The friends of the administration are nearly double in number to those of the opposition. It was fair, then, to appoint the committee in reference to this state of things. But does the gentleman mean to imply, by this complaint, that, in these high party times, any other Speaker would have acted differently? What could be expected but that, in the appointment of a committee, demanded, in part, for political effect, and designed to have some political influence in the community, the Speaker would give a preponderance to his own party? The minority have no right to complain. They can always make out a separate report, as they have done in this instance, and present their own views to the people. If the majority vote down their questions, and refuse to make inquiries which have been authorized by the House, the minority can show these

* It was then about two o'clock in the morning.

votes to their constituents, and thus appeal from the decisions of the majority. Indeed, they can make more, in this manner, out of what is not proven than out of what is; for they can imagine a thousand tales of secret corruption that would have been disclosed, provided they had been permitted to ask the questions which were suppressed by the votes of the dominant party; whereas the truth may be that, if the interrogatories had been propounded, the witnesses would have been unable to give any information on the subject.

But I assert that, under similar circumstances, no Speaker has ever been known to act otherwise than to give his own political friends a preponderance. And I go further: I assert that there is not now an opposition member in this House who, if he had been Speaker, would not have given his friends a majority upon the committee. If there be such a one, I should like to see him, and know who he is. The truth is, that, in times of political and party excitement, we all feel and act very much alike upon such questions, and each one prefers his own party to that of his opponents. It is idle to raise this cry of "party" upon every occasion, when those who raise it would do the same things of which they complain, if they had the power.

The gentleman from Tennessee informs us that any Speaker who will "crawl to the chair" will remain there; and that, to do so, he must sacrifice independence, patriotism, and honor, and become a mere partisan! What does the gentleman mean by crawling? Does every man who stands by his party become a crawler? Why, sir, I have heard that the gentleman himself once had a friend who was a candidate for Speaker, and that the gentleman then thought it was somewhat important to his friend's success that he should be known to be a good party man. I have heard that he took some pains to convince those who doubted his friend's orthodoxy that he was a firm supporter of the administration, and therefore ought to receive the votes of the democratic party in the House. Perhaps he has changed his opinions since then. If so, no one has a right to complain, as every gentleman's opinions are his own, and he has a right to dispose of them as he thinks proper.

[Here Mr. PEYTON rose to explain. He said, in substance, that, when Messrs. BELL and POLK were first candidates for Speaker, he went to the President and disabused his mind with regard to Mr. B., who was not electioneering for the office, and told him that Mr. P. had been seeking the support of some of the nullifiers.]

Mr. HAMER proceeded. I have no wish to discuss matters so long gone by, nor to enter into a comparison of the principles and merits of the two gentlemen who were then candidates for the Speaker's chair; but my object was to remind the gentleman that, three years ago, he himself thought it no crime for a Speaker to be a decided party man.

How was the present Speaker elevated to that high station? Sir, he was placed there on account of his eminent abilities, his long and well-tried services in the cause of his country, his fidelity to the democratic principles of our Government, and because his party preferred him to any other man who was a candidate. Whilst he remains there, I have no doubt he will discharge his duties faithfully and fearlessly, without regard to the murmurs or complaints of his political opponents. If the gentleman calls this crawling, so be it. In my opinion, it is a high and honorable career, which any man might be proud to follow.

Soon after the appointment of our committee, we met and organized. From the moment that we commenced our examinations, it was apparent that a radical difference of opinion existed between the majority and the minority, with respect to the powers of the committee. The majority thought that they had no authority to look into the affairs of the deposite banks, except what the Government derived from the contracts made with those banks for the safe keeping of the public money. Obtaining their charters not from Congress, like the late Bank of the United States, but from the State Governments, we could only control them in their operations so far as they had agreed to be subject to our direction. The Federal Government derives no more right to investigate their operations from the fact of having public money in their vaults as a deposite, than a private citizen does from having a similar amount of money there on general deposite. In either case, the deposite can be withdrawn whenever the depositor is dissatisfied, or he thinks the money unsafe; but in no case can the books and transactions of the corporation be examined, unless the bank voluntarily permits it; either by contract or by concession, when the request is made. So thought the majority. They looked to the contracts with the banks and to the resolution of the House for the extent of their power, and refused to go beyond them.

The minority seemed to think that we had some further control over the banks, on account of our money being there. They could see some analogy between these banks and the old Bank of the United States. The latter being subject to an examination, they supposed the former should be too; and that the right which the Government had to look after the public treasure drew after it the right, to some extent, of scrutinizing the operations of the deposite banks.

In the case of the Bank of the United States, we expressly reserved, in the charter, the authority to examine its books and concerns. We never pretended to derive the right from any other source. To insist that a right to search out all the hidden dealings of a bank necessarily results from its being a public depository, would establish a most dangerous principle. Let us carry it out into practical operation, and see to what it would lead. The State Governments are now depositories of public money. They have our treasure in their keeping, and are accountable to us for it, by the law of last session, in the same way that the banks are. According to this doctrine, having the right to look after our money, we could appoint a committee, and arm them with authority to examine all the proceedings of the State Governments. We could summon the Treasurer, the Auditor or Comptroller, the Secretary of State, the Judiciary, and even the Governor and the Legislature, before us, to give an account of their conduct, and to disclose to us the whole of their State policy! Who would submit to this? Is there a State in the Union that would degrade itself by submitting to be thus catechised? Not one. Yet this state of things results from an extension of the principle to which I have adverted.

Again: there was a difference of opinion among us as to the object of the House in appointing the committee. The minority seemed to entertain the opinion that the principal object was to ascertain the business and character of Reuben M. Whitney. They appeared to think that the resolution was a mere wolf-trap to catch a single individual; that the House had set us to watch him whilst he was filling his sack out of the public crib, and to seize him the moment his leg was in the trap, and bring him forthwith to justice. These gentlemen had so often denounced Mr. Whitney within the last year, that he was apparently uppermost in their thoughts upon all occasions. Their antipathy to him has become a sort of monomania. Indeed, I have sometimes fancied that, if they were in the last agonies of death—if the soul were about to separate from the body, and leave its frail tenement for another world—and some one should walk up, and gently whisper in the ear of the expiring man the words "Reuben M. Whitney!" this name would not only "stay the pulse of ebbing life," but, making a

superhuman effort, he would instantly spring to his feet, and, with a wild shriek, cry "Traitor!" "Robber!" "Thief!" "Deposite banks!" "Public money!"

The majority of the committee did not suppose that the House passed the resolution for the single purpose of running down any one individual. We knew that if there was really a corrupt connexion between the Treasury and Mr. Whitney, or any one else, the House desired us to ascertain it, and to report the facts to them. We looked to the language of the resolution to see what was intended to be the scope of our inquiries. We endeavored to give a fair and liberal construction to that language, without imagining what latent intention might have been lurking in the mind of each member who voted for its adoption. This was our rule; and I am perfectly willing that the House and the people shall decide between us and the minority, who adopted a different one, as their course in the committee room will show when the proceedings are published.

Our committee is an extraordinary one in some other respects. One of the first things we did was to adopt a resolution, by which we admitted all the members of the House to be present at our deliberations. I opposed this, because it was both unprecedented and impolitic. From that day forth, libels were issued from the public presses against our committee. The proceedings were garbled and misrepresented in the most shameful manner. How the anonymous writers who made these publications obtained the knowledge of our votes and speeches I do not know; but the object they had in view was very manifest. It was to prejudice the community against the majority of the committee, and thereby break the force of our report when it should appear.

Well, sir, we proceeded with our investigations for nearly two months: meeting, as I said before, during a great part of that time, at ten in the morning, and remaining until ten and sometimes till eleven at night, with an interval of an hour for dinner. We neglected almost all the business of the House, and much of what belonged to our immediate constituents; we have cost the country some fifty or a hundred thousand dollars; and what have we found? Literally nothing. It is the old case of the mountain in labor, which brought forth a mouse. It was a game where the play was not worth the candle. The gentleman from Tennessee declares that they have proven more than they ever charged; and I am sure he thinks so, or he would not make the declaration; but I pronounce the investigation to be a complete failure. Every charge which has been made, from any quarter, implying that any agent of the deposite banks, or of the Treasury Department, had the control of all or of any portion of the public money, is not only unsustained, but is positively proven to be false. The oaths of the Secretary of the Treasury, of the subordinate officers of the Department, of the presidents and cashiers of the deposite banks, and of Reuben M. Whitney himself, all concur in the establishment of this fact, beyond all doubt or controversy. If the gentleman from Tennessee had not stated that he took an entirely different view of the testimony, I should have believed that, considering himself defeated, he had come forward with a speech to make a diversion in favor of himself and his friends. That gentleman, as well as every other one here, well knows the effect of a shout of victory. To proclaim, in a loud and confident tone of voice, that we have gained a triumph, often produces an impression upon those who hear us, that aids us materially in obtaining the very victory which is thus proclaimed in advance. The proclamation of the gentleman, where the journal and reports are never seen, will induce many a man to believe that he and his friends have been completely successful in this investigation; but those who read and think for themselves will come to a very different conclusion.

If the minority have fully sustained all their charges, and gone even beyond them, it is remarkable that such loud complaints are made of the illiberal and rigid construction given to our resolution by the majority of the committee. Yet the greater part of the gentleman's long speech was made up of these complaints. What did the resolution require of us?*

1st. To ascertain "whether the several banks employed for the deposite of the public money have all, or any of them, by joint or several contract, employed an agent, to reside at the seat of Government, to transact their business with the Treasury Department."

2d. "What is the character of the business which he is so employed to transact."

3d. "What compensation he receives."

4th. "Whether such agent, if there be one, has been employed at the request or through the procurement of the Treasury Department."

5th. "Whether the business of the Treasury Department with said banks is conducted through the said agent."

6th. "And whether said agent receives any compensation from the Treasury Department."

These are the points submitted to us by the House, for our investigation. We examined them thoroughly; and, notwithstanding all the intimations to the contrary, I now defy the gentleman from Tennessee to show a single instance in which the majority of the committee voted to suppress any inquiry or interrogatory, which was authorized by a fair construction of the resolution of the House. Give me a jury of twelve honest, sensible men, of any party, and I will debate the point with him till doomsday, if we live so long, without the slightest apprehension of even partial defeat. So far were we from curtailing the inquiry, that if I have any thing to reproach myself with, it is that I sometimes voted in favor of interrogatories which, strictly speaking, did not come within the scope of the resolution. But we were so anxious to give the minority no cause of complaint, that in doubtful cases we leaned to their side, and voted for the freedom of investigation. Such was my own feeling, and I believe it was the rule that guided the other members who voted with me.

In the course of our investigation, indeed almost at the threshold, we ascertained, distinctly, that there was no connexion whatever between the Treasury Department and Mr. Whitney, or any other agent of the deposite banks. The statements of the Secretary of the Treasury will be found on the pages of our printed journal.

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* The following is the resolution of the House:

Resolved, That a committee of nine members be appointed, whose duty it shall be to inquire whether the several banks employed for the deposite of the public money have all, or any of them, by joint or several contract, employed an agent, to reside at the seat of Government, to transact their business with the Treasury Department; what is the character of the business which he is so employed to transact, and what compensation he receives; whether such agent, if there be one, has been employed at the request or through the procurement of the Treasury Department; whether the business of the Treasury Department with said banks is conducted through the said agent; and whether, in the transaction of any business confided to said agent, he receives any compensation from the Treasury Department; and that said committee have power to send for persons and papers.

Mr. Garland of Virginia, Mr. Pierce of New Hampshire, Mr. Fairfield of Maine, Mr. Wise of Virginia, Mr. Gillet of New York, Mr. Johnson of Louisiana, Mr. Hamer of Ohio, Mr. Martin of Alabama, and Mr. Peyton of Tennessee, were appointed the said committee.

Speaking of the compensation paid to the agent, he says, (page 14,) "no request has ever been made to me for any such compensation, and no idea was ever entertained by me of acceding to it, if made, the agent being appointed by and for the banks, and not by or for the Department." In regard to Mr. Whitney's authority and business, he says, (page 11,) that the Department never found it necessary to call for the agent's authority, as it has never been necessary for him to execute any written official document binding the banks; and the contracts on file are all signed by the officers of the banks themselves.

On page 28 of the journal, we have Mr. Whitney's testimony in regard to himself. He swears that he holds "no office or agency whatever under the Government of the United States, or any department thereof; nor has he the control of any money or property whatever of the said Government, or any department; nor has he any agency whatever which relates to the public money, beyond acting as corresponding agent of some of the deposite banks."

Upon pages 32 and 33 will be found Mr. Woodbury's statement in regard to any influence of the Department in procuring the appointment of Mr. Whitney. He declares that no agent has been appointed at the request or through the procurement of the Treasury Department. By reference to pages 63 and 64, the following question and answer will be found:

"Has the Treasury Department any use whatever for such an agency as that of Reuben M. Whitney?"

Answer by Mr. Woodbury. "I am not aware that the Department has any use for such an agent."

Much has been said in the opposition newspapers, and in speeches here, of the circulars issued by Mr. Whitney to the receivers of land offices, directing them what kind of bank paper to receive in payment of the public lands. This subject was also examined. In answer to a question, Mr. Woodbury says, (page 41,) "I have never given to Mr. Whitney, or conferred on him, any authority to instruct the land receivers, in behalf of the Department, on any subject whatever." Mr. Whitney swears, (page 87,) that the circular sent to the land receivers, about which so much complaint has been made, was "a printed letter, and forwarded to the public land receivers by him as a mere matter of information," but not of "instructions." It was dated 29th of August, 1835. All the beautiful figures and eloquent declamation upon this subject seem to have been lost. The agent printed a letter, and sent copies of it to the receivers, as any other citizen might have done who took an interest in the state of the currency, and who had held a conversation with the Secretary of the Treasury; and upon this slender foundation a most magnificent fabric has been erected. Mr. Whitney is a "money king," an "adjunct Secretary," "a minion of executive power," who holds the purse-strings of the nation in his own hand.

Several other important disclosures have been made in the course of this examination. For the last three years, ever since the removal of the deposites from the United States Bank, the opposition have been endeavoring to make the people believe that the administration directed all the operations of the deposite banks, so as to produce political results favorable to the party in power. They have asked, in an indignant tone, "who can stand up against this tremendous money power, wielded by the Executive to sustain himself and to elect his successor?" Now, sir, so far from there being any truth in these charges, it turns out that the party politics of the stockholders, directors, and officers of the banks have had no influence whatever in their selection by the Secretary; and that, so far as any thing is known of their politics, a majority of them are against the administration. These facts are solemnly sworn to by Mr. Woodbury. His statements may be seen on pages 51 and 53 of the printed journal. Who, after this disclosure, will have the hardihood to stand up before the American people, and talk about the Executive wielding the purse of the nation to corrupt the votes and destroy the freedom of elections? What opposition man will muster the impudence to renew this stale falsehood, and give currency to what is now known to be utterly untrue? He who does so must assume the responsibility of proving the Secretary of the Treasury to be unworthy of belief; or he must ask the public to take his word, unsupported by a single fact, in preference to the statements of Governor Woodbury, made under the solemn sanctions of an oath. In either event, he will find that he has undertaken a task as difficult and hopeless as that of Sisyphus; and I shall be greatly mistaken if his burden does not drag him to the bottom of the hill, and crush him to atoms also when he shall have arrived there.

Another charge has been boldly made in regard to the influence of Mr. Whitney in obtaining a removal of the public deposites from one bank to another, and in the selection of deposite banks in the first instance. We have been told, that if a bank desired to be selected as a depository for the public money, it must go down upon its knees to Reuben M. Whitney. If a deposite bank wanted to retain its funds, or to get more from the Treasury, it must raise Mr. Whitney's salary or make him a present. Now, there is not one word of truth in this charge. I speak from the book, fully conscious of the strength of my expressions. Here is the testimony, on page 53 of the journal:

Question. "Has said Whitney ever solicited you to remove the public deposites from any bank or banks, or cease to make the public deposites in them? And if so, what was the character of the reasons assigned by him?"

Answer by Mr. Woodbury. "In no case whatever, that I recollect."

Question. "Has said Whitney ever recommended any bank or banks as banks of deposite, and used his influence with you, or any officer of the Government, to procure their selection?"

Answer by Mr. Woodbury. "I have no remembrance of a single case where Mr. Whitney first applied to the Department to have any bank selected; but while the question of some of them, afterwards appointed, has been pending, I have no doubt Mr. Whitney has spoken on the subject of the character or standing of one or two of the number selected, which were located in Pennsylvania, where he had resided, and was acquainted with their standing and business. But I remember no other case, and in those he used no recommendation or influence in their favor beyond the statement of facts on the point above named."

Here are the incontrovertible facts, standing in opposition to declamation and anonymous slander. Which is to be believed? Can any man hesitate upon that question? Are we to reverse all the established rules adopted in the administration of justice, and prefer mere hearsay and conjecture to unimpeachable testimony? He who does this, is not only wilfully blind, but obstinately wicked; and it would be about as wise to enter into an argument with such a man as to reason with a tempest, and expect to stay its fury by an appeal to its sympathies or an address to its understanding.

Finally, sir, all the inquiries couched in the resolution of the House were fully negatived by the proofs adduced before the committee. We found—

1st. That the banks had no agent, at the seat of Government, "to transact their business with the Treasury Department."

2d. Therefore, such an agent had no business of any character whatsoever.

3d. And such agent had no compensation.

4th. No agent of any kind had been employed at the request or by the procurement of the Treasury Department.

5th. No business of the Treasury Department is transacted through said agent.

6th. The Department pays no compensation whatever to any agent of the banks, and none has ever been asked for.

Here the committee might very properly have suspended all further examination, and reported their proceedings to the House; but as we found that there was a corresponding agent of some of the deposite banks residing here, and as it was possible that something might leak out to show an improper connexion between this agent and the Government, we allowed the minority to proceed in their inquiries. They did proceed, and such another string of interrogatories as they have recorded upon the journal of our committee cannot, in my opinion, be found upon the pages of any public document now in existence. The book will be a literary and legislative curiosity, which ought to be preserved for the benefit of committees who may meet in aftertimes to engage in similar undertakings.

The gentleman from Tennessee has complained that Mr. Whitney gives large parties, and that the members of Congress attend them, drinking his wine and partaking of his hospitality. I am not one of the number who are thus indulged. I have never attended his parties, drank his wine, nor enjoyed his cheer. I have known him for two or three years; have met him in the streets and elsewhere, and have interchanged the usual civilities that pass between acquaintances. I know nothing of his private history or his former character and his employments. If he is a bad man, I am not disposed, either as an individual or as a party man, to become responsible for his conduct; if he be a good one, I am willing he should enjoy all the benefits that result from the possession of a fair moral character. To me he is like every other citizen. If he were connected with the Government, I should feel bound to examine his standing and conduct; but as he is not, I shall not trouble myself about him further than to apply the rule to him that the community has made applicable to all other men, "to consider him honest until the contrary is proven."

But to the interrogatories which were offered by the minority, and were voted down by the majority, not allowing them to be put to the witnesses. Upon page 61 of the journal will be found the following question, offered by the minority:

Extract from the journal.

"Do you know Reuben M. Whitney's general character for truth and veracity; and would you believe him on oath, when strongly tempted to swear falsely?

"Mr. Hamer objected to this question, and it was decided in the negative by the following vote.

"Ayes—Messrs. Wise and Peyton.

"Noes—Messrs. Garland, Pierce, Fairfield, Gillet, Johnson, and Hamer."

So this question was voted down? We of the majority sought in vain, in the resolution of the House, for authority to inquire into the general character of R. M. Whitney. We could not find it there. We knew of no other source from which we derived power, and of course we voted down the question as improper. This, I suppose, is one of the cases of illiberality of which the gentleman from Tennessee complains. This is a specimen of what he calls a rigid construction of the resolution of the House!

What was the next inquiry made, or attempted to be made, by these gentlemen? Here it is: "Is Reuben M. Whitney or not, according to the best of your knowledge, information, or belief, concerned in speculation in the public lands, or in stocks, or in the money market, in any way?" This also was voted down. We discovered no authority in the resolution to hunt after the speculations of private citizens. We could not perceive what right we had to inquire whether Mr. Whitney had or had not purchased a piece of land, a town lot, a horse, or a cow, and sold it for more than he gave. Congress, and the committees of Congress, ought to have something else to do than to meddle with all the private affairs of individuals, to examine the state of their transactions, the profits they have made in trade durihg the last year, or the sums they have lost by bad bargains. Not conceiving this to be any part of our duty, we voted against the question, and thereby gave another evidence of our "illiberality."

Another question voted down by the majority may be found on page 64. It proposed to ask the witness (Mr. Woodbury) whether he had any personal objections to Mr. Whitney as an agent; in other words, whether he liked or disliked the man. In the affirmative on this question we find Messrs. Wise and Peyton; in the negative, Messrs. Garland, Pierce, Gillet, Johnson, and Hamer.

On the same page is this interesting question offered to Mr. Woodbury: "Have you ever authorized the editor or editors of the Globe, a newspaper in this city, during the month of April, 1836, or at any time, to deny any supposed relation or connexion of Reuben M. Whitney with the Treasury Department?" This interrogatory was refused by the same vote as the other. We are totally unable to perceive what the Secretary's opinion of Mr. Whitney as a man had to do with our inquiries, or what Congress could do with the information if they had it. We were equally at a loss to discover what we had to do with the editorial articles of the Globe, in April, 1836, or at any other time. I have not examined the files of the Globe, but I presume that about the time named in the question the editors made some such denial as that mentioned; and the object of the interrogatory seemed to be, to ascertain whether they told the truth; whether, in other words, the witness had given them authority such as they stated he had, in that number of their newspaper. If the House had directed us to inquire into the character of the Globe for truth and veracity, we should have done so; but until they clothed us with such powers we did not feel at liberty to arraign the editors before our committee for that purpose. This, I suppose, was another evidence of our "rigid construction."

We have been denounced by the gentleman from Tennessee as a "packed committee," appointed by the Chair for party purposes. Upon page 99 may be found the strongest evidence, as I think, which the gentleman can produce in support of this charge. The gentleman himself propounded the question to General Van Ness, the president of the Bank of the Metropolis, in this city. "Did or did not some one or more of the officers of the bank oppose very strongly his employment" (as agent) "on personal grounds? Did any one of them go so far as to say, if he" (Whitney) "came to that board in that capacity, he would kick him out of the bank?" Would you believe it, Mr. Chairman? the committee voted down this question, and would not allow the gentleman from Tennessee to ask it! Could stronger evidence be given of their being a "packed committee?" What! not allow the gentleman to prove what some officer of a bank, for which Mr. Whitney has never been the agent, had said about Whitney, in a conversation held sometime and somewhere, with somebody, about some things, and this agency among the rest! Why, sir, it was a most outrageous procedure on the part of the commit-

tee. No wonder the gentleman thinks they were "packed." How could a reasonable man come to any other conclusion?

Well, sir, on page 104 we have another specimen of the illiberality of this "packed majority," who have been engaged in suppressing the truth by their votes. The gentleman from Virginia [Mr. WISE] offered to ask a witness (Mr. Coxe) whether he, as attorney for Mr. Whitney's creditors, had not instituted suits against Whitney; what amount Whitney owed; who was his bail; whether execution had been issued against him; whether Whitney had not offered to compromise; whether he had not threatened to put his property out of his hands; and, finally, to whom the carriages, furniture, &c. in his possession belonged. All of which interrogatories were voted down by the majority. The "packed majority" could not understand what the House wanted with such information. They were simple enough to suppose that the amount of Mr. Whitney's debts was a matter between him and his creditors; that his giving bail, and threatening to put his property out of his hands, (if he ever did so,) were occurrences between private citizens, which not unfrequently happen, and with which the legislative and executive departments of our Government have nothing to do. The judiciary settles all these questions; and we propose to leave the lawyers and judges to dispose of this case as they do of all others which come before them. But least of all did we suppose that either the Congress or people of the United States cared whether Mr. Whitney rode in a carriage or went on foot; or, if he did ride, whether the carriage belonged to himself or to somebody else. Not less surprising, however, was the proposition to ascertain how much furniture he had in his house, or to whom that belonged. Yes, sir, we were about to take an inventory of his household goods; to learn how many plates, how many knives and forks, he had, and what number of spoons he had in his possession; and whether he had paid for them all or not! What a dignified and statesmanlike business this would have been for members of Congress. Sir, we did not believe that we had any authority to make such examinations; nay, we were satisfied that the House could not, under our constitution, have conferred such a power, if it had tried; and we never dreamed that this body would condescend so low as to attempt to investigate such a trivial and despicable subject as the kitchen furniture of a private citizen! Yet, for entertaining these opinions, and acting upon them, we are denounced as a "packed committee!"

Progressing with this subject, we find, on page 116 of the journal, the minority inquired whether Mr. Whitney did not write part of the President's last annual message! On pages 118 and 123 we find them asking the important question, "For whom did R. M. Whitney electioneer during the last presidential campaign?" Was he for Mr. Van Buren, for General Harrison, Judge White, or Mr. Webster? Upon page 120 the minority, it appears, inquired whether this agent did not sometimes write editorials for the Globe. They were determined to make an important man of him, in spite of all he could do to the contrary. Whilst he was watching the interests of his employers, and corresponding with them upon subjects connected with their banking operations, the minority were determined to show that he was the great necromancer who, unknown and unseen, was controlling all the moneyed operations of the Government by secret movements of his supernatural skill. But, in addition to all his other employments, he undertook to give direction to public opinion; and, for that purpose, sometimes took command of "the great Globe itself." These interrogatories were also voted down by the majority of the committee.

In the course of reading and observation, I have had occasion to notice a number of most remarkable falls; but none has ever occurred which appeared more extraordinary than the one I am about to mention. After these interrogatories which I have just mentioned, can you imagine, sir, what followed? Why, the minority inquired where Reuben got his stationery! Oh, what a falling off was there, my countrymen! From making a Chief Magistrate, writing the President's message, and conducting the official organ, down to a few quills and a quire of paper! But they were not satisfied to stop here. They next inquired who paid the postage on his letters; and whether he received many "free" letters. To ascertain these important facts, we had the messenger of the Treasury Department and the penny-post of the city called before us. The former swore, that when Mr. Whitney came into the Treasury Department on business, he sometimes used the pen, ink, and paper, on the table in the ante-room, for the purpose of writing a note or memorandum, as did any other person who chose to do so, and as we constantly see done in all our public offices. The latter stated that Mr. Whitney got a good many letters, and paid the postage on them like a man! He could not tell us how many "free" letters were received by the agent in the course of the year. The testimony of these two witnesses will be read with deep attention by the American people! They disclose important facts, which every man ought to understand. It is a pity the penny-post could not tell us how many "free" letters Mr. Whitney receives. The public would then have been satisfied. This is a point upon which they must feel very great anxiety!

To fatigue the committee no longer with details which are perfectly familiar to you, Mr. Chairman,* I will close by referring gentlemen to pages 223 and 254, where they will find the minority inquiring whether Mr. Whitney was not a traitor and smuggler during the late war with Great Britain; whether he was not a gambler, and whether he had not at some former period kept a faro bank for the accommodation of gamblers! Of course, these inquiries were voted down, as unauthorized by the resolution of the House; and, to use the language of the witness, "inquisitorial" in their character. Occasionally some members of the majority voted with the minority in favor of questions which were not clearly authorized by the resolution of the House. They were inclined, in whatever could be deemed a doubtful case, to lean in favor of investigation. The chairman, [Mr. GARLAND,] more frequently than any other member, voted with the minority. Being the author of the resolution, he found himself in a delicate position; and, desiring to leave no ground of complaint on their part, he voted with them much oftener than any other member of the majority. He is now reaping the reward of his liberality. The gentleman from Tennessee [Mr. PEYTON] compliments him for the honesty and candor displayed in his votes, but is utterly astonished at the report which he has presented to the House. In other words, he praises his good intentions, but laments his want of capacity to see the force and bearing of the testimony which has been taken.

I have thus run rapidly over a number of cases, to show the character of the interrogatories which the minority wished to submit to the witnesses. For voting down these and similar questions, we are now charged with illiberality! Sir, I repel the insinuation, as entirely unwarranted by any vote we have given, and as wholly unfounded in fact.

The gentleman from Tennessee [Mr. PEYTON] sometimes quotes poetry; and on the present occasion has

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* Mr. PIERCE, of New Hampshire, a member of the select committee, was in the chair during this debate.

drawn an allusion from Shakspeare. I am sure the gentleman owes the bard no malice, and yet he has egregiously misrepresented him. When an orator is driven from facts to poetry, to obtain weapons for his cause, the prospect must be gloomy; but if he should fall into errors, even with his poetry, it makes the case assume a still more unpromising aspect. He who innocently misrepresents poetry may, with the same good intentions, misrepresent facts.

The gentleman told us of the tall precipice upon which King Lear stood, and viewed men walking on the beach below, who looked no larger than mice! Now, sir, I have read this play of Shakspeare, and have found no such incident. I remember that the Earl of Gloster, after losing both his eyes, accidentally met his own son, without knowing him, and obtained the young man's consent to conduct him to the cliffs near Dover; from which he intended to throw himself and put an end to his life. The son, aware of his intention, and determined to save him, persuaded his father, whilst they were upon a perfect level, that they were climbing a hill; and at a certain point convinced him that they were upon the brink of an awful precipice, at the bottom of which men appeared no larger than mice. The father threw himself headlong from what he supposed to be this tall cliff, but which was in reality a level plain; and the son, changing his voice, congratulated him, in a new character, at the bottom of the supposed cliff, upon the miraculous preservation of his life.

Now, I can easily imagine how a man who has lost both his eyes can be thus imposed upon; but how a gentleman of ordinary intelligence, in the full possession of all his faculties, can mistake a level plain for a towering mountain, or a fall of six feet for one of several thousand, is to me wholly inexplicable. Still it may be so; for a careful examination of our proceedings will show that the gentleman from Tennessee has fallen into errors quite as gross as those attributed by the poet to the blind Earl of Gloster.

I will close my observations by expressing the hope that the evils which the gentleman so clearly foresees may never appear to any eye but his own, or, if they do, that the hand of a kind Providence may avert them from our country, and allow us to remain a free, a happy, and a united people.

When Mr. Hamer sat down,

Mr. WISE replied in a speech of considerable length, which continued until daylight pierced into the lighted hall.

Mr. FAIRFIELD said that, though he was not accustomed to making long speeches in this House, he had taken notes of the speech of the gentleman from Tennessee, [Mr. Peyton,] and had intended to reply to him at length. But as it was near four o'clock in the morning, and as much impatience had been manifested by the few members remaining in the House, he felt that he should be doing injustice, both to himself and them, to commence a speech at that time. He would also add that all necessity for it had been obviated by the able vindication, by the gentleman from Ohio, [Mr. Hamer,] of the majority of the select committee, and of the resolves which they adopted, as the result of its investigation, under the order of the House. He wished, however, to say a word or two in relation to that part of the gentleman's remarks which applied to himself personally. And he said he must confess that, at some of those remarks, he felt that degree of indignation which every honest man should feel, when he considered his veracity questioned. But he was happy to be relieved from the pressure of these feelings by the subsequent qualification of his [Mr. Peyton's] remarks.

[Mr. Peyton again rose, and said that he wished it to be distinctly understood that he had not, in any remarks he had made, intended to impute wrong motives to the gentleman from Maine.]

Mr. F. said he was glad of the explanation, and felt bound to suppress the remarks that he had at first intended to make. Inasmuch, however, as the gentleman from Tennessee had questioned the accuracy of his (Mr. F's) recollection, and the probability of his having used the epithets which had been attributed to him in the testimony of Mr. F., he felt it to be his duty to say a word in reply. He would not advert to those circumstances which went, in his estimation, to render it probable that those epithets had been used, for it might perhaps excite feelings which he had much rather see allayed. He had no unkind feelings to be gratified towards the gentleman from Tennessee, or any other human being. He would, however, inquire for a moment into the relative positions occupied by himself and that gentleman. It had been said that it was strange he (Mr. F.) should have sat down and committed such a string of epithets to writing. The reason for committing his recollection of the facts to writing had been fully explained in his testimony, and he trusted that they would be deemed satisfactory to every candid mind. He had understood that the gentleman from Virginia [Mr. Wise] had, while he (Mr. F.) was not present, made a statement of facts as to the unhappy occurrence in the committee room between Mr. P. and Mr. Whitney, and had called on the other members of the committee to make statements also. Not knowing how soon or under what circumstances he might be called on to make his own statement, he (Mr. F.) thought it would be well, while the facts were fresh in his recollection, to put them upon paper. He did so without consultation with any of the members of the committee; and feeling an anxiety, which he thought would be natural to all under similar circumstances, to know how far the recollection of others corresponded with his own, he had shown it to several of the other members of the committee; and, as he had stated in his testimony, was pleased to find that he was supported by them. If there was any thing wrong in all this, he could not see it. It certainly was not done in a spirit of unkindness to the gentleman from Tennessee, or the gentleman from Virginia, [Mr. Wise;] and, with his present views, he should do the same again. The principal question, however, was, as to the truth of this statement; or, rather, in reference to the remarks of the gentleman from Tennessee, as to the probability of its correctness. And here he would ask if it had not been fortified and confirmed by the testimony of the gentlemen from Alabama, Ohio, and New York? There certainly was no contradiction between them in the slightest particular. And, in regard to the testimony of the chairman, [Mr. Garland,] who had been called by Mr. W. his witness, he (Mr. F.) would ask if there was not a substantial agreement with all the other witnesses? Now, what is there against all this concurrent testimony? The recollection of the gentleman from Tennessee, who was a party to the transaction. He (Mr. F.) would ask the House to recur to the statement of the transaction made by the gentleman from Tennessee on the 4th of February last, and see how it would compare with the testimony of the chairman, who had been called by him as a witness. It was to be supposed that it was intended for a full statement; one containing the whole truth; and yet how very far does it fall short of the testimony of the chairman, comprising scarcely a tithe of it, to say nothing of the testimony of the other witnesses. And now, standing thus, may it not well be inquired whether the attempt comes with a very good grace from the gentleman from Tennessee, to impugn the accuracy of his (Mr. F's) recollection? But, however that may be, he was willing that this House and the country should decide between them.

He would not question the motives of the gentleman from Tennessee—the inquiry was simply as to the accuracy of recollection. And he would also here take occasion to say, with the gentleman from Alabama, [Mr. MARTIN,] that he did not impugn the motives of the gentleman from Tennessee in regard to the investigation which had been principally prosecuted by him through the select committee. He had no doubt but that the gentleman had been misled and deceived. That he had been acting on information which had turned out to be false. And here he must be permitted to say, notwithstanding the strong expressions of the gentleman from Tennessee, that he did not see how any one, unbiased by political considerations, could find any confirmation of the resolves adopted by the committee, in the evidence in the case; that, for his part, he could not see how any one could come to any other conclusion from the evidence, unless he were laboring under some strange hallucination of mind. But as the members were worn down and almost exhausted, having been in session about nineteen hours, he would forbear entering more fully into the subject.

Mr. PEYTON then made some few remarks, in reply to the remarks of the gentleman from Maine.

The amendment of Mr. PEYTON was then disagreed to.

Mr. GARLAND, of Louisiana, moved an amendment, providing that the money which shall be in the Treasury on the 1st of January, 1838, shall be deposited with the several States. Lost.

Mr. LAWRENCE moved an amendment, raising the salaries of the clerks in the office of the Clerk of the House of Representatives. Agreed to.

On motion of Mr. CAMBRELENG, the committee rose and reported to the House.

The Speaker having resumed the chair, and the chairman having reported,

On motion of Mr. UNDERWOOD,

The House adjourned, at 5 o'clock A. M.

FRIDAY, MARCH 3.

FRENCH SPOLIATIONS PRIOR TO 1800.

Mr. HOWARD said that he was instructed by the Committee on Foreign Affairs, to which were referred numerous memorials from claimants for French spoliations prior to 1800, to move that a list of those claimants, which he held in his hand, be printed for the use of the House. It had been asserted, by those opposed to the claims, that they were chiefly in the hands of speculators, who had purchased them at a small price, and were therefore not entitled to as much justice as the original sufferers would have been. The committee had endeavored to classify the petitioners; and the result would show that there was little or no foundation for this opinion. When the names should be printed, he hoped the members of the House would test its accuracy by examining the names of the claimants in the several States.

Mr. H. said he would add, upon his individual responsibility as a member of this House, that, from a laborious investigation, he was satisfied of the intrinsic justice of these claims, and believed that they must and would be paid at some time or other. As far as his voice could reach, he encouraged the claimants to persevere, and not suffer their energy to be overcome by the long delay which had been heretofore painfully, and, he would add, unjustly experienced.

The following is an abstract of the list:

Abstract of petitioners on account of French spoliations prior to 1800, and whose memorials are now before Congress, viz:

From the State of	Maine,	69
Do	New Hampshire,	58
From the State of	Vermont,	2
Do	Massachusetts	262
Do	Rhode Island,	25
Do	Connecticut,	60
Do	New York,	101
Do	New Jersey,	4
Do	Pennylvania,	106
Do	Delaware,	5
Do	Maryland,	124
Do	District of Columbia,	20
Do	Virginia,	49
Do	North Carolina,	25
Do	South Carolina,	27
Do	Georgia,	3
Do	Kentucky,	3
Do	Ohio,	6
Do	Alabama,	2
Do	Mississippi,	1
Do	Louisiana,	2
Do	Missouri,	1
Do	Indiana,	1
	Total,	956

And the following appears to be a proper classification of the above-stated petitioners, viz:

Petitions of original claimants in their own right,				445
Do	of administrators,	107	Of deceased persons, being original claimants.	
Do	of executors,	113		
Do	for heirs,	37		
Do	for estates,	45		
Do	as surviving partners,	79		
Do	as guardians,	2		
Do	widows for estates,	4		
Do	as assignees of bankrupts and as trustees of insolvents,	52		
				439
Do	of insurance companies, as assignees of original claimants, for losses covered by insurance,			18
Do	of original claimants, "for self and others,"			13
Do	do do "by attorney,"			23
Do	do do "by agent,"			18
	Total,			956

The motion of Mr. H. was agreed to, without a division.

Mr. LAWRENCE asked leave to offer a resolution allowing members to lay such petitions as were in their possession, and which they desired to present, on the table, and that they be entered on the journal; but it was objected to.

On motion of Mr. CAMBRELENG, the Committee of the Whole on the state of the Union were discharged from the further consideration of the bill from the Senate entitled "An act to authorize the Secretary of the Treasury to compromise the claim of the United States on the Alleghany Bank of Pennsylvania;" and the same having been brought into the House,

Mr. CAMBRELENG proposed a substitute; which was agreed to; and the bill, having been engrossed, was read a third time and passed.

The title of the substitute was as follows: "An act authorizing the proper officer of the Treasury Department to credit the account of the Treasurer of the United States with the amount of unavailable funds, &c."

Mr. HUNTSMAN, from the Committee on Private Land Claims, reported a bill for the relief of Martin Kingsbury. Read twice, and committed.

Mr. WISE, from the select committee appointed to inquire into the condition of the various executive departments, presented the reports of the majority and minority of that committee, and also the views of an individual member of the committee, which he moved to lay on the table, and that the reports, journal of the committee, and accompanying documents, be printed; which was agreed to,

On motion of Mr. INGERSOLL, 5,000 extra copies of the report and documents were ordered to be printed.

Mr. GALBRAITH, from the select committee on the subject of banks, made a final report thereon; which was ordered to lie on the table and be printed.

Mr. BRIGGS, on leave, submitted a resolution to pay the little boys an extra compensation, (of $250 for the session,) in addition to their pay of $1 50 a day; when, after being amended so as to include messengers and others, on motions of Messrs. WARDWELL, GRENNELL, and BELL, and after some remarks from Messrs. McLENE, CONNOR, HARPER, RENCHER, and A. H. SHEPPERD,

Mr. RENCHER moved that the Clerk be directed to pay them $100 extra. And, after some remarks from Mr. McKENNAN,

Mr. CAMBRELENG moved the previous question; but subsequently withdrew it; and the subject being further discussed,

Mr. HOWELL moved to lay the resolution, as modified and amended, on the table, and asked for the yeas and nays on that motion; but the House refused to order them, and also refused to lay the subject on the table.

Mr. McKENNAN then demanded the previous question; which was seconded—yeas 85, nays 42—and the main question ordered.

Mr. WILLIAMS, of North Carolina, asked for the yeas and nays on the adoption of the resolutions; but they were refused, and the resolutions were agreed to.

Mr. CAMBRELENG moved to proceed to the orders of the day, being the consideration of the appropriation bills.

Mr. MERCER moved a suspension of the rules for the purpose of submitting a resolution reported from the Committee on Roads and Canals, to rescind the 16th joint rule of the two Houses, so as to send to the Senate the bill to provide for the selection and purchase of sites for marine hospitals on the Western waters; but the motion was rejected, without a count.

The House then passed to the orders of the day.

CIVIL AND DIPLOMATIC APPROPRIATION BILL.

The House proceeded to the consideration of the amendments of the Senate to the bill making appropriations for the civil and diplomatic expenses of the Government for the year 1837, as amended in Committee of the Whole House.

Several of the amendments, as amended, were concurred in.

The amendment of the Senate, as amended by the House, providing for an increase of compensation to the clerks of the two Houses of Congress, and of the librarians of Congress, similar in amount to that given by the amendment of the Senate to the clerks in the departments, coming up for concurrence—

After some remarks from Messrs. W. THOMPSON, RENCHER, and LAWRENCE,

The question was taken, and the amendment concurred in.

The other portions of this amendment having been concurred in,

Mr. RENCHER moved a further amendment to the amendment, providing that no extra allowance should be given for any extra services performed by the said clerks under any law or resolution of Congress; which was agreed to.

The amendment of the Senate increasing the salary of the Surveyor General of Arkansas from $1,500 to $2,000, and which had been non-concurred in by the Committee of the Whole House, coming up—

The House non-concurred with the Committee of the Whole, and the amendment of the Senate was concurred in.

The amendment of the Senate increasing the compensation of the clerks in the Surveyor General's office in Arkansas was concurred in by the House.

The amendment of the Senate increasing the amount appropriated for contingent expenses of foreign intercourse from $12,000 to $30,000 was debated by Messrs. HOWARD, JENIFER, and A. H. SHEPPERD, and was finally concurred in.

The amendment of the Senate appropriating $4,200 for extra clerk hire in the office of the Secretary of the Senate, after some remarks from Messrs. C. JOHNSON and CAMBRELENG, was disagreed to.

The amendment authorizing the Secretary of the Senate to employ, in lieu of the clerks now employed, one chief clerk with a salary of $2,000, one other clerk at $1,000, two at $1,600, and three at $1,500, was disagreed to.

The question then recurring on concurring with the Senate in their amendments, as amended,

Mr. W. THOMPSON, after some remarks in opposition, asked for the yeas and nays on concurrence in that portion of the amendment, as amended, which provides for the increase of the compensation of the clerks in the Departments of State and War, of the clerks to both Houses of Congress, and of the librarians thereto; which were ordered.

Mr. HOWELL said he was informed that it had been the practice with some of the heads of bureaus, that were allowed a number of extra clerks at $1,000 per annum, to hire clerks at less sums, and pocket the excess themselves.

Now, if this were so, it proved that an increase of their salaries was unnecessary, and that as good clerks as we now have could be obtained at the present rates.

I would inquire of the honorable gentleman from Virginia [Mr. Wise] if he has any evidence of the facts referred to.

Mr. WISE replied that the report of the select committee to inquire into the condition of the various executive departments, made this morning, would show a report of Amos Kendall and John P. Van Ness, commissioners appointed by authority of the President of the United States, in the year 1833, to take testimony and report thereon in relation to certain charges—commissioners, by the by, who issued subpœnas in the form of "requests" to witnesses—which report of these commissioners purported to prove the fact that it has been the practice, in one at least, and he believed it says in all the departments, up to a late period, to take the sum of salaries for subordinate clerks, to pay these clerks much less than was allowed by law, and to divide the surplus among the superior clerks or heads of offices and bureaus. For instance, three subordinate clerks had been allowed by law $1,000 each—$3,000 in the aggregate; this gross sum would be taken by the superior; and, in one instance, the inferior $1,000 clerk was paid but $25 per month, leaving $700 out of the $1,000 to be divided among the chief clerks; portions of which were actually so divided, adding to their greater salaries and taking from the lesser. Such was said not to be the practice now; as to that, this deponent saith not. The report will speak for itself.

The subject was further debated by Messrs. HAMER, C. JOHNSON, RENCHER, HARDIN, and A. MANN.

Mr. HUNTSMAN moved the previous question.

The SPEAKER said the effect would be to bring di-

rectly before the House the question on concurring with the Senate in the amendments which had not been acted on by the House.

Mr. HUNTSMAN withdrew the demand for the previous question.

Mr. TURRILL renewed it. And the main question was ordered now to be taken.

Mr. WILLIAMS, of North Carolina, asked for a division of the question, so as to take the question separately on the 4th section above referred to; which was ordered.

And the question being taken on concurring in the remainder of the amendment of the Senate, as amended by the House, the same was concurred in.

And the question on concurrence in the amendment of the Senate in the 4th section, as amended, was taken, and decided in the affirmative: Yeas 100, nays 83.

So the amendment was concurred in.

FORTIFICATION BILL.

The House proceeded to the consideration of the bill making appropriations for certain fortifications, and for other purposes, for the year 1837; which said bill had been returned from the Senate, with a message that that body insisted on its amendment, by which the amendment of this House, providing for the distribution of such surplus revenue as might remain in the Treasury of the United States on the 1st of January next, reserving five millions of dollars, according to the provisions of the act to regulate the public deposites, approved June 23, 1836, was rejected.

Mr. BELL, after a few introductory remarks, urging the propriety and necessity of the motion he was about to make, moved that the House insist on its disagreement to the amendment of the Senate, and asked for the yeas and nays on that motion; which were ordered.

Mr. HAYNES said he regretted exceedingly that the late period of the session placed it out of his power, with due regard to the proper legislation of the House, to express the views he entertained on this momentous subject. But, under the circumstances which surrounded him, he would confine himself to a reply to the brief observations of the gentleman from Tennessee, [Mr. BELL.] That gentleman had adverted to the fact that questions of revenue fall peculiarly within the province of this House. But what is the question we are now called upon to decide? It does not relate either to the creation or ordinary expenditure of the revenue. It is, whether this House shall insist upon retaining their proposition to distribute to or deposite with the States a large portion of the public revenue. Upon such a question the Senate was peculiarly qualified to decide, as they represent the very States with which the proposition of the House provides to deposite the public money. If there is any body on the face of the earth peculiarly qualified to decide such a question, it is the Senate. And if that body ever made a decision especially entitled to respect, it is the decision now in question.

Mr. HUNTSMAN demanded the previous question; which was seconded by the House.

And the main question was ordered to be now taken.

Mr. BELL, by leave, explained to the House that the motion made by him was the mildest and most respectful course that could be taken to the other body.

And the main question was then taken, and decided as follows:

YEAS—Messrs. Adams, Chilton Allan, Heman Allen, Bailey, Bell, Bond, Borden, Bouldin, Briggs, Busch, John Calhoon, William B. Calhoun, Campbell, Carter, Casey, George Chambers, John Chambers, Childs, Nathaniel H Claiborne, Clark, Connor, Corwin, Crane, Cushing, Darlington, Dawson, Deberry, Denny, Elmore, Evans, Everett, Fowler, French, Rice Garland, Graham, Granger, Grayson, Griffin, Hiland Hall, Hard, Hardin, Harlan, Harper, Hawes, Hazeltine, Hiester, Herod, Hoar, Hopkins, Howell, Hunt, Ingersoll, William Jackson, Janes, Henry Johnson, Kennon, Kilgore, Lane, Lawrence, Lay, Thomas Lee, Luke Lea, Lewis, Lincoln, Love, Lyon, Job Mann, Samson Mason, Maury, May, McCarty, McComas, McKennan, Mercer, Milligan, Montgomery, Morris, Parker, Pearson, Pettigrew, Phillips, Pickens, Potts, Reed, Rencher, John Reynolds, Richardson, Robertson, Russell, William B. Shepard, Augustine H. Shepperd, Slade, Sloane, Spangler, Standefer, Storer, Sutherland, Taliaferro, Waddy Thompson, Underwood, Vinton, Washington, White, Elisha Whittlesey, Lewis Williams, Sherrod Williams—106.

NAYS—Messrs. Anthony, Ash, Barton, Beale, Bean, Black, Bovee, Boyd, Burns, Cambreleng, Chapman, Chapin, John F. H. Claiborne, Craig, Cramer, Cushman, Doubleday, Dromgoole, Dunlap, Fairfield, Farlin, Fry, Fuller, Galbraith, James Garland, Gholson, Glascock, Haley, Hamer, Hannegan, Albert G. Harrison, Hawkins, Haynes, Holt, Howard, Hubley, Huntington, Huntsman, Ingham, Jarvis, Joseph Johnson, Cave Johnson, John W. Jones, Klingensmith, Lansing, Lawler, Gideon Lee, Joshua Lee, Leonard, Logan, Loyall, Lucas, Abijah Mann, Martin, William Mason, Moses Mason, McKay, McKeon, McKim, McLene, Miller, Muhlenberg, Page, Parks, Patterson, Patton, Franklin Pierce, Dutee J. Pearce, Phelps, Pinckney, Joseph Reynolds, Rogers, Schenck, Seymour, Shields, Shinn, Sickles, Smith, Sprague, Taylor, Thomas, John Thomson, Turrill, Vanderpoel, Ward, Wardwell, Thomas T. Whittlesey, Yell—88.

So the House insisted on their disagreement to the amendment of the Senate.

OLD HARBOR BILL.

On motion of Mr. SUTHERLAND, the House went into Committee of the Whole on the state of the Union, generally, (Mr. SMITH in the chair;) and,

On motion of Mr. SMITH, the committee took up the bill to provide for certain harbors, and for the removal of obstructions in and at the mouths of certain rivers, and for other purposes, for the year 1837.

The pending question was on concurring with the Senate in certain amendments made thereto; the first of which was in relation to the Delaware breakwater.

Mr. JOHNSON, of Louisiana, moved to amend the amendment of the Senate by adding an appropriation of $75,000 for a marine hospital at New Orleans.

Mr. FRENCH moved to amend the amendment by adding an appropriation for the erection of marine hospitals on the Western waters; which was agreed to: Yeas 80, nays 45.

Mr. LYON moved further to amend the proposed amendment by appropriating $10,000 for a marine hospital in the city of Mobile.

Mr. L. insisted that the same reasons which had been urged by the gentleman from Louisiana, [Mr. JOHNSON,] in support of his amendment, applied with equal force to Mobile. That city was known to be increasing in population, wealth, and business, with great rapidity. It was situated in a climate regarded as somewhat unhealthy at certain seasons, but its immense trade required the employment of seamen and boatmen at all seasons of the year; and if hospitals were to be provided for sick seamen and boatmen, at the expense of the Government, at any points, he regarded the Southern cities as the places most entitled to notice. The amount he had proposed was small, and he hoped his amendment would not be rejected. The amendment prevailed, without a division.

Mr. PHILLIPS moved a general appropriation of

$150,000, to cover a suspension of the twenty per cent. hospital money for one year; which, after some remarks from Messrs. PHILLIPS, CRAIG, PINCKNEY, and PARKER, was agreed to: Yeas 75, nays 52.

Mr. McKAY moved a further amendment appropriating $15,000 for the erection of a marine hospital at Portland, Maine, $10,000 for one at Wilmington, North Carolina, and a like sum for one at Newport, Rhode Island. Lost.

Mr. LOVE proposed a sum of $50,000 for the purchase of a site and the erection of a marine hospital at Buffalo, New York. Lost, without a division.

Mr. JARVIS then moved a proviso that the expenditures for the purchase of sites and the erection of marine hospitals at New Orleans and Mobile should not exceed the sums appropriated; which was agreed to.

The amendment of Mr. JOHNSON, as amended, was then concurred in.

Mr. DUNLAP moved a proviso that one of the hospitals to be erected on the Mississippi should be at Memphis, Tennessee, and that $20,000 be appropriated for that purpose. Lost.

The question recurring on the amendment of the Senate, as amended, after some remarks by Messrs. CHILDS, HUNTSMAN, JOHNSON of Louisiana, and CRAIG, it was concurred in.

Mr. WILLIAMS, of Kentucky, moved a verbal amendment to the clause appropriating $55,000 for continuing the improvement of Cumberland river in Kentucky and Tennessee; which was agreed to.

The next amendment of the Senate considered was the one appropriating the sum of $300,000 for the benefit of the citizens of Alexandria, District of Columbia, to aid them in completing their public works, and for debts already incurred thereon.

Mr. CAVE JOHNSON moved an amendment providing for the protection of the harbor of Georgetown, by prohibiting obstructions being thrown therein.

Mr. BOULDIN said he knew there were but few hours left to transact business this session. He knew that we are the guardians of the people of this District. He knew that, of all the hours devoted to others during the session, or thrown away, not one had fallen to the lot of the District. As a member of the committee, he felt that the people of Alexandria had a right to expect him to do and to say what he could for them. But what could he do, or what time did he have to say any thing in their behalf? None. He would only say that he had examined into the matter. He knew nothing of such works of his own knowledge; but he had inquired into their grievances, and reviewed the legislation of Congress in relation to Alexandria. He would be held responsible for the correctness of the opinion, that Alexandria had suffered not only neglect in the little attention the District had ever got from Congress, but, when compared with the balance of the District, actual injustice.

After some remarks from Messrs. CAVE JOHNSON, W. B. SHEPARD, VINTON, and MERCER, the amendment was agreed to.

The amendment of the Senate, so amended, was then concurred in: Yeas 81, nays 49.

Mr. HANNEGAN moved an amendment declaring Logansport, in the State of Indiana, a port of entry, and appropriating a sum of $50,000 for the removal of obstructions in the navigation of the Great Wabash river. Lost.

The bill was then laid aside, to be reported to the House.

JUDICIAL SYSTEM OF THE UNITED STATES.

On motion of Mr. THOMAS, the committee then took up the Senate bill entitled "An act supplementary to the act entitled an act to amend the judicial system of the United States."

Mr. ROBERTSON moved a substitute for the whole bill, being the House bill, and went on, at some length, to explain its provisions.

Mr. POLK followed, in support of the original bill, when Mr. THOMAS obtained the floor.

The hour of three having arrived, the committee rose, and the House took the usual recess till half past four o'clock.

[Previous to the recess, a message was received from the Senate, stating that that body insisted on its amendment to the bill making appropriations for certain fortifications, and for other purposes, for the year 1837, and asking the appointment of a committee of conference on the part of the House, to meet the committee appointed on the part of the Senate; and which consisted of Messrs. WRIGHT, PARKER, and WEBSTER]

EVENING SESSION.

On the reassembling of the House, it went into Committee of the Whole on the bill to amend the judiciary system of the United States.

The question pending was on the substitute offered by Mr. ROBERTSON.

The debate was continued by Messrs. THOMAS, ROBERTSON, HOAR, BELL, and LINCOLN, when the amendment of Mr. ROBERTSON was disagreed to.

Mr. ANTHONY moved an amendment to change the time of meeting at Williamsport, Pennsylvania; which was disagreed to.

Mr. GARLAND, of Louisiana, after some remarks, moved an amendment making a change in the sixth judicial district. Lost.

Mr. G. then moved an amendment providing for the appointment of a judge for the western district of Louisiana.

On motion of Mr. WARDWELL, the committee rose and reported the two bills to the House.

The Speaker having resumed the chair, and the chairman of the committee having reported the harbor and judiciary bills to the House,

The harbor bill was taken up, and the Speaker propounded the question on concurring with the Committee of the Whole in their amendments thereto.

Mr. MANN, of New York, demanded the previous question, but subsequently withdrew it.

The amendments of the Committee of the Whole were then agreed to, and the amendments of the Senate, as so amended, were also concurred in.

The House then took up the bill to amend the judiciary system of the United States, on which

Mr. HAWES moved the previous question; which was seconded: Yeas 111, nays not counted. And the main question was ordered, without a division.

Mr. GARLAND, of Louisiana, asked for the yeas and nays on the main question, but the House refused them. And the bill was ordered to a third reading, without a count, and was then read a third time and passed.

On motion of Mr. McKENNAN, the House took up the amendments of the Committee of the Whole to the amendment of the Senate to the bill to continue the Cumberland road; which were concurred in.

The House then took up the amendment of the Senate to the bill making appropriations for fortifications, which the Senate had returned to the House, insisting on their amendment, and asking a conference.

On motion of Mr. BELL, a committee of conference, consisting of five (amended to three) members, was appointed on the part of the House; and Mr. BELL, Mr. LAWRENCE, and Mr. CAMBRELENG, were appointed said committee.

THANKS TO THE SPEAKER.

On motion of Mr. MÜHLENBERG, (Mr. PIERCE, of New Hampshire, then temporarily occupying the chair,)

Resolved, unanimously, That the thanks of this House be presented to the honorable JAMES K. POLK, for the able, dignified, and impartial manner with which he has presided over its deliberations, and performed the arduous and important duties of the Chair.

LIGHT-HOUSES.

On motion of Mr. SUTHERLAND, the House went into a Committee of the Whole, (Mr. SMITH in the chair,) and took up the bill from the Senate making appropriations for light-houses, light-boats, beacon-lights, buoys, &c., for the year 1837.

The bill having been gone through, a variety of amendments were submitted, most of which were agreed to.

Mr. DUNLAP then moved to strike out the enacting clause of the bill, on the ground, he said, of the incongruity of the body of the bill with the second section thereof. The second section was in the following words:

"SEC. 2. *And be it further enacted*, That none of the light-houses, beacon-lights, or buoys, the erection or construction of which is provided for in the preceding section, shall be commenced until an examination shall have been made, under the authority of the Secretary of the Treasury, for the purpose of ascertaining whether the proper site has been selected, and whether public convenience demands the erection or construction thereof. And in every case in which such construction shall not, after due examination, appear to him to be demanded by public convenience, it shall be his duty to report the facts appearing in every such case to the next Congress."

Mr. D. then commented, with considerable warmth, upon the inconsistency of this clause with the body of the bill, which positively located the works in question.

After some further remarks from Messrs. PEARCE of Rhode Island and UNDERWOOD, the motion of Mr. DUNLAP was rejected, and the bill was laid aside, to be reported to the House.

INCREASE OF THE ARMY.

Mr. WARD then moved that the committee take up the Senate bill to increase the military establishment of the United States, and for other purposes; which was agreed to: Yeas 74, nays 65.

The bill was then read, and taken up by sections.

[The provisions and details of this bill are given in the debates in the Senate.]

Mr. HAWES offered a proviso that no officer should be appointed from the graduates of the West Point Academy.

Mr. H. was proceeding to address the committee on his amendment, when he gave way to enable the Speaker to resume the chair, and sign some enrolled bills.

FORTIFICATION BILL—DISTRIBUTION OF THE SURPLUS.

Mr. BELL then asked the general consent of the House to make a report from the committee of conference.

Leave being granted,

Mr. BELL rose and said: Mr. Speaker: The committee of conference appointed on the part of this House to meet a similar committee appointed by the Senate, on their motion, upon the subject of the disagreeing votes of the two Houses in relation to the amendment of the Senate which proposed to strike out from the "bill making appropriations for certain fortifications of the United States for the year 1837, and for other purposes," that clause proposing to distribute the surplus revenue on the 1st day of January next, report that they have performed the duty assigned them, and have come to no agreement. Mr. B. therefore felt it his duty to report this fact to the House, that it might, if it chose, at this period of the sitting, proceed to take such other steps as it should think proper; and he now moved that the House do adhere to their disagreement.

Mr. HAWES asked for the yeas and nays on this motion; which were ordered.

Mr. CAVE JOHNSON moved that the House recede; which motion took precedence of the other.

Mr. FRENCH asked for the yeas and nays on this motion; which were ordered, and were: Yeas 80, nays 93, as follows:

YEAS—Messrs. Anthony, Ash, Barton, Beale, Beaumont, Bockee, Bovee, Boyd, Cambreleng, Chapin, Craig, Cramer, Crary, Cushman, Doubleday, Dromgoole, Dunlap, Farlin, Fowler, Fuller, Galbraith, J. Garland, Gholson, Grantland, Haley, J. Hall, Hamer, Hannegan, A. G. Harrison, Hawkins, Holt, Howard, Huntington, Huntsman, Ingham, Jarvis, C. Johnson, J. W. Jones, B. Jones, Lansing, Lawler, G. Lee, J. Lee, Leonard, Loyall, Lucas, A. Mann, W. Mason, M. Mason, McKay, McKeon, McKim, McLene, Miller, Muhlenberg, Page, Parks, Patterson, Patton, F. Pierce, D. J. Pearce, Phelps, Pinckney, Joseph Reynolds, Rogers, Shields, Shinn, Sickles, Smith, Sprague, Taylor, Thomas, J. Thomson, Turrill, Vanderpoel, Ward, Wardwell, T. T. Whittlesey, Wise, Yell—80.

NAYS—Messrs. Adams, C. Allan, H. Allen, Bell, Bond, Borden, Bouldin, Bunch, J. Calhoon, Campbell, Carter, Casey, J. Chambers, Childs, N. H. Claiborne, Clark, Connor, Corwin, Crane, Cushing, Dawson, Deberry, Denny, Elmore, Everett, Forester, French, R. Garland, Graham, Granger, Graves, Grayson, Griffin, H. Hall, Hard, Hardin, Harlan, Harper, S. S. Harrison, Hawes, Hazeltine, Hiester, Herod, Hopkins, Howell, Hunt, Ingersoll, Janes, Jenifer, H. Johnson, Kilgore, Lane, Lawrence, Lay, L. Lea, Lewis, Lincoln, Love, Lyon, J. Mann, S. Mason, Maury, May, McCarty, McComas, McKennan, Mercer, Milligan, Montgomery, Parker, J. A. Pearce, Pearson, Pettigrew, Peyton, Phillips, Pickens, Potts, Reed, Rencher, John Reynolds, Richardson, Robertson, W. B. Shepard, A. H. Shepperd, Slade, Standefer, Storer, Sutherland, Taliaferro, W. Thompson, Turner, Underwood, Vinton, Washington, White, E. Whittlesey, L. Williams, S. Williams—93.

So the House refused to recede.

The question then recurring upon the motion of Mr. BELL, that the House do adhere to their disagreement to the Senate's amendment—

Mr. CAMBRELENG said, as this was the last vote that could be taken on this subject, he had merely to state that, if the House adhered, the bill was lost. [Loud cries of order! order! from several parts of the hall; and if Mr. C. did make any additional remarks, his voice was entirely drowned by the noise.]

Mr. GRANGER. The chairman of the Committee of Ways and Means had announced that this bill was lost if the House adhered. How did he know that?

Mr. CAMBRELENG. I have the assurance from the committee on the part of the Senate.

Mr. BELL remarked that the gentleman's declaration was a most extraordinary one. The committee of three persons on the part of the Senate, or any number of gentlemen of that House, might think that, because that committee could come to no agreement, the body it represented might not. But nothing could be more true than that the committee of the Senate could not vote for or speak for the whole body of the Senate, or even for a majority of it. They spoke, and spoke only, their own sentiments; the same as the committee on the part of the House spoke their sentiments as a committee. Neither could speak or vote for the whole body or a

majority of it; else why the necessity of approving, disapproving, adopting, or rejecting their report?

Whatever conversations might have passed, when the two committees met, among the members, was, and could be, of course, only conjectural, and was, to say the least of it, in character rather gratuitous. They could not pledge themselves for the vote of the majority they represented. If, however, we were to go into reasoning on probabilities of what might be the result, Mr. B. would say there was a possibility, nay, a strong probability, for arriving at the conclusion that a sufficient number of Senators would change their votes, so as to recede, as he trusted they would; nevertheless, he did not feel himself authorized to make a response of this description, except in answer to the very extraordinary declaration of the gentleman from New York. Mr. B. thought it due to the House that it should sustain its vote, and he hoped they would do so. It was true that they had no discourtesy to complain of on the part of the Senate, but still it was that body which ought now to recede. The House were the representatives, the immediate representatives, of the great body of the American people; and its solemn opinion, three times expressed, at such a period as the present too, by an overwhelming majority, demanded that it should be treated with the utmost deference. He again expressed his earnest hope that it would adhere.

Mr. ADAMS inquired if the gentleman from New York was in order in referring to what had taken place before the committee of conference.

The CHAIR (temporarily occupied by Mr. PIERCE, of New Hampshire) said the point ought to have been raised at the time.

Mr. ADAMS had understood the point of order was made, for the gentleman was loudly called to order; and Mr. A. held it to be the duty of the Speaker at once to have arrested the remarks.

The CHAIR had heard no gentleman rise in his place and raise the point of order, or he should have at once entertained it.

Mr. ADAMS. Was it in order for the gentleman from New York to intimidate, or to make remarks for the purpose of intimidating, the members of this House in the votes they might be about to give?

The CHAIR had not heard any "intimidation" thrown out by the member from New York.

Mr. ADAMS expressed a hope that no member would be influenced by what fell from the chairman of the Committee of Ways and Means.

Mr. CAMBRELENG said, gentlemen might take the responsibility of losing the fortification bill if they pleased. Upon him at least it would not rest, and he should vote to recede.

Mr. PEYTON would merely call the attention of those members of the present body who were members of the last Congress to the change taken place in the gentleman's doctrines since then. On the night of the 3d of March, when the memorable three-million appropriation was lost, the doctrine of the gentleman then was very different from what he now intimated, and which he wished to impress upon the House, with regard to the course taken by the Senate. What language did the gentleman then hold? What was then his doctrine? It was that this House should adhere, even if the bill should be lost, and the country left defenceless against the apprehended invasion of a foreign foe. Then it was that this House should do its duty, and let the odious Senate take the responsibility; and the measure was lost. Yes, sir, repeated Mr. P., such was his language—lost at the peril of all the dreadful consequences of war, and every thing that might be expected from a conflict with a foreign enemy, according to the gentleman's estimate of the then perilous condition of the country. "Let the House adhere," the gentleman then vociferated, "and let the Senate assume the responsibility of the loss of the fortification bill." But now, the majority of that body having changed, the gentleman's doctrine has changed with it. Then, if the Senate adhered, the responsibility was to rest upon them; now, if they adhered, the responsibility was to rest upon the House.

Mr. P. concluded by an earnest hope that the House would not recede; for what was the effect of its proposition? Why, that millions upon millions of money would be taken from the Treasury, or rather from the pet banks, or rather from the grasp of the dictator and controller of the pet banks, and distributed among the people to whom it belonged. The effect of the Senate's amendment, was to prevent this from being done. That was the real issue, and the country would decide, on that issue, where the responsibility should rest.

Mr. VANDERPOEL thought it entirely useless to be indulging in recrimination on this subject. He believed every man had made up his mind, and was willing to assume the responsibility, if any there was, or would be, in this matter. For his own part, he was perfectly ready and willing to take his share of it. He had voted against the proposition ingrafted on this bill in the first instance, because it contained what he believed to be a most obnoxious principle—that of distribution; and which, in his opinion, counterbalanced and overbalanced all the benefits of the fortification bill. He was also willing to vote against it again, on the same ground, and to assume his share of the responsibility; but, believing that speeches would make no converts, he hoped the question would be taken without further debate.

Mr. LANE said it was not his intention to detain the House by an examination of the principles of the amendment; he had voted too often upon the subject involved not to be understood. He had not only voted for the deposite bill of the last session, but had taken the lead in procuring its timely consideration. He had voted, in every instance, in favor of the amendment upon which we are now called to vote for the last time.

The bill called the deposite bill of the last session sprang from a legitimate source, from one of the standing committees, and was a bill connected with but a single other provision near of kin. It was known, officially known, that a large surplus had and would accumulate in the Treasury, beyond the wants of the Government, and there was time for the action of Congress, and an apparent necessity for it. Otherwise, in the present case, it has been introduced as an amendment to the fortification bill—a bill upon which the safety of our commerce, our cities, our people, and the national honor, depend—at the close of the session; not a bill of this House, but of the Senate. The Senate has refused to concur. This House has adhered. The Senate again refuse to concur, and, in all due courtesy, has asked a committee of conference. That committee fail to agree; and it now remains to be determined whether this House will recede; if it does not, the fortification bill, so important to the defence of the country, must fall.

If a pertinacious adherence to the amendment would save the amendment, even at the loss of the fortification bill, there would exist some reason for firmness; but the disagreement has arrived at that point of legislation which, by the vote now to be taken on the motion to recede, is to decide the fate of both: to recede is to pass the fortification bill—to refuse is the loss of both. This House must recede, or they sleep together.

Mr. L. said he called upon honorable members to pause and reflect before they gave such a vote; a vote that would not only put a stop to all the public works now in progress, and permit them to fall into decay, but blight the national credit and honor by a breach of na-

tional faith. Existing contracts must be violated, for the want of money in the hands of the Executive to fulfil them.

Sir, (said Mr. L.,) when does the amendment propose to deposite the surplus revenue? Not until January, 1838.

Mr. L. said he would call upon honorable members to say if any necessity existed for such premature action upon the subject of the surplus revenue. The amendment proposed to distribute in January, 1838, before it can be known whether there will be any to distribute. A war with Mexico, or a protracted one with the Indian tribes, and it would all be swallowed up for national defence. Suppose a large surplus should accumulate, there will be ample time for the next Congress to act upon the subject before the amendment, if adopted, could take effect. Sir, this House has but a few hours to act; the next Congress will have a month. From estimates laid before them, they will be able to act advisedly upon the subject.

Sir, it has been said by honorable members, (and is this the only argument put forth for this obstinate adhesion to the amendment?) that unless it shall be adopted, the money will be left in the hands of the Executive and the pet banks, to corrupt and purchase the banks and the people. Are gentlemen prepared to rest their honor and integrity upon such an argument—an argument contradicted by the very amendment it is urged to sustain? Suppose the amendment should be adopted, will it, can it, have the slightest influence upon the money in the Treasury, before the 1st of January, 1838? Will there be one dollar more or less in the hands of the Executive? Will it change the surplus one single farthing? Surely not; there is no such provision in the amendment; to contend for such a proposition would be more than folly—it would be madness itself. Is there an honorable gentleman upon this floor who will rise and say that it would produce the slightest change in the amount of money in the Treasury; the place to be deposited; the use which may be made of it; that it would leave it less in the power or control of the Executive branch of the Government, whose duty it is to take charge of it? If any such gentleman has a seat upon this floor, (Mr. L. said,) he called upon him to rise and state in what particular such change would take place. No one has been found to respond; the proposition is then conceded by all. Is it, then, not our duty to recede, and permit the fortification bill to become a law, and leave the surplus revenue, if any, in the hands of the next Congress, to dispose of in such manner as in their judgment shall be best calculated to promote the public interest? They will have time and estimates before them, and act knowingly upon the subject.

For these reasons, (said Mr. L.,) he should vote to recede, and called upon the friends of the fortification bill to follow his example.

Mr. L. said, before he took his seat, he desired to be distinctly understood as not having changed his opinion upon the subject of a surplus revenue. That while he was fully persuaded in his own mind that to pass a law for the purpose of collecting a greater revenue from the people than was necessary for the reasonable and just expenditures of the Government would be unjust, oppressive, and unconstitutional, he was free to state he had no doubt of the propriety, nay, the duty of Congress, when by existing laws there shall be thrown into the Treasury more than is required for the purposes aforesaid, to return it back to the people, in such manner as is best calculated to promote the interests of all. To conclude, (said Mr. L.,) should he be honored with a seat in the next Congress, and a surplus revenue found in the Treasury beyond the wants of the Government, so far as it depended upon his vote, it should be acted upon to meet the just expectations of his constituents.

Mr. MANN, of New York, expressed a hope that this question was not to be debated again at this late hour; and he therefore demanded the previous question.

Mr. GLASCOCK. I second the motion, for I do hope that it will not be debated any more.

Mr. WISE having called for a division of the House by tellers,

The demand for the previous question was then seconded by the House: Yeas 135; and the main question was ordered, without a division.

Mr. BRIGGS asked for the yeas and nays on the main question; which were ordered, and were: Yeas 107, nays 87, as follows:

YEAS—Messrs. Adams, C. Allan, H. Allen, Bailey, Bell, Bond, Borden, Bouldin, Briggs, Bunch, J. Calhoun, W. B. Calhoun, Campbell, Carter, Casey, George Chambers, John Chambers, Childs, N. H. Claiborne, Clark, Connor, Corwin, Crane, Cushing, Dawson, Deberry, Denny, Elmore, Evans, Everett, Forester, Fowler, French, R. Garland, Graham, Granger, Graves, Grayson, Grennell, Griffin, H. Hall, Hard, Hardin, Harlan, Harper, Hawes, Hazeltine, Hiester, Herod, Hoar, Hopkins, Howell, Hunt, Ingersoll, W. Jackson, Janes, Jenifer, H. Johnson, Kilgore, Lawrence, Lay, T. Lee, L. Lea, Lewis, Lincoln, Love, Lyon, J. Mann, S. Mason, Maury, May, McCarty, McComas, McKennan, McLene, Mercer, Milligan, Montgomery, Parker, J. A. Pearce, Pearson, Pettigrew, Peyton, Phillips, Pickens, Potts, Reed, Rencher, John Reynolds, Richardson, Robertson, W. B. Shepard, A. H. Shepperd, Slade, Standefer, Storer, Sutherland, Taliaferro, W. Thompson, Turner, Underwood, Vinton, Washington, White, E. Whittlesey, L. Williams, S. Williams—107.

NAYS—Messrs. Anthony, Ash, Barton, Beaumont, Black, Bockee, Bovee, Boyd, Burns, Bynum, Cambreleng, Chapman, Chapin, Craig, Cramer, Crary, Cushman, Doubleday, Dromgoole, Dunlap, Fairfield, Farlin, Fuller, J. Garland, Gholson, Glascock, Grantland, Haley, Hamer, Hannegan, A. G. Harrison, Hawkins, Haynes, Holt, Howard, Hubley, Huntington, Huntsman, Ingham, J. Johnson, C. Johnson, J. W. Jones, Kennon, Lane, Lansing, Lawler, G. Lee, J. Lee, Leonard, Logan, Loyall, Lucas, A. Mann, Martin, W. Mason, M. Mason, McKay, McKeon, McKim, Miller, Muhlenberg, Page, Parks, Patterson, Patton, F. Pierce, D. J. Pearce, Phelps, Pinckney, Joseph Reynolds, Rogers, Shinn, Sickles, Smith, Sprague, Taylor, Thomas, J. Thomson, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Webster, T. T. Whittlesey, Wise, Yell—87.

So the House determined to adhere to its disagreement to the Senate's amendment; and a message was sent to that body, by its Clerk, notifying them of the fact.

Mr. MANN, of New York, then asked leave to submit a motion to discharge the Committee of the Whole from the further consideration of the bill for the increase of the army. Though he was in favor, he said, of the bill, yet, being well assured it would occupy the whole residue of this session, he would, for the purpose of proceeding to other business, move to discharge the Committee of the Whole from the further consideration of that bill, for the purpose of laying it on the table.

Mr. CALHOON, of Kentucky, objected, and consequently the House went into Committee of the Whole again; and Mr. HAWES, being entitled to the floor, gave way to

Mr. MANN, of New York, on whose motion the above bill was laid aside, not to be reported to the House: Yeas 80, nays 44.

On motion of Mr. MANN, of New York, the committee took up the bill for the appointment of commissioners to adjust the claims to land under the treaty of 1832, with the Choctaw Indians.

There being no motion to amend, the bill was laid aside, to be reported to the House.

The committee then took up the bill authorizing the relinquishment of the 16th section for the use of schools, and the entry of other lands in lieu.

Mr. SHIELDS moved an amendment providing that certain public lands in the State of Tennessee shall be ceded to the State, on conditions therein prescribed.

After some remarks by Messrs. SHIELDS, GHOLSON, HARDIN, DUNLAP, and WILLIAMS of North Carolina,

Mr. MANN, of New York, moved to lay the bill aside.

Mr. GHOLSON inquired if this motion was in order.

The CHAIRMAN decided that it was in order.

Mr. GHOLSON appealed from that decision; and, after some remarks by Messrs. GHOLSON, SHIELDS, LOVE, and CRAIG, the appeal was withdrawn, and the motion to lay the bill aside was decided in the affirmative: Yeas 92, nays 40.

On motion of Mr. SUTHERLAND, the committee rose and reported the bill making appropriations for light-houses, light-boats, &c., and the bill for the appointment of commissioners to adjust the claims to land under the treaty with the Choctaw Indians.

The Speaker having resumed the chair, the bill in relation to the Choctaw Indians was read a third time and passed.

The House then took up and concurred in the amendments of the Committee of the Whole to the light-house bill.

Mr. SUTHERLAND moved the previous question; which was seconded by the House, and the main question ordered.

Mr. STORER called for the yeas and nays on the passage of the bill; which were ordered, and were: Yeas 108, nays 60.

So the bill was passed.

On motion of Mr. HOWARD, the House took up the bill from the Senate entitled "An act to continue in force, for a limited time, the act entitled an act to carry into effect a convention between the United States and Spain;" and the same was read a third time, and passed.

The bill from the Senate to provide for a more equitable administration of the navy pension fund having been returned to the Senate with an amendment, that body had sent it back, disagreeing with the amendment of the House.

Mr. JARVIS moved that the House insist upon its amendment.

Mr. WISE opposed the motion; Messrs. PARKER and JARVIS sustained it.

Mr. WISE moved that the House recede from its amendment; which motion was disagreed to; and the motion to insist was agreed to.

CREEK RESERVATIONS.

The "bill to authorize and sanction sales of Creek reservations under the treaty of 1832" was then taken up.

Mr. VINTON opposed the bill, and moved to lay it aside; which motion was warmly opposed by

Mr. LEWIS, who made a brief explanation of its provisions, and showed the justice and necessity of its passage, for the benefit of the Indians themselves, as well as the whites, when

Mr. VINTON's motion was disagreed to without a division.

Mr. HARDIN moved to strike out the words "widows and administrators," in the section authorizing the President of the United States to confirm such sales as were made by them; but subsequently modified his motion so as to strike out the whole of the second section, applying to the sales by widows, children, heirs, &c.

Mr. BELL gave an explanation of the reason which had induced the Committee on Indian Affairs to insert that section, (and said it was a most complicated question,) so as to steer between the apparently or obviously conflicting provisions of the Creek treaty and the laws of Alabama.

Mr. LEWIS explained that the object of this bill was to harmonize the conflicting provisions referred to, and the very section proposed to be stricken out had been inserted for the express purpose of protecting the rights of the Indians.

The motion to strike out the section was disagreed to.

Mr. VINTON submitted a proviso that the lands should not be sold for less than $1 25 per acre. Lost: Yeas 48 nays 82.

On motion of Mr. CHAPIN, the committee then rose and reported the foregoing and several other bills which had passed through Committees of the Whole to the House.

The bill to grant half pay to widows and orphans whose husbands and fathers have died of wounds received in the military service of the United States being taken up—

Mr. VINTON moved to lay it on the table. Lost, without a count.

The bill was then read a third time and passed.

The bill to authorize and sanction the sale of Creek reservations being on its third reading,

Mr. VINTON moved to lay it on the table, and asked for the yeas and nays, but the House refused to order them; and the motion being decided in the negative, the bill was read a third time and passed.

The House then went into Committee of the Whole on the "bill to authorize the President of the United States to cause the public vessels to cruise upon the coast in the winter season, and to relieve distressed navigators."

The Clerk was proceeding to read the above bill, when

Mr. WISE rose and raised the question that it was 12 o'clock at night, a period when many gentlemen had declared it as their conscientious opinion that the constitutional existence of that body ceased, though he did not, for he thought their powers remained till 12 o'clock M. of the 4th.

After some further remarks from Messrs. CHAMBERS of Kentucky, WISE, and DROMGOOLE,

On motion of Mr. UNDERWOOD, the committee rose and reported.

On motion of Mr. SMITH, a committee was then appointed on the part of the House, in conjunction with such committee as the Senate may appoint, to wait upon the President, and notify him that unless he has some other communication to make, the two Houses are ready to adjourn.

A message was also sent to the Senate, informing that body that the House was ready to adjourn.

COMMERCE AND NAVIGATION.

The SPEAKER laid before the House a communication from the Secretary of the Treasury, transmitting a report, by which it appears that the statements in relation to commerce and navigation are about being finally closed, but will not be done in time enough to transmit to the House before its adjournment, and suggesting the propriety of authorizing the Clerk of the House of Representatives to have them printed.

On motion of Mr. PHILLIPS, this report was laid on the table, and ten thousand extra copies of the annual report on commerce and navigation were ordered to be printed.

Several other communications from the heads of departments were also laid on the table by the Speaker, and ordered to be printed.

ABSENT MEMBERS EXCUSED.

Mr. CUSHING rose and said that during the call of the House, on the night of the 27th instant, he had voted against the motion of his colleague [Mr. ADAMS] for the unconditional excuse of those absent members who came in at the summons of the Sergeant-at-arms. He did so under the expectation that the call was to be carried through, and all absent members treated alike. But the call had been suspended; and it was unjust that the members who voluntarily appeared, and thus enabled the House to go on with its business, should be singled out for punishment, while others, who refused to come in, were left untouched. And he conceived that a general act of amnesty, at this the closing hour of the present Congress, was due to the mutual good feeling of the members of the House.

Whereupon, on motion of Mr. C., the House reconsidered the vote by which certain members, brought before the House during the call of the 27th, had been excused on condition of paying fees; and the vote being again taken, they were excused without condition.

Mr. SMITH, from the joint committee appointed to wait on the President, and inform him that the two Houses of Congress, having finished the business before them, were now ready the adjourn, unless he had some further communication to make, reported that they had performed the duty assigned to them, and were answered by the President, that he had no other official communication to make, but that he had charged them to say that it was the wish of his heart that each member of Congress might enjoy health and prosperity in this world, and happiness in the world to come.

Mr. PATTON moved that this House adjourn *sine die*.

SPEAKER'S ADDRESS.

The SPEAKER then rose and addressed the House as follows:

GENTLEMEN: The twenty-fourth Congress has now closed its deliberations, and, being about to be dissolved, I seize the moment of our separation to return to this House my profound acknowledgments for the many evidences I have had of your indulgent kindness, and generous confidence and support, during the period I have presided over your deliberations; but more especially do I return to you my sincere thanks for the vote you have been pleased this day to pass, approving my official conduct in the chair. No language, gentlemen, can adequately convey the deep sense of gratitude which this testimonial of your good opinion has excited in my breast. The gratification which it has afforded is the greater, because the resolution which you have passed conveys the voluntary and deliberately expressed opinions of gentlemen, with many of whom I have been long associated here, all of whom have been the eyewitnesses of my conduct as the presiding officer of this House, and whose friendship, esteem, and confidence, I shall cherish to the latest hour of my life.

I entered upon the duties of this high station with a full sense of the responsibility which must often devolve upon me, and with the fixed purpose, if I know my own heart, so to discharge those duties as to merit the respect and good opinion of this House and the approbation of the country. I have had no other desire than that the rules and parliamentary laws by which our proceedings are regulated should be properly expounded and correctly administered. It is due to candor to say that the steady and unwavering support which you have upon all occasions given me has alone enabled me successfully to discharge the duties assigned me. The anxiety and solicitude which I have often felt, and especially in seasons of great political excitement, from which our deliberations have not been exempt, to perform my duty, not only with faithfulness, but acceptably to the House and to the country, can be known and appreciated only by him who has filled this chair. Amidst the embarrassments and difficulties which have often surrounded me, it has given me pleasure, upon all occasions, to court the advice and correction of the House if I erred; and it is a source of the highest gratification to me to know that, upon the numerous occasions when the House has been appealed to to affirm or reverse the official decisions which it was my duty to make, you have promptly given me your support. I am not vain enough to believe that I have passed through the many trying occasions which have occurred in the course of our deliberations, during which many difficult and often novel questions of parliamentary law and practice have been suddenly presented for instantaneous decision, without having often fallen into error. If, however, I have erred, I trust it has not been on points material; I know it has not been intentional; and the approbation of my official conduct which you have this day expressed affords the highest proof that you have generously overlooked my errors, and done more than justice to the unwearied efforts I have made to merit your good opinion, and, so far as depended on my official acts, to promote the interests of our constituents.

If, gentlemen, in the course of our deliberations as the representatives of the nation, there has been occasional excitement or feeling, growing out of political collisions, the natural offspring of honest differences of opinion, now that we are about to separate, many of us never again to meet in this hall, or "this side the grave," may we not hope that all recollection of unpleasant incidents that are passed may be forgotten, and that each one of us, whatever may be his future destiny, may devote himself to the advancement of the best interests of our country. In taking leave of you, gentlemen, I wish you a safe return to your families and friends; and my prayer is, that the blessings of an overruling Providence may rest upon all.

And now it only remains for me to perform the last duty assigned me, by the adjournment of this House; and, accordingly, I announce that this House stands adjourned without day.

The House then adjourned.

OFFICIAL—FROM THE GLOBE.

Reasons of President Jackson for not acting definitively on the bill entitled "An act designating and limiting the funds receivable for the revenues of the United States."

The bill from the Senate entitled "An act designating and limiting the funds receivable for the revenues of the United States" came to my hands yesterday, at two o'clock P. M. On perusing it, I found its provisions so complex and uncertain, that I deemed it necessary to obtain the opinion of the Attorney General of the United States on several important questions, touching its construction and effect, before I could decide on the disposition to be made of it. The Attorney General took up the subject immediately, and his reply was reported to me this day, at five o'clock P. M. As this officer, after a careful and laborious examination of the bill, and a distinct expression of his opinion on the points proposed to him, still came to the conclusion that the construction of the bill, should it become a law, would be yet a subject of much perplexity and doubt, (a view of the bill entirely coincident with my own,) and as I cannot think it proper, in a matter of such interest and of such constant application, to approve a bill so liable to diversity of interpretations, and more especially as I have not had time, amid the duties constantly pressing on me, to give the subject that debliberate consideration which its importance demands, I am constrained to retain the bill, with-

out acting definitively thereon; and to the end that my reasons for this step may be fully understood, I shall cause this paper, with the opinion of the Attorney General, and the bill in question, to be deposited in the Department of State.

ANDREW JACKSON.

Washington, *March* 3, 1837, ½ *before* 12 *P. M.*

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Attorney General's Office,
March 3, 1837.

Sir: I have had the honor to receive the several questions proposed to me by you, on the bill which has just passed the two Houses of Congress, entitled "*An act designating and limiting the funds receivable for the revenues of the United States,*" and which is now before you for consideration. These questions may be arranged under three general heads, and, in that order, I shall proceed to reply to them.

"1. Will the proposed bill, if approved, repeal or alter the laws now in force designating the currency required to be received in payment of the public dues, for lands or otherwise?

"Will it compel the Treasury officers to receive the notes of specie-paying banks, having the characteristics described in its first and second sections?

"In what respect does it differ from, and how far will it change, the joint resolution of April 30, 1836?"

Answer. In order to a correct reply to this question, and indeed to any other question arising on this obscurely penned bill, we must first obtain a general view of all its provisions.

The first section requires the Secretary of the Treasury to take measures for collecting the public revenue; first, in the legal currency of the United States, (i. e. gold and silver;) or, second, in the notes of such specie-paying banks as shall, from time to time, conform to certain conditions in regard to small bills, described in the section. This section does not expressly give the Secretary power to direct that any particular notes *shall* be received for lands or for duties, but it *forbids* the receipt of any paper currency other than such bank notes as are described in the section; and it requires the Secretary to adopt measures, in his discretion, to effectuate that prohibition.

The second section extends the prohibition still further, by forbidding the receipt of any notes which the banks in which they are to be deposited shall not, under the supervision and control of the Secretary of the Treasury, agree to pass to the credit of the United States as *cash;* to which is added a proviso, authorizing the Secretary to withdraw the public deposites from any bank which shall refuse to receive as cash, from the United States, any notes receivable under the law, which such bank receives, in the ordinary course of business, on general deposite.

The third and last section allows the receipt, as heretofore, of land scrip and Treasury certificates for public lands, and forbids the Secretary of the Treasury to make any discrimination in the funds receivable (other than such as results from the receipt of land scrip or Treasury certificates) between the different branches of the public revenue.

From this analysis of the bill, it appears that, so far as regards bank notes, the bill designates and limits their receivableness for the revenues of the United States: first, by forbidding the receipt of any except such as have all the characteristics described in the first and second sections of the bill; and, secondly, by restraining the Secretary of the Treasury from making any discrimination, in this respect, between the different branches of the public revenue. In this way the bill performs, to a certain extent, the office of "designating and limiting the funds receivable for the revenues of the United States," as mentioned in its title; but it would seem, from what has been stated, that it is only in this way that any such office is performed. This impression will be fully confirmed as we proceed.

The bill, should it be approved, will be supplementary to the laws now in force, relating to the same subject; but as it contains no repealing clause, no provision of those former laws, except such as may be plainly repugnant to the present bill, will be repealed by it.

The existing laws embraced in the above question, and applicable to the subject, are—

1st. *As to the duties on goods imported.*—The 74th section of the collection law of the 2d of March, 1799, the first part of which, re-enacting, in this respect, the act of the 31st of July, 1789, provides "that all duties and fees to be collected shall be *payable in money of the United States, or in foreign gold and silver coins,* at the following rates," &c. The residue of the section, as to rates, has been altered by subsequent laws, and the clause quoted was varied during the existence of the Bank of the United States, the notes of which were expressly made receivable in all payments to the United States, and during the existence of the act making Treasury notes receivable, by such acts; but in no other respect has it ever been repealed.

2d. *As to public lands.*—The general land law of the 10th of May, 1800, section 5, provided that no lands should be sold, "at either public or private sale, for less than two dollars per acre, and payment may be made for the same, by all purchasers, *either in specie or in evidences of the public debt of the United States,* at the rates prescribed" by a prior law. This provision was varied by the acts relative to Treasury notes and the Bank of the United States, in like manner as above mentioned. The second section of the general land law of the 24th of April, 1820, abrogated the allowance of credits on the sale of public lands after the 1st day of July then next; required every purchaser at public sale to make complete payment on the day of purchase; and the purchaser at private sale to produce to the register a receipt from the Treasurer of the United States, or from the receiver of the district, for the amount of the purchase money. The proviso to the 4th section of the same law enacted, in respect to reverted lands, and lands remaining unsold, that they should not be sold for less price than one dollar and twenty-five cents per acre, "nor on any other terms than that of *cash* payment." This latter act has been further modified by the act allowing Virginia land scrip to be received in payment for public lands.

3d. *As to both duties and lands.*—The joint resolution of the 30th of April, 1816, provides that the Secretary of the Treasury "be required and directed to adopt such measures as he may deem necessary to cause, as soon as may be, all duties, taxes, debts, or sums of money, accruing or becoming payable to the United States, to be collected and paid in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, *as by law provided and declared,* or in notes of banks which are payable and paid on demand in the said legal currency of the United States; and that, from and after the 20th day of February next, no such duties, taxes, debts, or sums of money, accruing or becoming payable to the United States, as aforesaid, ought to be collected or received otherwise than in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, or in notes of banks which are payable and paid on demand in the legal currency of the United States." According to the opinion given by me, as a member of your cabinet, in the month of July last, and to which I still adhere, this resolution was mandatory only as it respected the legal currency of the United States, Treasury notes,

and notes of the Bank of the United States; and in respect to the notes of the State banks, though payable and paid in specie, was permissive merely, in the discretion of the Secretary; and in accordance with this opinion has been the practical construction given to the resolution by the Treasury Department. It is known to you, however, that distinguished names have been vouched for the opinion that the resolution was mandatory as to the notes of all specie-paying banks; that the debtor had the right, at his option, to make payment in such notes; and that, if tendered by him, the Treasury officers had no discretion to refuse them.

It is thus seen that the laws now in force, so far as they *positively enjoin* the receipt of any particular currency in payment of the public dues, are confined to gold and silver, except that in certain cases Virginia land scrip and Treasury certificates are directed to be received on the sale of public lands. In my opinion, there is nothing in the bill before me repugnant to those laws. The bill does not *expressly* declare and enact that any particular species of currency *shall be receivable* in payment of the public revenue. On the contrary, as the provisions of the first and second sections are chiefly of a *negative* character, I think they do not take away the power of the Secretary, previously possessed under the acts of Congress, and as the agent of the President, to *forbid* the receipt of any bank notes which are not, by some act of Congress, expressly made absolutely receivable in payment of the public dues.

The above view will, I think, be confirmed by a closer examination of the bill. It sets out with the assumption that there is a currency established by law, (i. e. gold and silver;) and it further assumes that the public revenue of all descriptions ought to be collected exclusively in such legal currency, *or* in bank notes of a certain character; and therefore it provides that the Secretary of the Treasury *shall* take measures to effect a collection of the revenue "in the legal currency of the United States, *or* in notes of banks which are payable and paid on demand in the said legal currency," under certain restrictions, afterwards mentioned in the act.

This question, then, arises: are bank notes, having the requisite characteristics, placed by the clause just quoted on the same footing with the legal currency, so as to make it the duty of the Secretary of the Treasury to allow the receipt of them, when tendered by the debtor? In my judgment, such is not the effect of the provision.

If Congress had intended to make so important an alteration of the existing law as to compel the receiving officers to take payment in the bank notes described in the bill, the natural phraseology would have been, "in the legal currency of the United States, *and* in notes of banks which are payable and paid in the said legal currency," &c. And it is reasonable to presume that Congress would have used such phraseology, or would have gone on to make a distinct provision, expressly declaring that such bank notes *should be receivable*, as was done in the bank charters of 1790 and 1816; and as was also done by the acts relative to evidences of debt, Treasury notes, and Virginia land scrip. The form of one of these provisions (the 14th section of the act incorporating the late Bank of the United States) will illustrate the idea I desire to present.

"SEC. 14. *And be it further enacted*, That the bills or notes of the said corporation, originally made payable, or which shall have become payable, on demand, *shall be receivable* in all payments to the United States, unless otherwise directed by act of Congress."

The difference between the language there used and that employed in the present bill is too obvious to require comment. It is true that the word "*or*," when it occurs in wills and agreements, is sometimes construed to mean *and*, in order to give effect to the plain intent of the parties; and such a construction of the word may sometimes be given when it occurs in statutes, where the general intent of the law makers evidently requires it. But this construction of the word, in the present case, is not only unnecessary, but, in my opinion, repugnant to the whole scope of the bill, which, so far from commanding the public officers to receive bank notes in cases not required by the existing laws, introduces several new prohibitions on the receipt of such notes.

Nor do I think this one of those cases in which a choice is given to the debtor to pay in one or other of two descriptions of currency, both of which are receivable by law. Such a choice was given by the land law of the 10th of May, 1800, section 5th, between specie and the evidences of the public debt of the United States then receivable by law; and also by the joint resolution of the 30th of April, 1816, between "the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, as by law provided and declared." The option given by that resolution continued in force so long as the laws providing and declaring that Treasury notes and notes of the Bank of the United States should be receivable in payments to the United States, and ceased when those laws expired. The distinction between that description of paper currency, which is by law expressly made receivable in payment of public dues, and the notes of the State banks, which were only *permitted* to be received, is plainly marked in the resolution of 1816. While the former are placed on the same footing with the legal currency, because, by previous laws, it had been so "*provided and declared*," the latter were left to be received or not received, at the discretion of the Secretary of the Treasury, except that he was restricted from allowing any to be received which were not payable and paid on demand in the legal currency. The bank notes spoken of in the bill before me, having never been made receivable by law, must be regarded as belonging to the latter class, and not to the former; and there can, therefore, be no greater obligation under the present bill, should it become a law, to receive them in payment, than there was to receive the paper of the State banks under the resolution of 1816.

As to the difference between this bill and the joint resolution of 1816. The bill differs from that resolution in the following particulars:

1st. It says nothing of Treasury notes and the notes of the Bank of the United States, which, by the resolution of 1816, are recognised as having been made receivable, by laws then in force, in payment of public dues of all descriptions.

2d. It abridges the discretion left with the Secretary of the Treasury by that resolution, by positively forbidding the receipt of bank notes not having the characteristics described in the first and second sections of the bill; whereas the receipt of some of the notes so forbidden might, under the resolution of 1816, have been allowed by the Secretary.

3d. It forbids the making of any discrimination, in respect to the receipt of bank notes, between the different branches of the public revenue; whereas the Secretary of the Treasury, under the resolution of 1816, was subject to no such restraint, and had the power to make the discrimination forbidden by this bill, except as to the notes of the Bank of the United States and Treasury notes.

This bill, if approved, will change the resolution of 1816, so far as it now remains in force, in the second and third particulars just mentioned; but, in my opinion, as already suggested, will change it in no other respect.

"II. What is the extent of the supervision and con-

trol allowed by this bill to the Secretary of the Treasury over the notes to be received by the deposite banks?

"And does it allow him to direct what particular notes shall or shall not be received for lands or for duties?"

Answer. After maturely considering, so far as time has been allowed me, the several provisions of the bill, I think the following conclusions may fairly be drawn from them, when taken in connexion with the laws now in force, and above referred to; and that, should it become a law, they will properly express its legal effect.

1st. That the Secretary of the Treasury *cannot direct* the receipt of any notes, except such as are issued by banks which conform to the first section of the law, and such as will be passed by the proper deposite bank, to the credit of the United States, as *cash*.

2d. That he *may direct* the receipt of notes issued by banks which conform to the first section; provided the deposite bank in which the notes are to be deposited shall agree to credit them as cash.

3d. That if the deposite bank in which the money is to be deposited shall refuse to receive, as cash, the notes designated by the Secretary, and which such bank receives, in the ordinary course of business, on general deposite, he may withdraw the public deposites, and select another depository which will agree to receive them.

4th. That if he cannot find a depository which will so agree, then that the Secretary cannot direct or authorize the receipt of any notes, except such as the deposite bank, primarily entitled to the deposites, will agree to receive and deposite as cash.

5th. That although a deposite bank might be willing to receive from the collectors and receivers, and to credit as *cash*, notes of certain banks which conform to the first section; yet, for the reasons before stated, I am of opinion that the Secretary is not *obliged* to allow the receipt of such notes.

6th. The Secretary is forbidden to make any discrimination in the *funds receivable*, "between the different branches of the public revenue;" and, therefore, though he may forbid the receipt of the notes of any particular bank or class of banks, not excluded by the bill, and may forbid the receipt of notes of denominations larger than those named in the bill, yet, when he issues any such prohibition, it must apply to *all* the branches of the public revenue.

7th. If I am right in the foregoing propositions, the result will be, that the proposed law will leave in the Secretary of the Treasury power to *prohibit* the receipt of particular notes, *provided his prohibition apply to both lands and duties*; and power to *direct* what particular notes, allowed by the law, shall be received, *provided he can find a deposite bank which will agree to receive and credit them as cash.*

"III. Are the deposite banks the sole judges, under this bill, of what notes they will receive? Or are they bound to receive the notes of every specie-paying bank, chartered or unchartered, wherever situated, in any part of the United States?"

Answer. In my opinion, the deposite banks, under the bill in question, will be the sole judges of the notes to be received by them from any collector or receiver of public money; and they will not be bound to receive the notes of any other bank whose notes they may choose to reject: provided they apply the same rule to the United States which they apply to their other depositors. In other words, the general rule, as to what notes are to be received as cash, prescribed by each deposite bank for the regulation of its ordinary business, must be complied with by the collectors and receivers whose moneys are to be deposited with that bank. But it will not therefore follow that those officers will be bound to receive what the bank generally receives; because, as already stated, they may refuse, of their own accord, or under the direction of the Secretary of the Treasury, any bank notes not expressly directed by act of Congress to be received in payment of the public dues.

I have thus answered the several questions proposed on the bill before me; and though I have been necessarily obliged to examine the subject with much haste, I have no other doubts as to the soundness of the construction above given, than such as belong to discussions of this nature, and to a proper sense of the fallibility of human judgment. It is, however, my duty to remind you that very different opinions were expressed, in the course of the debates on the proposed law, by some of the members who took part therein. It would seem, from those debates, that the bill, in some instances at least, was supported under the impression that it would compel the Treasury officers to receive all bank notes possessing all the characteristics described in the first and second sections; and that the Secretary of the Treasury would have no power to forbid their receipt. It must be confessed that the language is sufficiently ambiguous to give some plausibility to such a construction; and that it seems to derive some support from the refusal of the House of Representatives to consider an amendment reported by the Committee of Ways and Means of that House, which would, substantially, have given to the bill, in explicit terms, the interpretation I have put on it, and have removed the uncertainty which now pervades it. Under these circumstances, it may reasonably be expected that the true meaning of the bill, should it be passed into a law, will become a subject of discussion and controversy, and probably remain involved in much perplexity and doubt, until it shall have been settled by a judicial decision. How far these latter considerations are to be regarded by you in your decision on the bill, is a question which belongs to another place, and on which, therefore, I forbear to enlarge in this communication.

I have the honor to be, sir, with high respect, your obedient servant,

B. F. BUTLER.

To the PRESIDENT OF THE UNITED STATES.

An act designating and limiting the funds receivable for the revenues of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and hereby is, required to adopt such measures as he may deem necessary to effect a collection of the public revenue of the United States, whether arising from duties, taxes, debts, or sales of lands, in the manner and on the principles herein provided; that is, that no such duties, taxes, debts, or sums of money, payable for lands, shall be collected or received otherwise than in the legal currency of the United States, or in notes of banks which are payable and paid on demand in the said legal currency of the United States, under the following restrictions and conditions in regard to such notes, to wit: from and after the passage of this act, the notes of no bank which shall issue or circulate bills or notes of a less denomination than five dollars shall be received on account of the public dues; and, from and after the thirtieth day of December, eighteen hundred and thirty-nine, the notes of no bank which shall issue or circulate bills or notes of a less denomination than ten dollars shall be so receivable; and, from and after the thirtieth day of December, one thousand eight hundred and forty-one, the like prohibition shall be extended to the notes of all banks issuing bills or notes of a less denomination than twenty dollars.

SEC. 2. *And be it further enacted*, That no notes shall

be received by the collectors or receivers of the public money which the banks in which they are to be deposited, shall not, under the supervision and control of the Secretary of the Treasury, agree to pass to the credit of the United States as cash: *Provided*, That, if any deposite bank shall refuse to receive and pass to the credit of the United States, as cash, any notes receivable under the provisions of this act, which said bank, in the ordinary course of business, receives on general deposite, the Secretary of the Treasury is hereby authorized to withdraw the public deposites from said bank.

SEC. 3. *And be it further enacted*, That this act shall not be so construed as to prohibit receivers or collectors of the dues of the Government from receiving for the public lands any kind of land scrip or Treasury certificates now authorized by law, but the same shall hereafter be received for the public lands, in the same way and manner as has heretofore been practised; and it shall not be lawful for the Secretary of the Treasury to make any discrimination in the funds receivable between the different branches of the public revenue, except as is provided in this section.

JAMES K. POLK,
Speaker of the House of Representatives.
W. R. KING,
President of the Senate pro tempore.

I certify that this bill did originate in the Senate.
ASBURY DICKINS, *Secretary.*

Farewell Address of Andrew Jackson to the People of the United States.

FELLOW-CITIZENS: Being about to retire finally from public life, I beg leave to offer you my grateful thanks for the many proofs of kindness and confidence which I have received at your hands. It has been my fortune, in the discharge of public duties, civil and military, frequently to have found myself in difficult and trying situations, where prompt decision and energetic action were necessary, and where the interest of the country required that high responsibilities should be fearlessly encountered; and it is with the deepest emotions of gratitude that I acknowledge the continued and unbroken confidence with which you have sustained me in every trial. My public life has been a long one, and I cannot hope that it has, at all times, been free from errors. But I have the consolation of knowing that, if mistakes have been committed, they have not seriously injured the country I so anxiously endeavored to serve; and, at the moment when I surrender my last public trust, I leave this great people prosperous and happy, in the full enjoyment of liberty and peace, and honored and respected by every nation of the world.

If my humble efforts have, in any degree, contributed to preserve to you these blessings, I have been more than rewarded by the honors you have heaped upon me, and, above all, by the generous confidence with which you have supported me in every peril, and with which you have continued to animate and cheer my path to the closing hour of my political life. The time has now come, when advanced age and a broken frame warn me to retire from public concerns; but the recollection of the many favors you have bestowed upon me is engraven upon my heart, and I have felt that I could not part from your service without making this public acknowledgment of the gratitude I owe you. And if I use the occasion to offer to you the counsels of age and experience, you will, I trust, receive them with the same indulgent kindness which you have so often extended to me; and will, at least, see in them an earnest desire to perpetuate, in this favored land, the blessings of liberty and equal law.

We have now lived almost fifty years under the constitution framed by the sages and patriots of the Revolution. The conflicts in which the nations of Europe were engaged during a great part of this period, the spirit in which they waged war against each other, and our intimate commercial connexions with every part of the civilized world, rendered it a time of much difficulty for the Government of the United States. We have had our seasons of peace and of war, with all the evils which precede or follow a state of hostility with powerful nations. We encountered these trials with our constitution yet in its infancy, and under the disadvantages which a new and untried Government must always feel when it is called upon to put forth its whole strength, without the lights of experience to guide it, or the weight of precedents to justify its measures. But we have passed triumphantly through all these difficulties. Our constitution is no longer a doubtful experiment; and, at the end of nearly half a century, we find that it has preserved unimpaired the liberties of the people, secured the rights of property, and that our country has improved and is flourishing beyond any former example in the history of nations.

In our domestic concerns there is every thing to encourage us; and, if you are true to yourselves, nothing can impede your march to the highest point of national prosperity. The States which had so long been retarded in their improvement by the Indian tribes residing in the midst of them, are at length relieved from the evil; and this unhappy race—the original dwellers in our land—are now placed in a situation where we may well hope that they will share in the blessings of civilization, and be saved from that degradation and destruction to which they were rapidly hastening while they remained in the States; and while the safety and comfort of our own citizens have been greatly promoted by their removal, the philanthropist will rejoice that the remnant of that ill-fated race has been at length placed beyond the reach of injury or oppression, and that the paternal care of the General Government will hereafter watch over them and protect them.

If we turn to our relations with foreign Powers, we find our condition equally gratifying. Actuated by the sincere desire to do justice to every nation, and to preserve the blessings of peace, our intercourse with them has been conducted on the part of this Government in the spirit of frankness, and I take pleasure in saying that it has generally been met in a corresponding temper. Difficulties of old standing have been surmounted by friendly discussion, and the mutual desire to be just; and the claims of our citizens, which had been long withheld, have at length been acknowledged and adjusted, and satisfactory arrangements made for their final payment; and, with a limited, and, I trust, a temporary exception, our relations with every foreign Power are now of the most friendly character—our commerce continually expanding, and our flag respected in every quarter of the world.

These cheering and grateful prospects, and these multiplied favors, we owe, under Providence, to the adoption of the federal constitution. It is no longer a question whether this great country can remain happily united, and flourish, under our present form of government. Experience, the unerring test of all human undertakings, has shown the wisdom and foresight of those who formed it; and has proved that, in the union of these States, there is a sure foundation for the brightest hopes of freedom, and for the happiness of the people. At every hazard, and by every sacrifice, this Union must be preserved.

The necessity of watching with jealous anxiety for the preservation of the Union was earnestly pressed upon his fellow-citizens by the Father of his Country in his farewell address. He has there told us, that "while expe-

rience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its bonds;" and he has cautioned us, in the strongest terms, against the formation of parties on geographical discriminations, as one of the means which might disturb our Union, and to which designing men would be likely to resort.

The lessons contained in this invaluable legacy of Washington to his countrymen should be cherished in the heart of every citizen to the latest generation; and, perhaps, at no period of time could they be more usefully remembered than at the present moment. For, when we look upon the scenes that are passing around us, and dwell upon the pages of his parting address, his paternal counsels would seem to be not merely the offspring of wisdom and foresight, but the voice of prophecy, foretelling events, and warning us of the evil to come. Forty years have passed since this imperishable document was given to his countrymen. The federal constitution was then regarded by him as an experiment, and he so speaks of it in his address, but an experiment upon the success of which the best hopes of his country depended; and we all know that he was prepared to lay down his life, if necessary, to secure to it a full and a fair trial. The trial has been made. It has succeeded beyond the proudest hopes of those who framed it. Every quarter of this widely extended nation has felt its blessings, and shared in the general prosperity produced by its adoption. But, amid this general prosperity and splendid success, the dangers of which he warned us are becoming every day more evident, and the signs of evil are sufficiently apparent to awaken the deepest anxiety in the bosom of the patriot. We behold systematic efforts publicly made to sow the seeds of discord between different parts of the United States, and to place party divisions directly upon geographical distinctions; to excite the *South* against the *North*, and the *North* against the *South*, and to force into the controversy the most delicate and exciting topics—topics upon which it is impossible that a large portion of the Union can ever speak without strong emotion. Appeals, too, are constantly made to sectional interests, in order to influence the election of the Chief Magistrate, as if it were desired that he should favor a particular quarter of the country, instead of fulfilling the duties of his station with impartial justice to all; and the possible dissolution of the Union has at length become an ordinary and familiar subject of discussion. Has the warning voice of Washington been forgotten? or have designs already been formed to sever the Union? Let it not be supposed that I impute to all of those who have taken an active part in these unwise and unprofitable discussions a want of patriotism or of public virtue. The honorable feeling of State pride, and local attachments, find a place in the bosoms of the most enlightened and pure. But while such men are conscious of their own integrity and honesty of purpose, they ought never to forget that the citizens of other States are their political brethren; and that, however mistaken they may be in their views, the great body of them are equally honest and upright with themselves. Mutual suspicions and reproaches may in time create mutual hostility, and artful and designing men will always be found, who are ready to foment these fatal divisions, and to inflame the natural jealousies of different sections of the country. The history of the world is full of such examples, and especially the history of republics.

What have you to gain by division and dissension? Delude not yourselves with the belief that a breach once made may be afterwards repaired. If the Union is once severed, the line of separation will grow wider and wider, and the controversies which are now debated and settled in the halls of legislation will then be tried in fields of battle, and determined by the sword. Neither should you deceive yourselves with the hope that the first line of separation would be the permanent one, and that nothing but harmony and concord would be found in the new associations formed upon the dissolution of this Union. Local interests would still be found there, and unchastened ambition. And if the recollection of common dangers, in which the people of these United States stood side by side against the common foe; the memory of victories won by their united valor; the prosperity and happiness they have enjoyed under the present constitution; the proud name they bear as citizens of this great republic: if all these recollections and proofs of common interset are not strong enough to bind us together as one people, what tie will hold united the new divisions of empire, when these bonds have been broken and this Union dissevered? The first line of separation would not last for a single generation; new fragments would be torn off; new leaders would spring up; and this great and glorious republic would soon be broken into a multitude of petty States, without commerce, without credit; jealous of one another; armed for mutual aggression, loaded with taxes to pay armies and leaders; seeking aid against each other from foreign Powers; insulted and trampled upon by the nations of Europe, until, harassed with conflicts, and humbled and debased in spirit, they would be ready to submit to the absolute dominion of any military adventurer, and to surrender their liberty for the sake of repose. It is impossible to look on the consequences that would inevitably follow the destruction of this Government, and not feel indignant when we hear cold calculations about the value of the Union, and have so constantly before us a line of conduct so well calculated to weaken its ties.

There is too much at stake to allow pride or passion to influence your decision. Never for a moment believe that the great body of the citizens of any State or States can deliberately intend to do wrong. They may, under the influence of temporary excitement or misguided opinions, commit mistakes; they may be misled for a time by the suggestions of self-interest; but, in a community so enlightened and patriotic as the people of the United States, argument will soon make them sensible of their errors; and, when convinced, they will be ready to repair them. If they have no higher or better motives to govern them, they will at least perceive that their own interest requires them to be just to others, as they hope to receive justice at their hands.

But, in order to maintain the Union unimpaired, it is absolutely necessary that the laws passed by the constituted authorities should be faithfully executed in every part of the country, and that every good citizen should, at all times, stand ready to put down, with the combined force of the nation, every attempt at unlawful resistance, under whatever pretext it may be made, or whatever shape it may assume. Unconstitutional or oppressive laws may, no doubt, be passed by Congress, either from erroneous views, or the want of due consideration; if they are within the reach of judicial authority, the remedy is easy and peaceful; and if, from the character of the law, it is an abuse of power not within the control of the judiciary, then free discussion and calm appeals to reason and to the justice of the people will not fail to redress the wrong. But until the law shall be declared void by the courts, or repealed by Congress, no individual, or combination of individuals, can be justified in forcibly resisting its execution. It is impossible that any Government can continue to exist upon any other principles. It would cease to be a Government, and be unworthy of the name, if it had not the power to enforce

the execution of its own laws within its own sphere of action.

It is true that cases may be imagined disclosing such a settled purpose of usurpation and oppression, on the part of the Government, as would justify an appeal to arms. These, however, are extreme cases, which we have no reason to apprehend in a Government where the power is in the hands of a patriotic people; and no citizen who loves his country would, in any case whatever, resort to forcible resistance, unless he clearly saw that the time had come when a freeman should prefer death to submission; for if such a struggle is once begun, and the citizens of one section of the country arrayed in arms against those of another in doubtful conflict, let the battle result as it may, there will be an end of the Union, and with it an end to the hopes of freedom. The victory of the injured would not secure to them the blessings of liberty; it would avenge their wrongs, but they would themselves share in the common ruin.

But the constitution cannot be maintained, nor the Union preserved, in opposition to public feeling, by the mere exertion of the coercive powers confided to the General Government. The foundations must be laid in the affections of the people; in the security it gives to life, liberty, character, and property, in every quarter of the country; and in the fraternal attachment which the citizens of the several States bear to one another, as members of one political family, mutually contributing to promote the happiness of each other. Hence the citizens of every State should studiously avoid every thing calculated to wound the sensibility or offend the just pride of the people of other States; and they should frown upon any proceedings within their own borders likely to disturb the tranquillity of their political brethren in other portions of the Union. In a country so extensive as the United States, and with pursuits so varied, the internal regulations of the several States must frequently differ from one another in important particulars; and this difference is unavoidably increased by the varying principles upon which the American colonies were originally planted; principles which had taken deep root in their social relations before the Revolution, and therefore of necessity influencing their policy since they became free and independent States. But each State has the unquestionable right to regulate its own internal concerns according to its own pleasure; and, while it does not interfere with the rights of the people of other States, or the rights of the Union, every State must be the sole judge of the measures proper to secure the safety of its citizens, and promote their happiness; and all efforts on the part of people of other States to cast odium upon their institutions, and all measures calculated to disturb their rights of property, or to put in jeopardy their peace and internal tranquillity, are in direct opposition to the spirit in which the Union was formed, and must endanger its safety. Motives of philanthropy may be assigned for this unwarrantable interference; and weak men may persuade themselves for a moment that they are laboring in the cause of humanity, and asserting the rights of the human race; but every one, upon sober reflection, will see that nothing but mischief can come from these improper assaults upon the feelings and rights of others. Rest assured that the men found busy in this work of discord are not worthy of your confidence, and deserve your strongest reprobation.

In the legislation of Congress, also, and in every measure of the General Government, justice to every portion of the United States should be faithfully observed. No free Government can stand without virtue in the people, and a lofty spirit of patriotism; and if the sordid feelings of mere selfishness shall usurp the place which ought to be filled by public spirit, the legislation of Congress will soon be converted into a scramble for personal and sectional advantages. Under our free institutions, the citizens of every quarter of our country are capable of attaining a high degree of prosperity and happiness, without seeking to profit themselves at the expense of others; and every such attempt must in the end fail to succeed, for the people in every part of the United States are too enlightened not to understand their own rights and interests, and to detect and defeat every effort to gain undue advantages over them; and when such designs are discovered, it naturally provokes resentments which cannot always be easily allayed. Justice, full and ample justice, to every portion of the United States, should be the ruling principle of every freeman, and should guide the deliberations of every public body, whether it be State or national.

It is well known that there have always been those amongst us who wish to enlarge the powers of the General Government; and experience would seem to indicate that there is a tendency on the part of this Government to overstep the boundaries marked out for it by the constitution. Its legitimate authority is abundantly sufficient for all the purposes for which it was created; and its powers being expressly enumerated, there can be no justification for claiming any thing beyond them. Every attempt to exercise power beyond these limits should be promptly and firmly opposed. For one evil example will lead to other measures still more mischievous; and if the principle of constructive powers, or supposed advantages, or temporary circumstances, shall ever be permitted to justify the assumption of a power not given by the constitution, the General Government will before long absorb all the powers of legislation, and you will have, in effect, but one consolidated Government. From the extent of our country, its diversified interests, different pursuits, and different habits, it is too obvious for argument, that a single consolidated Government would be wholly inadequate to watch over and protect its interests; and every friend of our free institutions should be always prepared to maintain unimpaired and in full vigor the rights and sovereignty of the States, and to confine the action of the General Government strictly to the sphere of its appropriate duties.

There is, perhaps, no one of the powers conferred on the Federal Government so liable to abuse as the taxing power. The most productive and convenient sources of revenue were necessarily given to it, that it might be able to perform the important duties imposed upon it; and the taxes which it lays upon commerce being concealed from the real payer in the price of the article, they do not so readily attract the attention of the people as smaller sums demanded from them directly by the tax-gatherer. But the tax imposed on goods enhances by so much the price of the commodity to the consumer; and, as many of these duties are imposed on articles of necessity, which are daily used by the great body of the people, the money raised by these imposts is drawn from their pockets. Congress has no right, under the constitution, to take money from the people, unless it is required to execute some one of the specific powers intrusted to the Government; and if they raise more than is necessary for such purposes, it is an abuse of the power of taxation, and unjust and oppressive. It may, indeed, happen that the revenue will sometimes exceed the amount anticipated when the taxes were laid. When, however, this is ascertained, it is easy to reduce them, and, in such a case, it is unquestionably the duty of the Government to reduce them; for no circumstances can justify it in assuming a power not given to it by the constitution, nor in taking away the money of the people when it is not needed for the legitimate wants of the Government.

Plain as these principles appear to be, you will yet find there is a constant effort to induce the General Gov-

ernment to go beyond the limits of its taxing power, and to impose unnecessary burdens upon the people. Many powerful interests are continually at work to procure heavy duties on commerce, and to swell the revenue beyond the real necessities of the public service; and the country has already felt the injurious effects of their combined influence. They succeeded in obtaining a tariff of duties bearing most oppressively on the agricultural and laboring classes of society, and producing a revenue that could not be usefully employed within the range of the powers conferred upon Congress; and, in order to fasten upon the people this unjust and unequal system of taxation, extravagant schemes of internal improvements were got up in various quarters, to squander the money and to purchase support. Thus one unconstitutional measure was intended to be upheld by another, and the abuse of the power of taxation was to be maintained by usurping the power of expending the money in internal improvements. You cannot have forgotten the severe and doubtful struggle through which we passed when the executive department of the Government, by its veto, endeavored to arrest this prodigal scheme of injustice, and to bring back the legislation of Congress to the boundaries prescribed by the constitution. The good sense and practical judgment of the people, when the subject was brought before them, sustained the course of the Executive; and this plan of unconstitutional expenditures for the purposes of corrupt influence is, I trust, finally overthrown.

The result of this decision has been felt in the rapid extinguishment of the public debt, and the large accumulation of a surplus in the Treasury, notwithstanding the tariff was reduced, and is now very far below the amount originally contemplated by its advocates. But, rely upon it, the design to collect an extravagant revenue, and to burden you with taxes beyond the economical wants of the Government, is not yet abandoned. The various interests which have combined together to impose a heavy tariff, and to produce an overflowing Treasury, are too strong, and have too much at stake, to surrender the contest. The corporations and wealthy individuals who are engaged in large manufacturing establishments desire a high tariff to increase their gains. Designing politicians will support it to conciliate their favor, and to obtain the means of profuse expenditure, for the purpose of purchasing influence in other quarters; and, since the people have decided that the Federal Government cannot be permitted to employ its income in internal improvements, efforts will be made to seduce and mislead the citizens of the several States, by holding out to them the deceitful prospect of benefits to be derived from a surplus revenue collected by the General Government, and annually divided among the States; and if, encouraged by these fallacious hopes, the States should disregard the principles of economy which ought to characterize every republican Government, and should indulge in lavish expenditures, exceeding their resources, they will, before long, find themselves oppressed with debts which they are unable pay, and the temptation will become irresistible to support a high tariff in order to obtain a surplus for distribution. Do not allow yourselves, my fellow-citizens, to be misled on this subject. The Federal Government cannot collect a surplus for such purposes, without violating the principles of the constitution, and assuming powers which have not been granted. It is, moreover, a system of injustice, and, if persisted in, will inevitably lead to corruption, and must end in ruin. The surplus revenue will be drawn from the pockets of the people, from the farmer, the mechanic, and the laboring classes of society; but who will receive it when distributed among the States, where it is to be disposed of by leading State politicians, who have friends to favor and political partisans to gratify? It will certainly not be returned to those who paid it, and who have most need of it, and are honestly entitled to it. There is but one safe rule; and that is, to confine the General Government rigidly within the sphere of its appropriate duties. It has no power to raise a revenue or impose taxes except for the purposes enumerated in the constitution; and if its income is found to exceed these wants, it should be forthwith reduced, and the burden of the people so far lightened.

In reviewing the conflicts which have taken place between different interests in the United States, and the policy pursued since the adoption of our present form of government, we find nothing that has produced such deep-seated evil as the course of legislation in relation to the currency. The constitution of the United States unquestionably intended to secure to the people a circulating medium of gold and silver. But the establishment of a national bank by Congress, with the privilege of issuing paper money receivable in the payment of the public dues, and the unfortunate course of legislation in the several States upon the same subject, drove from general circulation the constitutional currency, and substituted one of paper in its place.

It was not easy for men engaged in the ordinary pursuits of business, whose attention had not been particularly drawn to the subject, to foresee all the consequences of a currency exclusively of paper; and we ought not, on that account, to be surprised at the facility with which laws were obtained to carry into effect the paper system. Honest and even enlightened men are sometimes misled by the specious and plausible statements of the designing. But experience has now proved the mischiefs and dangers of a paper currency; and it rests with you to determine whether the proper remedy shall be applied.

The paper system being founded on public confidence, and having of itself no intrinsic value, it is liable to great and sudden fluctuations; thereby rendering property insecure, and the wages of labor unsteady and uncertain. The corporations which create the paper money cannot be relied upon to keep the circulating medium uniform in amount. In times of prosperity, when confidence is high, they are tempted, by the prospect of gain, or by the influence of those who hope to profit by it, to extend their issues of paper beyond the bounds of discretion and the reasonable demands of business. And when these issues have been pushed on, from day to day, until public confidence is at length shaken, then a reaction takes place, and they immediately withdraw the credits they have given, suddenly curtail their issues, and produce an unexpected and ruinous contraction of the circulating medium, which is felt by the whole community. The banks, by this means, save themselves, and the mischievous consequences of their imprudence or cupidity are visited upon the public. Nor does the evil stop here. These ebbs and flows in the currency, and these indiscreet extensions of credit, naturally engender a spirit of speculation injurious to the habits and character of the people. We have already seen its effects in the wild spirit of speculation in the public lands and various kinds of stock, which within the last year or two seized upon such a multitude of our citizens, and threatened to pervade all classes of society, and to withdraw their attention from the sober pursuits of honest industry. It is not by encouraging this spirit that we shall best preserve public virtue and promote the true interests of our country. But if your currency continues as exclusively paper as it now is, it will foster this eager desire to amass wealth without labor; it will multiply the number of dependents on bank accommodations and bank favors; the temptation to obtain money at any sacrifice will become stronger and stronger, and inevitably lead to corruption, which will

find its way into your public councils, and destroy, at no distant day, the purity of your Government. Some of the evils which arise from this system of paper press with peculiar hardship upon the class of society least able to bear it. A portion of this currency frequently becomes depreciated or worthless, and all of it is easily counterfeited in such a manner as to require peculiar skill and much experience to distinguish the counterfeit from the genuine note. These frauds are most generally perpetrated in the smaller notes, which are used in the daily transactions of ordinary business; and the losses occasioned by them are commonly thrown upon the laboring classes of society, whose situation and pursuits put it out of their power to guard themselves from these impositions, and whose daily wages are necessary for their subsistence. It is the duty of every Government so to regulate its currency as to protect this numerous class, as far as practicable, from the impositions of avarice and fraud. It is more especially the duty of the United States, where the Government is emphatically the Government of the people, and where this respectable portion of our citizens are so proudly distinguished from the laboring classes of all other nations, by their independent spirit, their love of liberty, their intelligence, and their high tone of moral character. Their industry, in peace, is the source of our wealth; and their bravery, in war, has covered us with glory; and the Government of the United States will but ill discharge its duties if it leaves them a prey to such dishonest impositions. Yet it is evident that their interests cannot be effectually protected, unless silver and gold are restored to circulation.

These views alone, of the paper currency, are sufficient to call for immediate reform; but there is another consideration which should still more strongly press it upon your attention.

Recent events have proved that the paper-money system of this country may be used as an engine to undermine your free institutions; and that those who desire to engross all power in the hands of the few, and to govern by corruption or force, are aware of its power, and prepared to employ it. Your banks now furnish your only circulating medium, and money is plenty or scarce, according to the quantity of notes issued by them. While they have capitals not greatly disproportioned to each other, they are competitors in business, and no one of them can exercise dominion over the rest; and although, in the present state of the currency, these banks may and do operate injuriously upon the habits of business, the pecuniary concerns, and the moral tone of society, yet, from their number and dispersed situation, they cannot combine for the purposes of political influence; and, whatever may be the dispositions of some of them, their power of mischief must necessarily be confined to a narrow space, and felt only in their immediate neighborhoods.

But when the charter for the Bank of the United States was obtained from Congress, it perfected the schemes of the paper system, and gave to its advocates the position they have struggled to obtain, from the commencement of the Federal Government to the present hour. The immense capital and peculiar privileges bestowed upon it enabled it to exercise despotic sway over the other banks, in every part of the country. From its superior strength, it could seriously injure, if not destroy, the business of any one of them which might incur its resentment; and it openly claimed for itself the power of regulating the currency throughout the United States. In other words, it asserted (and it undoubtedly possessed) the power to make money plenty or scarce, at its pleasure, at any time, and in any quarter of the Union, by controlling the issues of other banks, and permitting an expansion, or compelling a general contraction, of the circulating medium, according to its own will. The other banking institutions were sensible of its strength, and they soon generally became its obedient instruments, ready at all times to execute its mandates; and with the banks necessarily went, also, that numerous class of persons in our commercial cities who depend altogether on bank credits for their solvency and means of business; and who are therefore obliged, for their own safety, to propitiate the favor of the money power by distinguished zeal and devotion in its service. The result of the ill-advised legislation which established this great monopoly was, to concentrate the whole moneyed power of the Union, with its boundless means of corruption and its numerous dependents, under the direction and command of one acknowledged head; thus organizing this particular interest as one body, and securing to it unity and concert of action throughout the United States, and enabling it to bring forward, upon any occasion, its entire and undivided strength, to support or defeat any measure of the Government. In the hands of this formidable power, thus perfectly organized, was also placed unlimited dominion over the amount of the circulating medium, giving it the power to regulate the value of property and the fruits of labor in every quarter of the Union; and to bestow prosperity or bring ruin upon any city or section of the country, as might best comport with its own interest or policy.

We are not left to conjecture how the moneyed power, thus organized, and with such a weapon in its hands, would be likely to use it. The distress and alarm which pervaded and agitated the whole country when the Bank of the United States waged war upon the people, in order to compel them to submit to its demands, cannot yet be forgotten. The ruthless and unsparing temper with which whole cities and communities were oppressed, individuals impoverished and ruined, and a scene of cheerful prosperity suddenly changed into one of gloom and despondency, ought to be indelibly impressed on the memory of the people of the United States. If such was its power in a time of peace, what would it not have been in a season of war, with an enemy at your doors? No nation but the freemen of the United States could have come out victorious from such a contest; yet, if you had not conquered, the Government would have passed from the hands of the many to the hands of the few; and this organized money power, from its secret conclave, would have dictated the choice of your highest officers, and compelled you to make peace or war, as best suited their own wishes. The forms of your Government might, for a time, have remained, but its living spirit would have departed from it.

The distress and sufferings inflicted on the people by the bank are some of the fruits of that system of policy which is continually striving to enlarge the authority of the Federal Government beyond the limits fixed by the constitution. The powers enumerated in that instrument do not confer on Congress the right to establish such a corporation as the Bank of the United States; and the evil consequences which followed may warn us of the danger of departing from the true rule of construction, and of permitting temporary circumstances, or the hope of better promoting the public welfare, to influence, in any degree, our decisions upon the extent of the authority of the General Government. Let us abide by the constitution as it is written, or amend it, in the constitutional mode, if it is found to be defective.

The severe lessons of experience will, I doubt not, be sufficient to prevent Congress from again chartering such a monopoly, even if the constitution did not present an insuperable objection to it. But you must remember, my fellow-citizens, that eternal vigilance by the people is the price of liberty; and that you must pay the price if you wish to secure the blessing. It behooves you,

therefore, to be watchful in your States, as well as in the Federal Government. The power which the moneyed interest can exercise, when concentrated under a single head, and with our present system of currency, was sufficiently demonstrated in the struggle made by the Bank of the United States. Defeated in the General Government, the same class of intriguers and politicians will now resort to the States, and endeavor to obtain there the same organization which they failed to perpetuate in the Union; and with specious and deceitful plans of public advantages, and State interests, and State pride, they will endeavor to establish, in the different States, one moneyed institution, with overgrown capital, and exclusive privileges, sufficient to enable it to control the operations of the other banks. Such an institution will be pregnant with the same evils produced by the Bank of the United States, although its sphere of action is more confined; and, in the State in which it is chartered, the money power will be able to imbody its whole strength, and to move together with undivided force to accomplish any object it may wish to attain. You have already had abundant evidence of its power to inflict injury upon the agricultural, mechanical, and laboring classes of society; and over those whose engagements in trade or speculation render them dependent on bank facilities, the dominion of the State monopoly will be absolute, and their obedience unlimited. With such a bank and a paper currency, the money power would, in a few years, govern the State and control its measures; and, if a sufficient number of States can be induced to create such establishments, the time will soon come when it will again take the field against the United States, and succeed in perfecting and perpetuating its organization by a charter from Congress.

It is one of the serious evils of our present system of banking, that it enables one class of society, and that by no means a numerous one, by its control over the currency, to act injuriously upon the interests of all the others, and to exercise more than its just proportion of influence in political affairs. The agricultural, the mechanical, and the laboring classes, have little or no share in the direction of the great moneyed corporations; and, from their habits, and the nature of their pursuits, they are incapable of forming extensive combinations to act together with united force. Such concert of action may sometimes be produced in a single city, or in a small district of country, by means of personal communications with each other; but they have no regular or active correspondence with those who are engaged in similar pursuits in distant places; they have but little patronage to give to the press, and exercise but a small share of influence over it; they have no crowd of dependents about them, who hope to grow rich without labor, by their countenance and favor, and who are, therefore, always ready to execute their wishes. The planter, the farmer, the mechanic, and the laborer, all know that their success depends upon their own industry and economy, and that they must not expect to become suddenly rich by the fruits of their toil. Yet these classes of society form the great body of the people of the United States; they are the bone and sinew of the country; men who love liberty, and desire nothing but equal rights and equal laws; and who, moreover, hold the great mass of our national wealth, although it is distributed in moderate amounts among the millions of freemen who possess it. But, with overwhelming numbers and wealth on their side, they are in constant danger of losing their fair influence in the Government, and with difficulty maintain their just rights against the incessant efforts daily made to encroach upon them. The mischief springs from the power which the moneyed interest derives from a paper currency, which they are able to control; from the multitude of corporations, with exclusive privileges, which they have succeeded in obtaining in the different States, and which are employed altogether for their benefit; and, unless you become more watchful in your States, and check this spirit of monopoly and thirst for exclusive privileges, you will, in the end, find that the most important powers of Government have been given or bartered away, and the control over your dearest interests has passed into the hands of these corporations.

The paper-money system and its natural associations—monopoly and exclusive privileges—have already struck their roots too deep in the soil; and it will require all your efforts to check its further growth, and to eradicate the evil. The men who profit by the abuses, and desire to perpetuate them, will continue to besiege the halls of legislation in the General Government as well as in the States, and will seek, by every artifice, to mislead and deceive the public servants. It is to yourselves that you must look for safety, and the means of guarding and perpetuating your free institutions. In your hands is rightfully placed the sovereignty of the country, and to you every one placed in authority is ultimately responsible. It is always in your power to see that the wishes of the people are carried into faithful execution, and their will, when once made known, must, sooner or later, be obeyed. And while the people remain, as I trust they ever will, uncorrupted and incorruptible, and continue watchful and jealous of their rights, the Government is safe, and the cause of freedom will continue to triumph over all its enemies.

But it will require steady and persevering exertions on your part to rid yourselves of the iniquities and mischiefs of the paper system, and to check the spirit of monopoly and other abuses which have sprung up with it, and of which it is the main support. So many interests are united to resist all reform on this subject, that you must not hope the conflict will be a short one, nor success easy. My humble efforts have not been spared, during my administration of the Government, to restore the constitutional currency of gold and silver; and something, I trust, has been done towards the accomplishment of this most desirable object. But enough yet remains to require all your energy and perseverance. The power, however, is in your hands, and the remedy must and will be applied, if you determine upon it.

While I am thus endeavoring to press upon your attention the principles which I deem of vital importance in the domestic concerns of the country, I ought not to pass over, without notice, the important considerations which should govern your policy towards foreign Powers. It is, unquestionably, our true interest to cultivate the most friendly understanding with every nation, and to avoid, by every honorable means, the calamities of war; and we shall best attain this object by frankness and sincerity in our foreign intercourse, by the prompt and faithful execution of treaties, and by justice and impartiality in our conduct to all. But no nation, however desirous of peace, can hope to escape occasional collisions with other Powers; and the soundest dictates of policy require that we should place ourselves in a condition to assert our rights, if a resort to force should ever become necessary. Our local situation, our long line of seacoast, indented by numerous bays, with deep rivers opening into the interior, as well as our extended and still increasing commerce, point to the navy as our natural means of defence. It will, in the end, be found to be the cheapest and most effectual; and now is the time, in a season of peace, and with an overflowing revenue, that we can, year after year, add to its strength, without increasing the burdens of the people. It is your true policy. For your navy will not only protect your rich and flourishing commerce in distant seas, but will enable you to reach and annoy the enemy, and will give to defence its greatest efficiency, by meeting dan-

ger at a distance from home. It is impossible, by any line of fortifications, to guard every point from attack against a hostile force advancing from the ocean and selecting its object; but they are indispensable to protect cities from bombardment, dock yards and naval arsenals from destruction; to give shelter to merchant vessels in time of war, and to single ships or weaker squadrons when pressed by superior force. Fortifications of this description cannot be too soon completed and armed, and placed in a condition of the most perfect preparation. The abundant means we now possess cannot be applied in any manner more useful to the country; and when this is done, and our naval force sufficiently strengthened, and our militia armed, we need not fear that any nation will wantonly insult us, or needlessly provoke hostilities. We shall more certainly preserve peace, when it is well understood that we are prepared for war.

In presenting to you, my fellow-citizens, these parting counsels, I have brought before you the leading principles upon which I endeavored to administer the Government in the high office with which you twice honored me. Knowing that the path of freedom is continually beset by enemies, who often assume the disguise of friends, I have devoted the last hours of my public life to warn you of the dangers. The progress of the United States, under our free and happy institutions, has surpassed the most sanguine hopes of the founders of the republic. Our growth has been rapid beyond all former example, in numbers, in wealth, in knowledge, and all the useful arts which contribute to the comforts and convenience of man; and from the earliest ages of history to the present day there never have been thirteen millions of people associated in one political body, who enjoyed so much freedom and happiness as the people of these United States. You have no longer any cause to fear danger from abroad; your strength and power are well known throughout the civilized world, as well as the high and gallant bearing of your sons. It is from within, among yourselves, from cupidity, from corruption, from disappointed ambition, and inordinate thirst for power, that factions will be formed and liberty endangered. It is against such designs, whatever disguise the actors may assume, that you have especially to guard yourselves. You have the highest of human trusts committed to your care. Providence has showered on this favored land blessings without number, and has chosen you as the guardians of freedom to preserve it for the benefit of the human race. May He who holds in his hands the destinies of nations make you worthy of the favors he has bestowed, and enable you, with pure hearts and pure hands, and sleepless vigilance, to guard and defend to the end of time the great charge he has committed to your keeping.

My own race is nearly run; advanced age and failing health warn me that before long I must pass beyond the reach of human events, and cease to feel the vicissitudes of human affairs. I thank God that my life has been spent in a land of liberty, and that he has given me a heart to love my country with the affection of a son. And, filled with gratitude for your constant and unwavering kindness, I bid you a last and affectionate farewell.

ANDREW JACKSON.

MARCH 4, 1837.

President Van Buren's Inaugural Address.

FELLOW-CITIZENS: The practice of all my predecessors imposes on me an obligation I cheerfully fulfil, to accompany the first and solemn act of my public trust with an avowal of the principles that will guide me in performing it, and an expression of my feelings on assuming a charge so responsible and vast. In imitating their example I tread in the footsteps of illustrious men, whose superiors, it is our happiness to believe, are not found on the executive calendar of any country. Among them we recognise the earliest and firmest pillars of the republic; those by whom our national independence was first declared; him who, above all others, contributed to establish it on the field of battle; and those whose expanded intellect and patriotism constructed, improved, and perfected, the inestimable institutions under which we live. If such men, in the position I now occupy, felt themselves overwhelmed by a sense of gratitude for this, the highest of all marks of their country's confidence, and by a consciousness of their inability adequately to discharge the duties of an office so difficult and exalted, how much more must these considerations affect one who can rely on no such claims for favor or forbearance. Unlike all who have preceded me, the Revolution, that gave us existence as one people, was achieved at the period of my birth; and, whilst I contemplate with grateful reverence that memorable event, I feel that I belong to a later age, and that I may not expect my countrymen to weigh my actions with the same kind and partial hand.

So sensibly, fellow-citizens, do these circumstances press themselves upon me, that I should not dare to enter upon my path of duty, did I not look for the generous aid of those who will be associated with me in the various and co-ordinate branches of the Government; did I not repose, with unwavering reliance, on the patriotism, the intelligence, and the kindness, of a people who never yet deserted a public servant honestly laboring in their cause; and, above all, did I not permit myself humbly to hope for the sustaining support of an ever-watchful and beneficent Providence.

To the confidence and consolation derived from these sources, it would be ungrateful not to add those which spring from our present fortunate condition. Though not altogether exempt from embarrassments that disturb our tranquillity at home and threaten it abroad, yet, in all the attributes of a great, happy, and flourishing people, we stand without a parallel in the world. Abroad, we enjoy the respect and, with scarcely an exception, the friendship of every nation. At home, while our Government quietly, but efficiently, performs the sole legitimate end of political institutions, in doing the greatest good to the greatest number, we present an aggregate of human prosperity surely not elsewhere to be found.

How imperious, then, is the obligation imposed upon every citizen, in his own sphere of action, whether limited or extended, to exert himself in perpetuating a condition of things so singularly happy. All the lessons of history and experience must be lost upon us, if we are content to trust alone to the peculiar advantages we happen to possess. Position and climate, and the bounteous resources that nature has scattered with so liberal a hand—even the diffused intelligence and elevated character of our people—will avail us nothing, if we fail sacredly to uphold those political institutions that were wisely and deliberately formed with reference to every circumstance that could preserve, or might endanger, the blessings we enjoy. The thoughtful framers of our constitution legislated for our country as they found it. Looking upon it with the eyes of statesmen and of patriots, they saw all the sources of rapid and wonderful prosperity; but they saw also that various habits, opinions, and institutions, peculiar to the various portions of so vast a region, were deeply fixed. Distinct sovereignties were in actual existence, whose cordial union was essential to the welfare and happiness of all. Between many of them there was, at least to some extent, a real diversity of interests, liable to be exaggerated through

sinister designs; they differed in size, in population, in wealth, and in actual and prospective resources and power; they varied in the character of their industry and staple productions; and in some existed domestic institutions which, unwisely disturbed, might endanger the harmony of the whole. Most carefully were all these circumstances weighed, and the foundations of the new Government laid upon principles of reciprocal concession and equitable compromise. The jealousies which the smaller States might entertain of the power of the rest were allayed by a rule of representation, confessedly unequal at the time, and designed forever to remain so. A natural fear that the broad scope of general legislation might bear upon, and unwisely control, particular interests, was counteracted by limits strictly drawn around the action of the federal authority; and to the people and the States was left unimpaired their sovereign power over the innumerable subjects embraced in the internal government of a just republic, excepting such only as necessarily appertain to the concerns of the whole confederacy, or its intercourse, as a united community, with the other nations of the world.

This provident forecast has been verified by time. Half a century, teeming with extraordinary events, and elsewhere producing astonishing results, has passed along, but on our institutions it has left no injurious mark. From a small community we have risen to a people powerful in numbers and in strength; but with our increase has gone, hand in hand, the progress of just principles; the privileges, civil and religious, of the humblest individual are still sacredly protected at home; and, while the valor and fortitude of our people have removed far from us the slightest apprehension of foreign power, they have not yet induced us, in a single instance, to forget what is right. Our commerce has been extended to the remotest nations; the value and even nature of our productions has been greatly changed; a wide difference has arisen in the relative wealth and resources of every portion of our country; yet the spirit of mutual regard and of faithful adherence to existing compacts has continued to prevail in our councils, and never long been absent from our conduct. We have learned by experience a fruitful lesson: that an implicit and undeviating adherence to the principles on which we set out can carry us prosperously onward, through all the conflicts of circumstances and the vicissitudes inseparable from the lapse of years.

The success that has thus attended our great experiment is, in itself, a sufficient cause for gratitude, on account of the happiness it has actually conferred, and the example it has unanswerably given. But to me, my fellow-citizens, looking forward to the far-distant future, with ardent prayers and confiding hopes, this retrospect presents a ground for still deeper delight. It impresses on my mind a firm belief that the perpetuity of our institutions depends upon ourselves; that, if we maintain the principles on which they were established, they are destined to confer their benefits on countless generations yet to come; and that America will present to every friend of mankind the cheering proof that a popular Government, wisely formed, is wanting in no element of endurance or strength. Fifty years ago, its rapid failure was boldly predicted. Latent and uncontrollable causes of dissolution were suposed to exist, even by the wise and good; and not only did unfriendly or speculative theorists anticipate for us the fate of past republics, but the fears of many an honest patriot overbalanced his sanguine hopes. Look back on these forebodings, not hastily, but reluctantly made, and see how, in every instance, they have completely failed.

An imperfect experience, during the struggles of the Revolution, was supposed to warrant the belief that the people would not bear the taxation requisite to discharge an immense public debt already incurred, and to defray the necessary expenses of the Government. The cost of two wars has been paid, not only without a murmur, but with unequalled alacrity. No one is now left to doubt that every burden will be cheerfully borne that may be necessary to sustain our civil institutions, or guard our honor or our welfare. Indeed, all experience has shown that the willingness of the people to contribute to these ends, in cases of emergency, has uniformly outrun the confidence of their representatives.

In the early stages of the new Government, when all felt the imposing influence as they recognised the unequalled services of the first President, it was a common sentiment, that the great weight of his character could alone bind the discordant materials of our Government together, and save us from the violence of contending factions. Since his death nearly forty years are gone. Party exasperation has been often carried to its highest point; the virtue and the fortitude of the people have sometimes been greatly tried; yet our system, purified and enhanced in value by all it has encountered, still preserves its spirit of free and fearless discussion, blended with unimpaired fraternal feeling.

The capacity of the people for self-government, and their willingness, from a high sense of duty, and without those exhibitions of coercive power so generally employed in other countries, to submit to all needful restraints and exactions of the municipal law, have also been favorably exemplified in the history of the American States. Occasionally, it is true, the ardor of public sentiment, outrunning the regular progress of the judicial tribunals, or seeking to reach cases not denounced as criminal by the existing law, has displayed itself in a manner calculated to give pain to the friends of free government, and to encourage the hopes of those who wish for its overthrow. These occurrences, however, have been far less frequent in our country than in any other of equal population on the globe; and, with the diffusion of intelligence, it may well be hoped that they will constantly diminish in frequency and violence. The generous patriotism and sound common sense of the great mass of our fellow-citizens will assuredly, in time, produce this result; for as every assumption of illegal power not only wounds the majesty of the law, but furnishes a pretext for abridging the liberties of the people, the latter have the most direct and permanent interest in preserving the landmarks of social order, and maintaining, on all occasions, the inviolability of those constitutional and legal provisions which they themselves have made.

In a supposed unfitness of our institutions for those hostile emergencies which no country can always avoid, their friends found a fruitful source of apprehension, their enemies of hope. While they foresaw less promptness of action than in Governments differently formed, they overlooked the far more important consideration that, with us, war could never be the result of individual or irresponsible will, but must be a measure of redress for injuries sustained, voluntarily resorted to by those who were to bear the necessary sacrifice, who would consequently feel an individual interest in the contest, and whose energy would be commensurate with the difficulties to be encountered. Actual events have proved their error; the last war, far from impairing, gave new confidence to our Government; and, amid recent apprehensions of a similar conflict, we saw that the energies of our country would not be wanting in ample season to vindicate its rights. We may not possess, as we should not desire to possess, the extended and ever-ready military organization of other nations; we may occasionally suffer in the outset for the want of it; but among ourselves, all doubt upon this great point has ceased, while a salutary experience will pre-

vent a contrary opinion from inviting aggression from abroad.

Certain danger was foretold from the extension of our territory, the multiplication of States, and the increase of population. Our system was supposed to be adapted only to boundaries comparatively narrow. These have been widened beyond conjecture; the members of our confederacy are already doubled; and the numbers of our people are incredibly augmented. The alleged causes of danger have long surpassed anticipation, but none of the consequences have followed. The power and influence of the republic have risen to a height obvious to all mankind; respect for its authority was not more apparent at its ancient than it is at its present limits; new and inexhaustible sources of general prosperity have been opened; the effects of distance have been averted by the inventive genius of our people, developed and fostered by the spirit of our institutions, and the enlarged variety and amount of interests, productions, and pursuits, have strengthened the chain of mutual dependence, and formed a circle of mutual benefits too apparent ever to be overlooked.

In justly balancing the powers of the Federal and State authorities, difficulties nearly insurmountable arose at the outset, and subsequent collisions were deemed inevitable. Amid these, it was scarcely believed possible that a scheme of government, so complex in construction, could remain uninjured. From time to time embarrassments have certainly occurred; but how just is the confidence in future safety imparted by the knowledge that each in succession has been happily removed. Overlooking partial and temporary evils, as inseparable from the practical operation of all human institutions, and looking only to the general result, every patriot has reason to be satisfied. While the Federal Government has successfully performed its appropriate functions in relation to foreign affairs and concerns evidently national, that of every State has remarkably improved in protecting and developing local interests and individual welfare; and if the vibrations of authority have occasionally tended too much towards one or the other, it is unquestionably certain that the ultimate operation of the entire system has been to strengthen all the existing institutions, and to elevate our whole country in prosperity and renown.

The last, perhaps the greatest, of the prominent sources of discord and disaster supposed to lurk in our political condition, was the institution of domestic slavery. Our forefathers were deeply impressed with the delicacy of this subject, and they treated it with a forbearance so evidently wise, that, in spite of every sinister foreboding, it never, until the present period, disturbed the tranquillity of our common country. Such a result is sufficient evidence of the justice and the patriotism of their course: it is evidence, not to be mistaken, that an adherence to it can prevent all embarrassment from this, as well as from every other anticipated cause of difficulty or danger. Have not recent events made it obvious to the slightest reflection, that the least deviation from this spirit of forbearance is injurious to every interest, that of humanity included? Amidst the violence of excited passions, this generous and fraternal feeling has been sometimes disregarded; and, standing as I now do before my countrymen in this high place of honor and of trust, I cannot refrain from anxiously invoking my fellow-citizens never to be deaf to its dictates. Perceiving, before my election, the deep interest this subject was beginning to excite, I believed it a solemn duty fully to make known my sentiments in regard to it; and now, when every motive for misrepresentation has passed away, I trust that they will be candidly weighed and understood. At least, they will be my standard of conduct in the path before me. I then declared that, if the desire of those of my countrymen who were favorable to my election was gratified, "I must go into the presidential chair the inflexible and uncompromising opponent of every attempt, on the part of Congress, to abolish slavery in the District of Columbia, against the wishes of the slaveholding States; and also with a determination equally decided to resist the slightest interference with it in the States where it exists." I submitted also to my fellow-citizens, with fulness and frankness, the reasons which led me to this determination. The result authorizes me to believe that they have been approved, and are confided in, by a majority of the people of the United States, including those whom they most immediately affect. It now only remains to add, that no bill conflicting with these views can ever receive my constitutional sanction. These opinions have been adopted in the firm belief that they are in accordance with the spirit that actuated the venerated fathers of the republic, and that succeeding experience has proved them to be humane, patriotic, expedient, honorable, and just. If the agitation of this subject was intended to reach the stability of our institutions, enough has occurred to show that it has signally failed; and that in this, as in every other instance, the apprehensions of the timid and the hopes of the wicked for the destruction of our Government are again destined to be disappointed. Here and there, indeed, scenes of dangerous excitement have occurred; terrifying instances of local violence have been witnessed; and a reckless disregard of the consequences of their conduct has exposed individuals to popular indignation; but neither masses of the people, nor sections of the country, have been swerved from their devotion to the bond of union, and the principles it has made sacred. It will be ever thus. Such attempts at dangerous agitation may periodically return, but with each the object will be better understood. That predominating affection for our political system which prevails throughout our territorial limits; that calm and enlightened judgment which ultimately governs our people as one vast body, will always be at hand to resist and control every effort, foreign or domestic, which aims or would lead to overthrow our institutions.

What can be more gratifying than such a retrospect as this! We look back on obstacles avoided, and dangers overcome; on expectations more than realized, and prosperity perfectly secured. To the hopes of the hostile, the fears of the timid, and the doubts of the anxious, actual experience has given the conclusive reply. We have seen time gradually dispel every unfavorable foreboding, and our constitution surmount every adverse circumstance, dreaded at the outset as beyond control. Present excitement will, at all times, magnify present dangers; but true philosophy must teach us that none more threatening than the past can remain to be overcome; and we ought, for we have just reason, to entertain an abiding confidence in the stability of our institutions, and an entire conviction that, if administered in the true form, character, and spirit, in which they were established, they are abundantly adequate to preserve to us and our children the rich blessings already derived from them; to make our beloved land, for a thousand generations, that chosen spot where happiness springs from a perfect equality of political rights.

For myself, therefore, I desire to declare, that the principle that will govern me, in the high duty to which my country calls me, is a strict adherence to the letter and spirit of the constitution, as it was designed by those who framed it. Looking back to it as a sacred instrument, carefully and not easily framed; remembering that it was throughout a work of concession and compromise; viewing it as limited to national objects; regarding it as leaving to the people and the States all power not ex-

plicitly parted with; I shall endeavor to preserve, protect, and defend it, by anxiously referring to its provision for direction in every action. To matters of domestic concernment which it has intrusted to the Federal Government, and to such as relate to our intercourse with foreign nations, I shall zealously devote myself; beyond those limits I shall never pass.

To enter, on this occasion, into a further or more minute exposition of my views on the various questions of domestic policy, would be as obtrusive as it is probably unexpected. Before the suffrages of my countrymen were conferred upon me, I submitted to them, with great precision, my opinions on all the most prominent of these subjects. Those opinions I shall endeavor to carry out with my utmost ability.

Our course of foreign policy has been so uniform and intelligible as to constitute a rule of executive conduct which leaves little to my discretion, unless, indeed, I were willing to run counter to the lights of experience and the known opinions of my constituents. We sedulously cultivate the friendship of all nations, as the condition most compatible with our welfare and the principles of our Government. We decline alliances, as adverse to our peace. We desire commercial relations on equal terms, being ever willing to give a fair equivalent for advantages received. We endeavor to conduct our intercourse with openness and sincerity; promptly avowing our objects, and seeking to establish that mutual frankness which is as beneficial in the dealings of nations as of men. We have no disposition, and we disclaim all right, to meddle in disputes, whether internal or foreign, that may molest other countries; regarding them, in their actual state, as social communities, and preserving a strict neutrality in all their controversies. Well knowing the tried valor of our people, and our exhaustless resources, we neither anticipate nor fear any designed aggression; and, in the consciousness of our own just conduct, we feel a security that we shall never be called upon to exert our determination, never to permit an invasion of our rights without punishment or redress.

In approaching, then, in the presence of my assembled countrymen, to make the solemn promise that yet remains, and to pledge myself that I will faithfully execute the office I am about to fill, I bring with me a settled purpose to maintain the institutions of my country, which, I trust, will atone for the errors I commit.

In receiving from the people the sacred trust twice confided to my illustrious predecessor, and which he has discharged so faithfully and so well, I know that I cannot expect to perform the arduous task with equal ability and success. But, united as I have been in his counsels, a daily witness of his exclusive and unsurpassed devotion to his country's welfare, agreeing with him in sentiments which his countrymen have warmly supported, and permitted to partake largely of his confidence, I may hope that somewhat of the same cheering approbation will be found to attend upon my path. For him, I but express, with my own, the wishes of all—that he may yet long live to enjoy the brilliant evening of his well-spent life; and, for myself, conscious of but one desire, faithfully to serve my country, I throw myself, without fear, on its justice and its kindness. Beyond that, I only look to the gracious protection of the Divine Being, whose strengthening support I humbly solicit, and whom I fervently pray to look down upon us all. May it be among the dispensations of His providence to bless our beloved country with honors and with length of days; may her ways be ways of pleasantness, and all her paths be peace.

MARTIN VAN BUREN.

MARCH 4, 1837.

SUPPLEMENTAL SPEECHES.

ABOLITION PETITIONS.

IN SENATE, FEBRUARY 6, 1837.

The subject of the reception of abolition petitions being under consideration,

Mr. CALHOUN rose and said: If the time of the Senate permitted, I would feel it to be my duty to call for the reading of the mass of petitions on the table, in order that we might know what language they hold towards the slaveholding States and their institutions; but as it will not, I have selected, indiscriminately from the pile, two: one from those in manuscript, and the other from the printed; and, without knowing their contents, will call for the reading of them, so that we may judge by them of the character of the whole.

[Here the Secretary, on the call of Mr. CALHOUN, read the two petitions.]

Such, resumed Mr. C., is the language held towards us and ours; the peculiar institutions of the South, that on the maintenance of which the very existence of the slaveholding States depends, is pronounced to be sinful and odious in the sight of God and man; and this with a systematic design of rendering us hateful in the eyes of the world, with a view to a general crusade against us and our institutions. This, too, in the legislative halls of the Union, created by these confederated States for the better protection of their peace, their safety, and their respective institutions; and yet we, the representatives of twelve of these sovereign States, against whom this deadly war is waged, are expected to sit here in silence, hearing ourselves and constituents, day after day, denounced, without uttering a word; if we but open our lips, the charge of agitation is resounded on all sides, and we are held up as seeking to aggravate the evil which we resist. Every reflecting mind must see in all this a state of things deeply and dangerously diseased.

I do not belong, said Mr. C., to the school which holds that aggression is to be met by concession. Mine is the opposite creed, which teaches that encroachments must be met at the beginning, and that those who act on the opposite principle are prepared to become slaves. In this case in particular I hold concession or compromise to be fatal. If we concede an inch, concession would follow concession, compromise would follow compromise, until our ranks would be so broken that effectual resistance would be impossible. We must meet the enemy on the frontier, with a fixed determination of maintaining our position at every hazard. Consent to receive these insulting petitions, and the next demand will be that they be referred to a committee, in order that they may be deliberated and acted upon. At the last session we were modestly asked to receive them simply to lay them on the table, without any view of ulterior action. I then told the Senator from Pennsylvania, [Mr. BUCHANAN,] who strongly urged that course in the Senate, that it was a position that could not be maintained, as the argument in favor of acting on the petitions, if we were bound to receive, could not be resisted. I then said that the next step would be to refer the petitions to a committee; and I already see indications that such is now the intention. If we yield, that will be followed by another; and we would thus proceed, step by step, to the final consummation of the object of these petitions. We are now told that the most effectual mode of arresting the progress of abolition is to reason it down; and with this view it is urged that the petitions ought to be referred to a committee. That is the very ground which was taken at the last session in the other House; but, instead of arresting its progress, it has since advanced more rapidly than ever. The most unques-

tionable right may be rendered doubtful if once admitted to be a subject of controversy; and that would be the case in the present instance. The subject is beyond the jurisdiction of Congress; they have no right to touch it in any shape or form, or to make it the subject of deliberation or discussion.

In opposition to this view, it is urged that Congress is bound by the constitution to receive petitions in every case and on every subject, whether within its constitutional competency or not. I hold the doctrine to be absurd, and do solemnly believe that it would be as easy to prove that it has the right to abolish slavery as that it is bound to receive petitions for that purpose. The very existence of the rule that requires a question to be put on the reception of petitions is conclusive to show that there is no such obligation. It has been a standing rule from the commencement of the Government, and clearly shows the sense of those who formed the constitution on this point. The question on the reception would be absurd, if, as is contended, we are bound to receive. But I do not intend to argue the question; I discussed it fully at the last session; and the arguments then advanced neither have nor can be answered.

As widely as this incendiary spirit has spread, it has not yet infected this body, or the great mass of the intelligent and business portion of the North; but unless it be speedily stopped, it will spread and work upwards till it brings the two great sections of the Union into deadly conflict. This is not a new impression with me. Several years since, in a discussion with one of the Senators from Massachusetts, [Mr. WEBSTER,] before this fell spirit had showed itself, I then predicted that the doctrine of the proclamation and the force bill—that this Government had a right in the last resort to determine the extent of its own powers, and enforce it at the point of the bayonet, which was so warmly maintained by that Senator, would at no distant day arouse the dormant spirit of abolitionism; I told him that the doctrine was tantamount to the assumption of unlimited power on the part of the Government, and that such would be the impression on the public mind in a large portion of the Union. The consequence would be inevitable—a large portion of the Northern States believed slavery to be a sin, and would believe it to be an obligation of conscience to abolish it, if they should feel themselves in any degree responsible for its continuance, and that his doctrine would necessarily lead to the belief of such responsibility. I then predicted that it would commence, as it has, with this fanatical portion of society, and that they would begin their operation on the ignorant, the weak, the young, and the thoughtless, and would gradually extend upwards till they would become strong enough to obtain political control, when he, and others holding the highest stations in society, would, however reluctant, be compelled to yield to their doctrine, or be driven into obscurity. But four years have since elapsed, and all this is already in a course of regular fulfilment.

Standing at the point of time at which we have now arrived, it will not be more difficult to trace the course of future events now than it was then. Those who imagine that the spirit now abroad in the North will die away of itself, without a shout or convulsion, have formed a very inadequate conception of its real character; it will continue to rise and spread, unless prompt and efficient measures to stay its progress be adopted. Already it has taken possession of the pulpit, of the schools, and to a considerable extent of the press—those great instruments by which the mind of the rising generation will be formed.

However sound the great body of the non-slaveholding States are at present, in the course of a few years they will be succeeded by those who will have been taught to hate the people and institutions of nearly one half of this Union with a hatred more deadly than one hostile nation ever entertained towards another. It is easy to see the end. By the necessary course of events, if left to themselves, we must become, finally, two people. It is impossible, under the deadly hatred which must spring up between the two great sections, if the present causes are permitted to operate unchecked, that we should continue under the same political system. The conflicting elements would burst the Union asunder, as powerful as the links are which hold it together. Abolition and the Union cannot coexist. As the friend of the Union I openly proclaim it, and the sooner it is known the better. The former may now be controlled, but in a short time it will be beyond the power of man to arrest the course of events. We of the South will not, cannot, surrender our institutions. To maintain the existing relations between the two races inhabiting that section of the Union, is indispensable to the peace and happiness of both. It cannot be subverted without drenching the country in blood, and extirpating one or the other of the races. Be it good or bad, it has grown up with our society and institutions, and is so interwoven with them that to destroy it would be to destroy us as a people. But let me not be understood as admitting, even by implication, that the existing relations between the two races in the slaveholding States is an evil—far otherwise. I hold it to be a good, as it has thus far proved itself to be, to both, and will continue to prove so if not disturbed by the fell spirit of abolition. I appeal to facts. Never before has the black race of Central Africa, from the dawn of history to the present day, attained a condition so civilized, and so improved, not only physically, but morally and intellectually. It came among us in a low, degraded, and savage condition, and in the course of a few generations it has grown up under the fostering care of our institutions, as reviled as they have been, to its present comparative civilized condition. This, with the rapid increase of numbers, is conclusive proof of the general happiness of the race, in spite of all the exaggerated tales to the contrary.

In the mean time, the white or European race has not degenerated. It has kept pace with its brethren in other sections of the Union where slavery does not exist. It is odious to make comparisons; but I appeal to all sides whether the South is not equal in virtue, intelligence, patriotism, courage, disinterestedness, and all the high qualities which adorn our nature. I ask whether we have not contributed our full share of talents and political wisdom in forming and sustaining this political fabric; and whether we have not constantly inclined most strongly to the side of liberty, and been the first to see and first to resist the encroachments of power. In one thing only we are inferior—the arts of gain. We acknowledge that we are less wealthy than the Northern section of this Union; but I trace this mainly to the fiscal action of this Government, which has extracted much from and spent little among us. Had it been the reverse—if the exaction had been made from the other section, and the expenditure with us, this point of superiority would not be against us now, as it was not at the formation of this Government.

But I take higher ground. I hold that in the present state of civilization, where two races of different origin, and distinguished by color, and other physical differences, as well as intellectual, are brought together, the relation now existing in the slaveholding States between the two, is, instead of an evil, a good—a positive good. I feel myself called upon to speak freely upon the subject, where the honor and interests of those I represent are involved. I hold, then, that there never has yet existed a wealthy and civilized society in which one portion of the community did not, in point of fact, live on the labor of the other. Broad and general as is this asser-

tion, it is fully borne out by history. This is not the proper occasion, but if it were, it would not be difficult to trace the various devices by which the wealth of all civilized communities has been so unequally divided, and to show by what means so small a share has been allotted to those by whose labor it was produced, and so large a share given to the non-producing class. The devices are almost innumerable, from the brute force and gross superstition of ancient times, to the subtle and artful fiscal contrivances of modern. I might well challenge a comparison between them and the more direct, simple, and patriarchal mode by which the labor of the African race is among us commanded by the European. I may say with truth, that in few countries so much is left to the share of the laborer, and so little exacted from him, or where there is more kind attention to him in sickness or infirmities of age. Compare his condition with the tenants of the poor-houses in the most civilized portions of Europe—look at the sick and the old and infirm slave, on one hand, in the midst of his family and friends, under the kind superintending care of his master and mistress, and compare it with the forlorn and wretched condition of the pauper in the poor-house.

But I will not dwell on this aspect of the question; I turn to the political; and here I fearlessly assert that the existing relation between the two races in the South, against which these blind fanatics are waging war, forms the most solid and durable foundation on which to rear free and stable political institutions. It is useless to disguise the fact. There is and always has been, in an advanced stage of wealth and civilization, a conflict between labor and capital. The condition of society in the South exempts us from the disorders and dangers resulting from this conflict; and which explains why it is that the political condition of the slaveholding States has been so much more stable and quiet than those of the North. The advantages of the former in this respect will become more and more manifest if left undisturbed by interference from without, as the country advances in wealth and numbers. We have in fact but just entered that condition of society where the strength and durability of our political institutions are to be tested; and I venture nothing in predicting that the experience of the next generation will fully test how vastly more favorable our condition of society is than that of other sections, for free and stable institutions, provided we are not disturbed by the interference of others, or shall have sufficient intelligence and spirit to resist promptly and successfully such interference. It rests with ourselves to meet and repel them. I look not for aid to this Government, or to the other States; not but there are kind feelings towards us on the part of the great body of the non-slaveholding States; but, as kind as their feelings may be, we may rest assured that no political party in those States will risk their ascendency for our safety. If we do not defend ourselves, none will defend us; if we yield, we will be more and more pressed as we recede; and if we submit, we will be trampled under foot. Be assured that emancipation itself would not satisfy these fanatics—that gained, the next step would be to raise the negroes to a social and political equality with the whites; and that being effected, we would soon find the present condition of the two races reversed. They and their Northern allies would be the masters, and we the slaves; the condition of the white race in the British West India islands, as bad as it is, would be happiness to ours—there the mother country is interested in sustaining the supremacy of the European race. It is true that the authority of the former master is destroyed, but the African will there still be a slave, not to individuals, but to the community—forced to labor, not by the authority of the overseer, but by the bayonet of the soldiery and the rod of the civil magistrate.

Surrounded as the slaveholding States are with such imminent perils, I rejoice to think that our means of defence are ample, if we shall prove to have the intelligence and spirit to see and apply them before it is too late. All we want is concert, to lay aside all party differences, and unite with zeal and energy in repelling approaching dangers. Let there be concert of action, and we shall find ample means of security, without resorting to secession or disunion. I speak with full knowledge and a thorough examination of the subject, and for one see my way clearly. One thing alarms me—the eager pursuit of gain which overspreads the land, and which absorbs every faculty of the mind and every feeling of the heart. Of all passions, avarice is the most blind and uncompromising—the last to see and the first to yield to danger. I dare not hope that any thing I can say will arouse the South to a due sense of danger; I fear it is beyond the power of mortal voice to awaken it in time from the fatal security into which it has fallen.

IN SENATE, FEBRUARY 28, 1837.

DISTRIBUTION QUESTION.

Mr. CLAY said that he would trouble the Senate with but two or three words only. As to the question of fact, whether there would be a surplus or no surplus, that must depend on the extent of the assent given by the House of Representatives to the bills which had gone from this body. As to the land bill, it was doubtful whether that would augment or diminish the receipts into the Treasury; but if the House should not assent to the bill reducing the tariff, and to the various appropriations rendered necessary by the bills which had passed the Senate, some of which were characterized by great extravagance, there certainly would be a large surplus on the 1st of January next. And here (said Mr. C.) let me observe, in reply to the honorable Senator from Georgia, [Mr. CUTHBERT,] that I do not think he does justice to the members of the Senate who are usually designated as the opposition, when he supposes if they were in power they would themselves advocate the very measures which now they oppose. I certainly do not recollect a single measure to which this remark will justly apply. But let me ask the honorable Senator, in return, whether, if he or his friends were out of power, he would not feel himself called upon to oppose some of the measures to which he now yields his support? In reference to the army bill, for example, there is, in my opinion, no emergency which renders so great an increase of our military establishment at all necessary. There is not the slightest call for the numerous arsenals and armories which it proposes to establish, nor is there any more justification for the expenditure of the public money on a long list of useless fortifications. There are many other measures of a kindred character to which I do not think, in whatever attitude I might be placed, I could possibly give my assent. But in regard to the fact of surplus or no surplus, the question is perfectly free from all difficulty. Is there a surplus, this amendment provides for the distribution. Is there none, then the amendment is inoperative, and therefore perfectly harmless. And here let me call the attention of the Senate to a view of the subject which I think entitled to great weight. It has been suggested by gentlemen opposed to the amendment, that we had better wait until the next session; and then, if we find that any large surplus has accumulated, we can provide for its disposition by law. Very true. But the difference would be this: by making the provision now, we shall gain one entire year, during the whole of which time the money would have remained in the possession of the deposite banks. Suppose we come here next session, and we find a surplus of ten or fifteen millions in the Treasury; some

measure is proposed as a proper disposition of it; be that measure what it may, it may be expected to produce much discussion; and, judging from all past experience, it will be weeks, and even months, before it will have passed through both Houses of Congress and received the executive sanction. Well; the money is to be taken out of the deposite banks, and applied as shall be then determined on. Now, what is the doctrine which was strenuously contended for during the discussion of the deposite bill of last session? Were we not told that, as the public money had come gradually into the possession of the deposite banks, so it must be permitted to go gradually out; and that, if a very large amount should be suddenly called for, great and ruinous pressure must be the inevitable consequence? The same argument will be urged again. The deposite banks must have time, and the result will be that, do what we will, the bill will not in fact come into operation till January twelvemonth. To save, then, the loss of an entire year, it is important that we should legislate now. If there is no surplus, the amendment can do no injury; if there is, we shall gain a year.

It is, however, objected that there is no fitness, no congruity, in an amendment of this character to a fortification bill. But I ask, what subject was the House of Representatives legislating upon? Was it not an appropriation bill? And does not this amendment provide for an appropriation or disposition of the surplus revenue among the different States, for greater safety, that it may be ready whenever there shall be a necessity to call for it? Surely, then, there is a perfect congeniality between the object of the amendment and the nature of the bill.

The honorable Senator from Connecticut [MR. NILES] is extremely unwilling to encounter the discipline of popular opinion, which he thinks the Senate have heretofore incurred, but that it has now redeemed itself from the opprobrium of all its past errors, and is in a fair way to recover the approbation of public sentiment. Now, there is no gentleman on this floor who has recurred more frequently than he to the aristocratic feature of this branch of the Government; and is it not extraordinary that, when a disposition of the surplus revenue is proposed and advocated by an aristocratic majority of this highly aristocratic body, it meets with his favor and support? But when the very same measure comes before him as originated by his democratic friends in the democratic branch of the Government, it finds with him no favor. The honorable gentleman will not place himself in an attitude to incur popular displeasure. I submit, then, whether in consistency he ought not to vote for this measure, now that it comes to him from a purer source, in the popular portion of the National Legislature. I hope he will be induced by this consideration to give a different vote from that which he seems to have indicated.

As to the degree, however, in which the last distribution bill received the public approbation, there is, I believe, no difference of opinion. Every where that measure was hailed with acclamation. Not a single State has been found which will venture to refuse its quota of the deposites. That some difficulties should arise as to the best disposition of a fund thus suddenly thrown into the State treasuries, was to be expected. Some have given the money to towns, some have given it to banks, some to objects of internal improvement. Whether these dispositions of it were judicious, or otherwise, is, of course, a matter on which the opinions of individuals may differ. In my own State there was great diversity of opinion. But the money has finally been appropriated in a manner which must convince any candid mind that the distribution of the surplus was a beneficent measure, and eminently calculated to advance the public good. In reference to Connecticut, and, indeed, to all the other States, though there has been a great variety in the manner of its application, I am fully persuaded it will be found to have redounded greatly to their benefit. But if any particular State shall prefer to leave the money in deposite banks, at an interest of two per cent., they are free to make such a disposition of it.

In reference to the objection urged by an honorable Senator from Pennsylvania on my left, [MR. BUCHANAN,] I must confess that I do not perceive any great force in it. And I must be permitted to observe that he was one of the last from whom I should have expected to hear an argument of that sort. He says, if we pass this amendment, the effect will be to check the necessary appropriations of the public money for purposes of the General Government. That it will, in its practical operation, tempt gentlemen from the discharge of their high duties as representatives of the entire people of the United States. But, I ask, has that been the fact? Has he seen any such influence exerted by the deposite bill of last year? What has been the character of the appropriation of public money by this body during the present session? Have not those appropriations been quite as large as at the last session? I do not object, however, to the fact only which his argument supposes, but to the principle on which it proceeds. Its fundamental principle is distrust in the people, and in their Representatives and Senators in Congress. Can it be doubted by any patriotic man that they will all perform their duty? Let a war come, and does not the honorable Senator believe that the members of this and of the other House will do all which it becomes men to do who are intrusted with the high duty of providing for the defence of their country? If his argument be well-founded, it strikes at the very root of the Government, and would, if carried out, prevent all taxation. Do we not save to the people what we take off of taxation? His argument, therefore, might be urged against having any Government at all, for the temptation he speaks of is in perpetual force, and operates alike against all taxation for the general good. But I find myself insensibly engaging in the discussion. I forbear, under a hope that other gentlemen also will limit their remarks as much as possible, that we may at length get the question.

IN SENATE, FEBRUARY 7, 1837.

CESSION OF PUBLIC LANDS.

The bill limiting the sales of public lands to actual settlers being under consideration in the Senate of the United States, Mr. CALHOUN moved a substitute, ceding the public lands to the States within which they are situated, to those States, respectively, upon the condition of their paying the United States one third of the gross amount of the sales.

In the course of the brief debate on the amendment, Mr. NORVELL observed that the substitute to the present land bill, just submitted by the honorable Senator from South Carolina, presented a tempting and beautiful offer to the new States of this Union. If he believed, not that the Senator had seriously made the proposition, but that it would be seriously carried into effect by both Houses of Congress, he should be strongly disposed to accept it at once, and to give it his humble support, as one of the representatives from the new States. The bait presented to the new States was a gilded bait; and he, for one, should take it with pleasure, if he did not apprehend that in the very act of swallowing it, when it would be too late for his safety, it would be withdrawn from him, and leave him in a lacerated condition. But, before he could consent to give up the bill which the Senate were about to pass to

its third reading, before he should be willing to surrender a certain and moderately good measure, just within his grasp, for the glimmering prospect of realizing a better boon, which might never be obtained, he wanted a guarantee that the splendid substitute presented to the new States would be successfully sustained and carried through Congress. That guarantee would be best secured by the passage of the present bill. Let that be passed; let the honorable Senator unite with its friends in its favor; let him then bring forward his substitute as a separate bill, and add to it a clause repealing all previous laws contrary to its provisions, and he would pledge himself to go with the Senator in the support of his proposition. He was extremely desirous to relieve the new States from the paramount sovereignty claimed by this Government over the territorial domain within their limits. As long as that sovereignty continued to be held and exercised over them, they were not in a condition of equality with the old States of this confederacy. They had not been admitted into the Union on an equal footing with the original States in all respects whatever. They were subject to the paralyzing influence and control of the General Government in all their political movements.

IN SENATE, FEBRUARY 24, 1837.

REDUCTION OF THE TARIFF.

Mr. DAVIS, in reply to Mr. RIVES, said he was anxious to obtain the floor last evening, to set the honorable gentleman from Virginia and some others right in regard to his and their course here. He had listened to the reminiscences of the gentlemen from South Carolina and New York [Messrs. CALHOUN and WRIGHT] with some satisfaction, as to the history of the tariff of 1828, which had been denominated a bill of abominations. He, too, had a lively remembrance of what occurred. It is now said by those who ought to know about the matter, for they were parties in the transaction, that there was a political bargain made between the South and the Jackson party of the Middle and West, to frame a bill in such a manner as to force the New Englanders to vote against it, and then to throw on them the odium of defeating a measure of protection. The bill of 1828 was the fruit of this extraordinary compact. He was rejoiced to have this fact published from this place, that the country may be well assured of what it has hitherto hesitated to believe.

In 1827, the manufacturers of woollens found that they had lost a large portion of the advantage given to them, and designed to be secured by the act of 1824, by an act of the British Parliament reducing the duty on wool; and the business declining under this unexpected state of things, they came here and requested Congress to place them on as good a footing as it was their purpose to do by the act of 1824. This was all that was prayed for, and this was the only interest which asked for relief. Nothing was matured in 1827, and, therefore, they came with the same request in 1828. This year began a new Congress, in which was a Jackson majority. It was composed of all interests, tariff and anti-tariff, and the question was, how should such a majority co-operate harmoniously? It was the public duty of some to advocate and others to oppose an increase of duty on woollens. The Senator from Carolina, who concurred with that majority, now publishes as history what then was conjectured. We looked on with surprise and astonishment. The Senator from New York was one of the Committee on Manufactures, and assisted to report that memorable bill. It came in loaded with duties on hemp, iron, steel, duck, ardent spirits, lead, molasses, grain, and many other articles; while woollens, though they had a nominal increase of duty, were left relatively in a worse condition than before they were touched, by imposing a heavy duty on wool. We were the more surprised, because nobody asked for increased duties on iron, steel, hemp, duck, ardent spirits, or any of the other articles, for they had most ample and liberal protection before, and the manufacturers appeared to be prosperous and happy; and while this was apparent, the suffering interest was neglected. The manufacturers of woollens asked for bread, and the committee offered them a stone.

But our eyes began to open, and to be filled with light, when we saw the anti-tariff members of the South resist at every step all propositions to reduce these high and unnecessary duties; when we saw the singular anomaly of such persons recording their votes in favor of these extravagant rates; and when we saw the authors of this bill, and the persons who demanded its provisions, because they avowed themselves the warm friends of protection, resisting every proposition to place the woollens upon any better foundation. We must have been worse than blind if we had failed to see that the design of all this was to compel us of the East, by the singular and obviously unjust and injurious provisions of the bill, to vote against it, and thus expose ourselves to be denounced by the press as the enemies of protection. We did see and understand that we were selected for political victims. The intrigue was too apparent not to be comprehended, and I am heartily rejoiced that the Senator from Carolina from this day forth makes it a part of the history of the country. The bill was to be defeated, he says, and by our votes. It was made for that purpose. The navigating interest, in its iron, cordage, and duck, was loaded with duties to attain that object. The woollens, for the same reason, were neglected. The South, to administer this unpalatable drug, voted to keep it as it was reported; believing we should be compelled, by the injustice to our interests, to vote against it, and then should be overwhelmed by the indignation of the Middle and the West, for killing a bill so eminently favorable to those sections of the country.

Believing such to be the character and objects of the measure, our friends began to inquire whether it was not wiser to defeat the supposed intrigue by voting for this bill, and thus carrying it; for the power to do this lay in their hands. The Middle and West must vote for it, and the South against it. Our votes, added to either side, made a majority. For one, I did just as the Senator from Carolina says it was designed I should do; I voted against the bill, because, upon most mature reflection, I considered its provisions highly objectionable, because of the extravagances which marked its character, and I could not reconcile it with my views of public duty to support it. But enough of our friends differed from me to carry it, and I well remember the disappointment of the South at this unexpected result. I well remember that it was then openly said by some members, that they had been deceived and misled; for the bill was to be defeated if kept in the form in which it was reported. The conjectures, as well as the declarations at that time, corresponded exactly with the disclosures of the Senator.

Sir, I have adverted to this extraordinary piece of history for two reasons: first, to show that, while I have been the steady friend of American industry, I am for no exclusive policy, no unjust or extravagant measures. It has, in truth, been urged against me that, in the votes which I have given here, I have been found in bad company, because I stood on the record with the anti-tariff interest. The same accusation has been made against me that the Senator from North Carolina [Mr. BROWN] now makes against the Senator from South Carolina [Mr. CALHOUN] because he votes with us, and I suppose with about the same measure of justice.

Second. To prove to you that when political expediency calls for a victim, we are uniformly sacrificed. It

was so in 1828, in 1832, and is so now; we are not regarded as belonging to the great American family, unless our interests spread beyond our territory; what is local, or nearly so, may be traded away as emergencies require.

The injustice of the bill of 1832 was not so glaringly manifest as that of 1828, but it was so strongly marked that I could not support it.

I hope this piece of history will be borne in mind, and be an admonition that contracts marked by injustice, and recommended only as political expedients, may fail of their purpose, and bring down the injury designed for others upon the authors of the injustice.

I will here dismiss this subject, and call the attention of the Senate to another matter, which it was my chief object to notice.

Much has been said in this debate of the compromise act, and its obligations. My course or remarks here can never be very important, and therefore may well be forgotten; and I certainly would not allude to them, if I had not been personally appealed to in more than one instance, and reminded that this side of the House had given no pledges that it would adhere to that act. This had been put forth almost in the language of taunt, as if we were not frank and manly.

Whoever has or will give himself the trouble to inquire, will find that my sentiments are not concealed. My vote upon that act is recorded, and my sentiments then delivered are in print among the debates of the day. I was among those who differed from the distinguished Senator of Kentucky; and while I have made no profession of a change of opinion, I have so far acquiesced in the provisions of the law as to yield to its provisions as the sense of the country. I am not aware of having given countenance, by acts or opinions, to any disposition to disturb it, nor have those who usually cooperated with me. We are not, therefore, chargeable with bad faith in any point of view. We yield our obedience to the work of others, leaving the measure to work out all the good it may. It has thus far produced tranquillity, and raised hopes of a steady course of legislation, which in itself is one of the great elements of prosperity.

We make no complaints—no movement for change—and give countenance to none. Why, then, are we called upon for pledges? Are not our acts satisfactory? Have we made any declarations in conflict with them? If so, let them be pointed out. But who is it that demands pledges? The Senator from Georgia [Mr. CUTHBERT] has repeatedly observed that he hears no pledges from this side of the House. The Senator from Virginia turns to me, and to the chair of my colleague, (for he was not in it,) and says he hears none. The Senator from Georgia is one of the committee who reported this bill, acknowledges the paternity, and gives it a warm and zealous support here. The Senator from Virginia told us, in his place, that it had his approbation and support. The chairman [Mr. WRIGHT] and another member [Mr. BENTON] have distinctly avowed that they wholly disregard the compromise. They tell us, also, what we should know without their declarations, that this bill does violate the compromise in the most explicit and unequivocal terms. Nothing can be plainer than the truth of this declaration, as I fully proved the other day.

How stands the matter, then? We observe the law—make no propositions to alter it—express no dissatisfaction—while those who ask for pledges have come to the deliberate determination to disregard and violate its provisions, and bring forward a bill for that avowed purpose, giving it a zealous support. What do these gentlemen want of pledges? Are they anxious to have us pledge ourselves to support a law which they wish to prostrate? Are they so absurd as to ask for pledges to a course the opposite of their own sentiments? Do they desire to array opposition to a bill they approve? Do they demand pledges of us to observe the compromise act, while they declare here, in the face of the country, that nobody is bound by it? If such be the object of demanding pledges, the gentlemen are singularly absurd and inconsistent with themselves. If they turn their reflections upon their own conduct and opinions, they cannot be insensible as to the position in which they place themselves. They voted for the bill—I against it; when I propose to violate it, let gentlemen make their arraignment. That will be seasonably enough. But, sir, I have another answer to this demand for pledges. I have no power or authority to pledge Massachusetts to any course of policy which is prospective. She does not send me here to make bargains to dispose of her great interests for a term of years. She holds herself at liberty to approve or disapprove of my acts, as she may deem them wise or unwise; and if I were to make pledges, she would hold herself in no respect bound by them. In addition to this, I knew her Legislature had this subject under consideration, and that the sentiments of that numerous body just elected from the people would probably be expunged. Under such circumstances, it would be singular assumption in me to attempt to speak for the State; and even if I had seen a propriety in sending in pledges under other circumstances, I should have felt myself restrained while the subject was agitated in the Legislature.

Since the adjournment of last evening, I have received an official copy of the doings of that body, in the form of a protest, which, at a proper time, I shall present to the Senate, and Massachusetts shall speak for herself.

My colleague can speak for himself in this matter. I have deemed it my duty to repel this demand of pledges, and to inform the Senate and the country of the circumstances which belong to it; and I entertain no doubt that we shall hear no more of the matter, for I have nothing to disguise, or conceal, or retract. There is no want of the most explicit frankness. If it be the pleasure of gentlemen to violate that act, let them not seek an apology in my opinions. They have taken their own course, independent of me. I am not answerable for this act, or the principles it involves. Its paternity is certain, and those who ask for pledges have made their minds up to carry it forward without regard to us. Their course is in no respect influenced by my conduct, and if I were now to give pledges of adhering to the compromise act, not one of them would change his course, or make his opinions dependent on mine. Let them not seek to find an apology for their course in my not giving in pledges. If they are willing to be governed by my opinion, let them say so; but no one places the matter on that ground; no one says he will stand by the pledges; but, on the contrary, all avow the purpose of sustaining the bill.

IN SENATE, MARCH 1.

RECOGNITION OF TEXAS.

The following resolution, moved by Mr. WALKER, coming up for consideration as the order of the day, viz:

"*Resolved*, That the State of Texas having established and maintained an independent Government, capable of performing those duties, foreign and domestic, which appertain to independent Governments, and it appearing that there is no longer any reasonable prospect of the successful prosecution of the war by Mexico against said State, it is expedient and proper, and in perfect conformity with the laws of nations, and the practice of this Government in like cases, that the independent political existence of said State be acknowledged by the Government of the United States"—

Mr. WALKER said that no one could be more conscious than he that it would be unpardonable to take up the time of the Senate unnecessarily, at such an hour of the session, and he should therefore be as brief as possible in the remarks with which he deemed it his duty to accompany the resolution he had had the honor to submit. He should confine himself strictly to those points which it was necessary to touch, without indulging in a train of remarks to which they would very naturally lead, and which at another time, and under different circumstances, might with propriety be made.

In the first place, he would call the attention of the Senate to the position in which Texas had been placed by the action of Congress at the last session. After considerable discussion at that time, the subject had been referred to the Committee on Foreign Relations, who had reported to the Senate a resolution declaring that the independence of Texas ought to be recognised as soon as authentic information should have been received, by the Executive, that it was possessed of a civil Government, and was capable of assuming the responsibilities and discharging the duties of an independent Power. This resolution had been deliberately and with perfect unanimity agreed to by the Senate, the yeas being 39, and the nays none. The same resolution had been agreed to in the House of Representatives, by a vote of 128 to 20. It was, therefore, the opinion of this Government, at that time, that the independence of Texas ought to be acknowledged so soon as the information referred to should have been received. This (said Mr. W.) renders it unnecessary for me to go into the merits of the difficulty between Mexico and Texas; that resolution put the question on the proof of a fact. It is now, therefore, a mere question of fact; and as such I shall treat it.

Let me call the attention of the Senate to the origin of the existing state of things in that country. After the downfal of Iturbide, a republican constitution was put in operation in the Mexican confederacy, and Texas, as one of the members of that confederacy, was included under it. A colonization law was passed, which invited persons from all parts of the globe to come and partake of the privileges of citizenship in this new republic, especially the inhabitants of the United States. In the preamble to that law it was given as a reason for passing it, that it was very important to secure the frontiers of Mexico against the irruptions and ravages of the savage tribes in the vicinity. It was, therefore, for the advantage and benefit of Mexico herself that foreigners should enter the territory; and they did so, under the most solemn guarantees of civil and religious liberty. They went there in the faith of these assurances; they conquered the wilderness; and they expelled the Indians, and drove them to a great distance from their settlements. In process of time they became a State, and elected a Legislature. But what was then done by Mexico? By the audacity of a military dictator, the free constitution of that republic was subverted, and the Congress, who represented the people, and sat by their authority, was, by force of arms, turned out of doors. Another Legislature was set up in their place by the dictator, consisting of a single House, and prepared to comply with whatever might be his pleasure. The people of Texas resisted this usurpation; but they were not alone in withstanding it. The banner of freedom was raised at the same time by the people of Zacatecas, who inherited the same noble blood. They were, however, overthrown in the contest, and consequently removed to Texas. After the Congress had been forcibly turned out of doors, a proclamation was issued, ordering the disarming of the population, and requiring an unqualified submission, on their part, to a military despotism. They resisted the enforcement of this order—and never would I have uttered a word in favor of their recognition if they had not. Had they tamely submitted to such an act of oppression, they would have been unworthy of the name of Americans. Had they bowed their necks to the yoke, and submissively yielded up their limbs to the chain, I would never have voted to welcome them among the nations of the free. Suppose the President of these United States should enter the halls of Congress, seize our persons, and drive us from our seats, and occupy them with his creatures; suppose he should then send out a band of mercenaries into Maryland, Virginia, and Pennsylvania, should disarm our citizens, and demand of them, with threats, an unqualified submission to his absolute will; I ask whether there lives a man so abject as not to resist? No. I know, all men know, that the people of those States would maintain their freedom, or perish in the struggle. The citizens of Texas have done just what would have been done, in the like case, by citizens of the United States. We did so in circumstances far less intolerable. The colonial oppression of the Government of Great Britain was mild, was paternal, in comparison with the despotism that was sought to be fixed on the necks of the citizens of Texas. Their resistance of [illegible]ified by all laws, human and divine.

The next question is, whether, having resolved on independence, they have been able to maintain it.

What have we seen? We have seen two successive invasions of their territory, and both successfully resisted. The first was under General Cos; he was taken prisoner, and liberated on parole. Then came the enterprise of Santa Anna, who entered Texas at the head of eight hundred fine troops, the *elite* of the Mexican army. After the conquest of Goliad, and the sanguinary battle at the Alamo, he was overthrown by a handful of Texian troops under General Houston, and remained a captive in the hands of those whose friends and relatives he had treacherously and inhumanly murdered. This happened twelve months ago, and yet no hostile foot has trodden the Texian soil, nor has hostile fleet appeared upon its shores. Their army has complete possession of the seaports and of all the interior; nor has any attempt been made by the Mexican forces to rescue their favorite chief or to redeem their honor. Why? Has not sufficient time elapsed? How much longer must we wait? For twelve months more? Or till Mexico shall recognise their independence? Or do not justice and truth demand that we should, without further delay, admit the fact of their independence? What greater evidence of it do we ask? They possess the entire territory; the laws are regularly administered; the Congress which enacts them have met twice; and all things are as peaceful and orderly as within our own happy and favored republic. What, then, is the question of recognition? It is a question of fact. We must answer yes or no—either that Texas is independent, or that it is still a part of Mexico. Are Congress prepared to spread such an untruth upon their records? Would you now negotiate with Mexico on the ground that Texas constitutes a part of that country? Here let me call the attention of the Senate to one important fact, viz: that the present central Government of Mexico never has exercised any authority whatever in Texas. No, not for an hour. It is a despotism which she has resisted; she has never for a moment obeyed it. Why should we refuse to acknowledge what is true? We have been told by the President that another invasion is threatened by Mexico. True. But are we to be governed by threats? Are threats to constitute a reason why we may not recognise the independence of a revolted province which has maintained its freedom? If so, then we should never have recognised the independence of Mexico; for she has, so late as within three years past, been threatened

by Spain. No; the question does not depend on threats, but on the actual state of things. If the vaporing of Mexico is to settle this matter, I hope we shall first examine how far she is able to carry her threats into execution. To show her utter inability to do this, I will call the attention of the Senate to her divided condition, torn as she is by intestine broils and civil convulsions. So entirely has she been disabled by this her condition from carrying a war of conquest into a neighboring territory, that she is scarce able to maintain the authority of Government within her own limits. Her internal state exhibits one scene of unceasing civil convulsion. Insurrections rise, one after another, in a constant succession, till her streets run down with the blood of her citizens, Governors, members of Congress, and Presidents. But one of her Chief Magistrates has retired peaceably from the chair of state. Iturbide was Emperor; but what was his fate? His glory ended in banishment; which having broken, he was seized and publicly executed. Victoria was President; his career also ended in banishment. His successor was deposed by a military force, and Guerrero was placed in power. And how did he prosper? Being self-deposed, he was put to death. Then came Bustamente. And had he peace? No; he was deposed by Santa Anna. Santa Anna was put down by the federal party; but, afterwards triumphing over his enemies, he overturned the constitution, and established a military despotism. This was soon followed by a rebellion in Zacatecas, a revolution in Texas, and commotions in Tampico and both the Californias. And, after all this, we are told that Texas is threatened by the Mexican Government! It is the threat of a child against a giant. Mexico is not able to recover her dominion; if she had been, she would before now have attempted the liberation of her captured President. When the news of his capture was received, Mexico issued a proclamation, from the language of which a stranger would conclude that she had one hundred thousand troops at her disposal. But what has she done? She has raised a petty, contemptible, half-clad collection of vagabonds, under Bravo, and sent them to Saltillo. They were always on the point of dissolution. Two thousand out of the three thousand which set out reluctantly on the expedition have already gone; the rest are without money or clothing; and Bravo has resigned in disgust. If, then, the true question of the fact of Texian independence was suspended on the success of this invasion of Bravo's, is it not settled? Has not the threatened invasion failed? Where is the difference whether the expedition has been discomfited without the limits of the Texian territory or within them? What matters it whether the invading army has been defeated by capture, by victory, or by inability to march? Let every Senator lay his hand upon his heart and say whether he does in truth believe that Mexico is able successfully to invade the Texian republic. If not, will you hesitate in spreading the truth upon the records of the Senate?

But it has been intimated that we ought, in prudence, to wait till some foreign Power shall have gone before us, and shown us the way. It is a sufficient answer to refer the Senate to the words of their own resolution. What! shall an American Senate, shall an American Congress, wait and ask if any foreign Power has acknowledged the independence of the new State upon her border? It is a question of national sovereignty, and we cannot dodge it without national dishonor. Would England or France, in a like case, wait to ask us? Would they wait our movements? Would they not feel themselves disgraced by the mention of such a thing? What! leave the decision whether they shall or shall not recognise a rising State in Europe to the decisions of an American Congress? Can we, then, be so lost to honor as to pursue a course which they would despise? Do we want their authority, the shield of their precedence, before we dare to acknowledge the independence of a new State in our own America—upon this our own continent—a State upon our borders—a State filled with our own citizens? No. This is purely an American question. And shall we refer it to the potentates of Europe? I cannot but say that, as an American Senator, I feel myself somewhat degraded by the mere suggestion. Are we to ask of the Powers of Europe how we are to conduct our foreign relations? Why, any more than our domestic? Recognition is the mere admission of a fact, and one which we must decide upon our own judgment, and not that of any European monarch.

But we are told in the public prints that a vote has been taken in Texas on the question of annexing that State to these United States. I am not to be driven into that matter now. It is a totally distinct question. The two must not be mixed up; they are wholly separate. The one does not follow from the other; and you have no right to connect them together. They are not connected either in fact or in law. Shall this Senate adopt the principle, that though there may, in fact, be an independent Government in Texas, we must refuse to recognise it, because the people who conquered Texas are in fact Americans, the descendants of a glorious ancestry—our own children—who have carried our language, our laws, our free institutions, and our pure religion, into that fertile soil? Are we prepared to give this as a reason to the civilized world: that we cannot recognise them because they love their native soil, because they had left it and gone into another State, under a solemn guarantee that they should still live under a free Government? Because in this hope they have resisted oppression and expelled all invaders? Because, when they have established their independence, they are unambitious? Because they are ready to lay all their laurels at the feet of the mother republic? Is this the ground we are ready to take and to avow? Because they love their mother, shall we hate them? No. We must have better grounds than this to show. If they had sought to repose upon the mighty arm of England, and had offered her a treaty of free trade; if she had sought to become a Southern Canada, then I suppose we should hasten to acknowledge her; but because she has sought another connexion, because she is ambitious that the banner of this Union shall float over her, and seeks to have a share in the blessings of our laws and our institutions, shall we on this account refuse to do her justice? Yet I have heard no other ground taken, no better argument advanced.

Were it in order, I would refer to another resolution, adopted by a different body, and which leaves the question to the President of the United States. I ask the Senate, will they now avoid the question, and remain silent? I have the highest confidence in the President elect, as well as in him who still fills the presidential chair, and have no doubt that right will be done; but still it becomes us to express our opinion, as a branch of this Government. We might as well turn over to the President our domestic relations as to leave him the sole judge of all that belongs to our foreign. The resolutions passed by both Houses assume that Congress should take the responsibility of this matter upon itself. And shall we now skulk from it? shall we trust a question which belongs to us to the decision of the President? Does not the President himself say, in his message, that it is inexpedient that the Executive alone should act in a matter of this character? Does he not declare it to be the duty of Congress to judge of it? We have the facts of the case before us. [Here Mr. W. went into a recapitulation of the chief points he had made.] With all these things before us, we are called to vote down the resolution, and thereby to say that these are not facts. Can any

gentleman consent to do so? Will any man lay his hand upon his heart and say that Mexico still retains and exercises sovereign power over the province of Texas? I cannot bring myself to believe that such will be the decision of the Senate. No; with all those feelings which are natural to honorable men, to American freemen, I trust we shall come up to the mark, and declare what we know to be the fact, that Texas is an independent and sovereign State.

IN SENATE, FEBRUARY 23.

REDUCTION OF THE TARIFF.

Mr. BENTON made a low reply to Mr. DAVIS, in which he was in part understood to say that the bounties on the fisheries were a reimbursement of so much money as was paid by the fishermen as a duty on salt. Mr. B. had information on this subject as well as the Senator from Massachusetts; and no American citizen, at all acquainted with the affairs of the country and the history of France and England, was ignorant of the value of the fisheries. Yet, Mr. B. had authority in his hands to say that, from the foundation of the Government, the encouragement here to the fisheries was smaller than in Great Britain. At an early stage of the Government here reports were made in Congress for and against the bounty on the fisheries, and the allowance was revoked by Government. At that time the first allowance was made on fish cured and exported; and in the very same clause of the same act the same bounty was granted on exported beef and pork, all resting on the same principle of refunding the duty on the salt used in curing these three articles. In 1789, when the duty on salt was six cents, and afterwards when it was increased to twelve and a half, the drawbacks on salt were increased in the same proportion. Laws to the same effect were afterwards passed, so that fish, beef, and pork, kept company in this respect, till, on the breaking out of the war, the salt tax was retained as a war tax, the fish bounty was continued, while the drawbacks on beef and pork were discontinued. For this gentlemen give a satisfactory reason: that it was not possible to export beef and pork during the war. But, when the war was ended, and the compromise to take the tax off salt was disregarded on account of the public debt, the fish bounty was still continued, while beef and pork were dropped. The classes were separated, and they made fish of one and flesh of the other. The fisheries draw about $250,000 per annum from the public Treasury, while the constitution requires that taxes should be laid equally; and what is got by taxes on one part of the Union is thus bestowed on another. But let it be; Mr. B. would not oppose it. Still, he would appeal to the friends of the fisheries to say whether this was not an immense money-making business. They ought at least to relieve the West of the burden; and while they got a bounty of $250,000, they ought to allow the salt tax to be taken off. Mr. B. here read an extract from a former speech of his, against the fish bounty. These remarks, he said, were made for the purpose of showing the Senator from Massachusetts that the salt duties rest on one leg only. The fisheries draw back their share of the tax, but the West did not. Mr. B. also alluded to extensive frauds on these drawbacks, said to be discovered by Mr. Ingham.

Mr. DAVIS said he knew the subject of the fish bounty would interweave with the duty on salt. Mr. Ingham, he said, was hostile to the bounty on the fisheries, and he therefore found it very easy to make out supposed frauds, which might be correct or incorrect. But Mr. D. wished that frauds might not be stamped on the fisheries without the proper and adequate proof. He thought the Senator from Missouri had made his remarks because he foresaw that the fish bounty would interweave with the salt tax; but, when the proper opportunity should come, Mr. D. would show that the fisheries stand upon two legs.

IN SENATE, FEBRUARY 24.

REDUCTION OF THE TARIFF.

Mr. PRESTON observed that what he had meant to say when last up was, that the tariff question, so far as party was concerned, was an open question, on which each individual might hold and advocate his own opinion, without derogation to his standing with his own party; and that, therefore, assurances as to the sentiments of the President elect ought not to have that weight with the Senate to which they would otherwise be entitled. He had said that the Senator from Pennsylvania was a high tariff man, and his State a high tariff State. In making this remark in regard to the honorable gentleman, Mr. P. had had reference to his course in former years. The grounds on which that gentleman had advocated the retaining of the duty on coal were distinctly tariff grounds; and when a man advanced arguments of this description, for a protection duty on such an article as coal, Mr. P. was in the habit of calling him a tariff man. He would not, however, call the Senator from Pennsylvania a tariff man, if that gentleman was indisposed to be so denominated. Mr. P. should certainly consider him as a very great and valuable acquisition to the anti-tariff cause.

Mr. BUCHANAN observed, in reply, that the Senator from South Carolina was at full liberty to call him a tariff man; for such he proposed to be. As to the present duty on coal, it was not extravagant, amounting, as it did, to less than five cents a bushel, or one dollar per ton. Mr. B. had said, and he still maintained, that, on all the principles of the protection policy, foreign coal should pay a duty for the protection of the home article. The gentleman from South Carolina himself was in favor of the compromise bill, and would vote for this duty though he spoke against it. Mr. B. contended that the repeal of this duty would violate the compromise, while it would go to destroy a branch of business in which there had been invested, within the State of Pennsylvania alone, a capital of more than forty millions of dollars. Yet the gentleman from South Carolina employed the weight of his powerful name for persuading others to vote for this measure, and thus to violate the compromise of 1833; while, at the same time, he professed, for himself and his State, and the whole South, to be bound to observe it. The country was now resting on that compromise; and the "high tariff State," to which the gentleman alluded, had never uttered a murmur against it. Mr. B. had trusted that her reputation might have escaped such commentaries. Pennsylvania loved to do to others as she would have others to do to her. Mr. B. put it to the gentleman, whether, had he risen in his place, and solemnly declared that that gentleman was "permitted" to argue against the compromise while he voted in its favor, whether the honorable Senator would have considered him quite as courteous as he ought to be. Would not such a remark have implied that the gentleman was under an irresistible authority, which governed and controlled all his public actions; but that, on this particular point, that authority had relaxed the leading strings, and allowed him to play the freeman?

Mr. PRESTON regretted that the honorable Senator did not still appear quite to comprehend what had been the scope and meaning of his remarks. The word "permit" had been used by him in its technical meaning, as applied exclusively to party politics. It had been contended, that to support the present administration would be the means to secure the ascendency of the anti-tariff policy. This position Mr. P. did not admit; and,

to prove that it was unsound, had adverted to the fact that the tariff was an open question with the party, on which members of the party might differ and oppose each other, without forfeiting or disturbing their party relations; just as in England the Catholic question was held to be an open question, on which members of the same political party advocated opposite opinions. There were every day political questions on which gentlemen must vote in one particular way, or not be recognised as members of the same party; while there were other questions on which they were free to vote differently, and still be held as good members of their own party. The party arrangements "permitted" them so to vote. It was in this parliamentary and technical sense alone that Mr. P. had made use of the word. As to the compromise of 1833, the end and purpose of it was a reduction of duties. For this the whole South went as one man. The only question was whether, according to that act, the reduction went on fast enough. The act proposed to continue all duties above twenty per cent. until the year 1842; after which time there was to be a rapid deduction. As there seemed to be an acquiescence, on the part of the South, in this arrangement, Mr. P. supposed that he was not at liberty to depart from it. He had come to the conclusion that the faith of the South was pledged. They had shaken hands with their Northern brethren over this bargain; and he was not for going to war against it. Mr. P. preferred the mode of reduction provided by the act of 1833 to the mode proposed by the bill now before the Senate. He was in favor of all reduction; but he preferred the compromise, because he believed that it would reduce the tariff more certainly. Holding himself bound to adhere to that arrangement, he could not, of course, vote for the present amendment, which would otherwise receive his decided support. The Senator from Pennsylvania had said that the present duty on foreign coal was not enormous. The duty amounted to between forty-five and fifty per cent.; and it struck Mr. P. that this was enormous.

HOUSE OF REPRESENTATIVES, FEBRUARY 24.

DISTRIBUTION QUESTION.

[The beginning of this speech is inserted on pages 1926 and 1927; the concluding part having been accidentally omitted, the speech is given in full here.]

Mr. BELL said he rose for the purpose of calling the attention of members to a few facts connected with the subject under consideration, and with the subject of the Treasury, and the expenditures of the Government generally, which he thought were either unknown to many honorable members, or, if known, had not received that attention which, from their extraordinary nature, they were entitled to receive from the representatives of the people and the guardians of the public interest.

The fact that the permanent expenditures of the Government had been doubled in amount within a few years past had been noticed heretofore. I wish (said Mr. B.) to bring to the notice of honorable gentlemen another most improper and unprecedented anomaly in the action of Congress upon the subject of the appropriation and expenditure of the public moneys. The Committee of Ways and Means have given their sanction to appropriations for the service of the present year, amounting to upwards of thirty millions, if I have not made some mistake in the estimate of this amount. Besides these, there are other bills, reported by the standing committees of the House, which will swell them to about thirty-five millions—an amount but little short of the appropriations to the same objects made at the last session of Congress. Do the members of this House know what proportion of the appropriations of the last year remains unexpended? The honorable chairman of the Committee of Ways and Means has told us that the present bill appropriates about nine hundred thousand dollars to fortifications; and that he contends ought to be noted, because it does not exceed the usual amount annually appropriated to the same objects. Sir, it is true that this does not exceed the amount usually appropriated; but the honorable gentleman has omitted to inform us that there was, on the 1st of January, a balance of upwards of six hundred thousand dollars remaining in the Treasury of the appropriations of the last year to the same objects, besides between two and three hundred thousand in the hands of the disbursing officers yet unexpended. He has neglected to inform us that, in fact, about nine hundred thousand dollars of the last year's appropriations to fortifications remain to be expended during the present year; for I take it for granted that the work upon the fortifications has not been persisted in to any great extent during the winter. Thus, sir, instead of the amount proposed to be applied to this branch of the public service, during the present year, we propose to apply double that amount. Is there any thing in the present high prices of labor and materials, any thing in the great demand for laborers of all kinds, or is there any thing in the present prospect of peace with all nations, which calls for this unusual amount to be applied to fortifications? Are we not pushing these works too rapidly to admit of solid constructions? But, sir, (said Mr. B.,) I do not attach much importance to this view of the subject. Not only double, but treble and quadruple the amount of these appropriations can be expended by the Government, if it is found necessary in order to increase appropriations—if we shall, by our imprudent compliance with the demand of the Executive, encourage a race between appropriations and disbursements—if the appropriations are to be increased according to the ability of the Government to expend, or rather waste, as much as this House shall, from year to year, be found willing to appropriate. I repeat, if this shall be the measure of our appropriations, we need not care how large they are, they will all be expended.

But it is a practice exactly the opposite of this which I wish to bring to the notice of the members of this House. It appears, from the executive reports which have been laid on our tables, that there were in the Treasury unexpended balances of the appropriations of the year 1836, on the first day of the present year, of nearly $14,000,000, besides the large amount drawn from the Treasury in advance of the actual demands of the public service, and now in the hands of the disbursing officers. The official organ of the Government (the Globe) has informed us that the amount thus withdrawn from the Treasury by requisitions, and remaining in the hands of the disbursing agents in the beginning of the year, is six millions. I have but little doubt, if the whole truth were known, that the amount thus withdrawn from the Treasury at the close of the year was nearer twelve millions; but, taking the statement of the Globe to be true, it shows, on the first day of the year, there were $20,000,000 remaining unexpended of the appropriations of the year 1836. It is thus manifest that we are a year in advance of the actual demands of the public service in our appropriations. I call upon the gentleman from New York, [Mr. CAMBRELENG,] who is at the head of the Committee of Ways and Means, to explain and justify this extraordinary practice. How is it that we are called upon to make increased appropriations for the present year, when twenty millions or upwards remain unexpended of the last year's appropriations? This state of things certainly demands an explanation. The average balances in the Treasury, until within the last two years, have never exceeded five millions; I believe I might say four. Whence is it that we have this sum quadrupled? Let it not be said that the appropriations

for the last year were not made until half the year had elapsed; and that that is a sufficient explanation. The amount in the Treasury unexpended on the first day of the year 1836 was, if I do not forget, more than double the usual average; and when we were voting the appropriations of the last year, the House was repeatedly reminded that the year was so far advanced that it was not possible to expend the large sums which were demanded by the Government; yet, sir, they were voted. The true explanation is, that we then had a large surplus in the Treasury. We anticipated a still greater one, and the majority of Congress were determined to keep pace with the increased revenue by increased appropriations. If the surplus could not thus be actually exhausted, it was intended that it should be so apparently. The same policy directs the same course at the present session. Whether the land bill shall pass or not, it is now certain that we shall have a considerable surplus in the Treasury at the end of the year. Under any probable contingency, it cannot be less than ten millions; it will probably be much larger. To diminish the amount of surplus at the beginning of the present year, the device of withdrawing large amounts from the Treasury, and placing them in the hands of disbursing agents, was fallen upon. This practice, however unsafe, will be continued; and, instead of six millions at the end of the present year, we may have twenty millions so disposed of, if there shall be no interest created to counteract it. Again, sir: some remedy is imperiously demanded, by the most sacred and vital considerations, against the perpetual temptation which, under the present state of things, is held out to increased, unnecessary, and prodigal expenditures by the Federal Government. I can think of none better at present than the one which I now propose, and will send to the Chair. I do not intend to enter into an elaborate argument upon the proposition I shall submit. It is too late in the session for such a course. Besides, I consider the argument is already before the House and country, and I entreat gentlemen who are favorable to the measure to forbear discussion.

Mr. B. concluded by moving to amend the bill by adding thereto the following:

Be it enacted, That the money which shall be in the Treasury of the United States on the 1st day of January, 1838, reserving a sum of five millions of dollars, shall be deposited with the several States, on the terms of the 13th, 14th, and 15th provisoes of the act regulating the deposites of the public money, approved the 23d of June, 1836.

APPENDIX

TO THE REGISTER OF DEBATES IN CONGRESS.

TWENTY-FOURTH CONGRESS—SECOND SESSION.

MESSAGE

OF THE PRESIDENT OF THE UNITED STATES,
TO BOTH HOUSES OF CONGRESS,
At the commencement of the Second Session of the Twenty-fourth Congress.

Fellow-citizens of the Senate and House of Representatives:

Addressing to you the last annual message I shall ever present to the Congress of the United States, it is a source of the most heartfelt satisfaction to be able to congratulate you on the high state of prosperity which our beloved country has attained. With no causes at home or abroad to lessen the confidence with which we look to the future for continuing proofs of the capacity of our free institutions to produce all the fruits of good government, the general condition of our affairs may well excite our national pride.

I cannot avoid congratulating you, and my country particularly, on the success of the efforts made during my administration by the Executive and Legislature, in conformity with the sincere, constant, and earnest desire of the people, to maintain peace, and establish cordial relations with all foreign Powers. Our gratitude is due to the Supreme Ruler of the Universe, and I invite you to unite with me in offering to him fervent supplication, that his providential care may ever be extended to those who follow us, enabling them to avoid the dangers and the horrors of war, consistently with a just and indispensable regard to the rights and honor of our country. But, although the present state of our foreign affairs, standing without important change as they did when you separated in July last, is flattering in the extreme, I regret to say that many questions of an interesting character, at issue with other Powers, are yet unadjusted. Amongst the most prominent of these is that of our northeastern boundary. With an undiminished confidence in the sincere desire of his Britannic Majesty's Government to adjust that question, I am not yet in possession of the precise grounds upon which it proposes a satisfactory adjustment.

With France, our diplomatic relations have been resumed, and under circumstances which attest the disposition of both Governments to preserve a mutually beneficial intercourse, and foster those amicable feelings which are so strongly required by the true interest of the two countries. With Russia, Austria, Prussia, Naples, Sweden, and Denmark, the best understanding exists, and our commercial intercourse is gradually expanding itself with them. It is encouraged in all these countries, except Naples, by their mutually advantageous and liberal treaty stipulations with us.

The claims of our citizens on Portugal are admitted to be just, but provision for the payment of them has been unfortunately delayed by frequent political changes in that kingdom.

The blessings of peace have not been secured by Spain. Our connexions with that country are on the best footing, with the exception of the burdens still imposed upon our commerce with her possessions out of Europe.

The claims of American citizens for losses sustained at the bombardment of Antwerp, have been presented to the Governments of Holland and Belgium, and will be pressed, in due season, to settlement.

With Brazil, and all our neighbors of this continent, we continue to maintain relations of amity and concord, extending our commerce with them as far as the resources of the people and the policy of their Governments will permit. The just and long-standing claims of our citizens upon some of them are yet sources of dissatisfaction and complaint. No danger is apprehended, however, that they will not be peacefully, although tardily, acknowledged and paid by all, unless the irritating effect of her struggle with Texas should unfortunately make our immediate neighbor, Mexico, an exception.

It is already known to you, by the correspondence between the two Governments communicated at your last session, that our conduct in relation to that struggle is regulated by the same principles that governed us in the dispute between Spain and Mexico herself; and I trust that it will be found, on the most severe scrutiny, that our acts have strictly corresponded with our professions. That the inhabitants of the United States should feel strong prepossessions for the one party, is not surprising. But this circumstance should, of itself, teach us great caution, lest it lead us into the great error of suffering public policy to be regulated by partiality or prejudice; and there are considerations connected with the possible result of this contest between the two parties of so much delicacy and importance to the United States, that our character requires that we should neither anticipate events, nor attempt to control them. The known desire of the Texans to become a part of our system, although its gratification depends upon the reconcilement of various and conflicting interests, necessarily a work of time, and uncertain in itself, is calculated to expose our conduct to misconstruction in the eyes of the world. There are already those who, indifferent to principle themselves, and prone to suspect the want of it in others, charge us with ambitious designs and insidious policy. You will perceive by the accompanying documents, that the extraordinary mission from Mexico has been terminated, on the sole grounds that the obligations of this Government to itself and to Mexico, under treaty stipulations, have compelled me to trust a discretionary authority to a high officer of our army, to advance into territory claimed as part of Texas, if necessary, to protect our own or the neighboring frontier from Indian depredation. In the opinion of the Mexican functionary, who has just left us, the honor of his country will be wounded by American soldiers entering, with the most amicable avowed purposes,

upon ground from which the followers of his Government have been expelled, and over which there is at present no certainty of a serious effort on its part being made to re-establish its dominion. The departure of this minister was the more singular, as he was apprized that the sufficiency of the causes assigned for the advance of our troops by the commanding general had been seriously doubted by me, and that there was every reason to suppose that the troops of the United States, their commander having had time to ascertain the truth or falsehood of the information upon which they had been marched to Nacogdoches, would be either there in perfect accordance with the principles admitted to be just in his conference with the Secretary of State, by the Mexican minister himself, or were already withdrawn in consequence of the impressive warnings their commanding officer had received from the Department of War. It is hoped and believed that his Government will take a more dispassionate and just view of this subject, and not be disposed to construe a measure of justifiable precaution, made necessary by its known inability in execution of the stipulations of our treaty to act upon the frontier, into an encroachment upon its rights or stain upon its honor.

In the mean time, the ancient complaints of injustice, made on behalf of our citizens are disregarded, and new causes of dissatisfaction have arisen, some of them of a character requiring prompt remonstrance, and ample and immediate redress. I trust, however, by tempering firmness with courtesy, and acting with great forbearance upon every incident that has occurred, or that may happen, to do and to obtain justice, and thus avoid the necessity of again bringing this subject to the view of Congress.

It is my duty to remind you that no provision has been made to execute our treaty with Mexico for tracing the boundary line between the two countries. Whatever may be the prospect of Mexico's soon being able to execute the treaty on its part, it is proper that we should be, in anticipation, prepared at all times to perform our obligations, without regard to the probable condition of those with whom we have contracted them.

The result of the confidential inquiries made into the condition and prospects of the newly declared Texan Government, will be communicated to you in the course of the session.

Commercial treaties, promising great advantages to our enterprising merchants and navigators, have been formed with the distant Governments of Muscat and Siam. The ratifications have been exchanged, but have not reached the Department of State. Copies of the treaties will be transmitted to you, if received before, or published, if arriving after, the close of the present session of Congress.

Nothing has occurred to interrupt the good understanding that has long existed with the Barbary Powers, nor to check the good will which is gradually growing up in our intercourse with the dominions of the Government of the distinguished chief of the Ottoman Empire.

Information has been received at the Department of State, that a treaty with the Emperor of Morocco has just been negotiated, which, I hope, will be received in time to be laid before the Senate previous to the close of the session.

You will perceive, from the report of the Secretary of the Treasury, that the financial means of the country continue to keep pace with its improvement in all other respects. The receipts into the Treasury during the present year will amount to about $47,691,898; those from customs being estimated at $22,523,151; those from lands at about $24,000,000; and the residue from miscellaneous sources. The expenditures for all objects during the year are estimated not to exceed $32,000,000, which will leave a balance in the Treasury for public purposes, on the 1st day of January next, of about $41,723,959. This sum, with the exception of five millions, will be transferred to the several States, in accordance with the provisions of the act regulating the deposites of the public money.

The unexpended balances of appropriation on the 1st day of January next, are estimated at $14,636,062, exceeding by $9,636,062 the amount which will be left in the deposite banks, subject to the draft of the Treasurer of the United States, after the contemplated transfers to the several States are made. If, therefore, the future receipts should not be sufficient to meet these outstanding and future appropriations, there may be soon a necessity to use a portion of the funds deposited with the States.

The consequences apprehended when the deposite act of the last session received a reluctant approval, have been measurably realized. Though an act merely for the deposite of the surplus moneys of the United States in the State treasuries for safe-keeping, until they may be wanted for the service of the General Government, it has been extensively spoken of as an act to give the money to the several States, and they have been advised to use it as a gift, without regard to the means of refunding it when called for. Such a suggestion has doubtless been made without a due consideration of the obligation of the deposite act, and without a proper attention to the various principles and interests which are affected by it. It is manifest that the law itself cannot sanction such a suggestion, and that, as it now stands, the States have no more authority to receive and use these deposites, without intending to return them, than any deposite bank, or any individual temporarily charged with the safe-keeping or application of the public money would now have for converting the same to their private use, without the consent and against the will of the Government. But independently of the violation of public faith and moral obligation which are involved in this suggestion, when examined in reference to the terms of the present deposite act, it is believed that the considerations which should govern the future legislation of Congress on this subject will be equally conclusive against the adoption of any measure recognising the principles on which the suggestion has been made.

Considering the intimate connexion of the subject with the financial interests of the country, and its great importance in whatever aspect it can be viewed, I have bestowed upon it the most anxious reflection, and feel it to be my duty to state to Congress such thoughts as have occurred to me, to aid their deliberation in treating it in the manner best calculated to conduce to the common good.

The experience of other nations admonished us to hasten the extinguishment of the public debt; but it will be in vain that we have congratulated each other upon the disappearance of this evil, if we do not guard against the equally great one of promoting the unnecessary accumulation of public revenue. No political maxim is better established than that which tells us that an improvident expenditure of money is the parent of profligacy, and that no people can hope to perpetuate their liberties, who long acquiesce in a policy which taxes them for objects not necessary to the legitimate and real wants of their Government. Flattering as is the condition of our country at the present period, because of its unexampled advance in all the steps of social and political improvement, it cannot be disguised that there is a lurking danger already apparent in the neglect of this warning truth, and that the time has arrived when the representatives of the people should be employed in devising some more appropriate remedy than now exists, to avert it.

Under our present revenue system, there is every

probability that there will continue to be a surplus beyond the wants of the Government; and it has become our duty to decide whether such a result be consistent with the true objects of our Government.

Should a surplus be permitted to accumulate beyond the appropriations, it must be retained in the Treasury as it now is, or distributed among the people of the States.

To retain it in the Treasury, unemployed in any way, is impracticable. It is, besides, against the genius of our free institutions to lock up in vaults the treasure of the nation. To take from the people the right of bearing arms, and put their weapons of defence in the hands of a standing army, would be scarcely more dangerous to their liberties, than to permit the Government to accumulate immense amounts of treasure beyond the supplies necessary to its legitimate wants. Such a treasure would doubtless be employed at some time, as it has been in other countries, when opportunity tempted ambition.

To collect it merely for distribution to the States, would seem to be highly impolitic, if not as dangerous as the proposition to retain it in the Treasury. The shortest reflection must satisfy every one that, to require the people to pay taxes to the Government merely that they may be paid back again, is sporting with the substantial interests of the country, and no system which produces such a result can be expected to receive the public countenance. Nothing could be gained by it, even if each individual who contributed a portion of the tax could receive back promptly the same portion. But, it is apparent, that no system of the kind can ever be enforced, which will not absorb a considerable portion of the money to be distributed in salaries and commissions to the agents employed in the process, and in the various losses and depreciations which arise from other causes; and the practical effect of such an attempt must ever be to burden the people with taxes, not for purposes beneficial to them, but to swell the profits of deposite banks, and support a band of useless public officers.

A distribution to the people is impracticable and unjust in other respects. It would be taking one man's property, and giving it to another. Such would be the unavoidable result of a rule of equality, (and none other is spoken of, or would be likely to be adopted,) inasmuch as there is no mode by which the amount of the individual contributions of our citizens to the public revenue can be ascertained. We know that they contribute *unequally;* and a rule, therefore, that would distribute to them *equally*, would be liable to all the objections which apply to the principle of an equal division of property. To make the General Government the instrument of carrying this odious principle into effect, would be at once to destroy the means of its usefulness and change the character designed for it by the framers of the constitution.

But the more extended and injurious consequences likely to result from a policy which would collect a surplus revenue for the purpose of distributing it, may be forcibly illustrated by an examination of the effects already produced by the present deposite act. This act, although certainly designed to secure the safe-keeping of the public revenue, is not entirely free in its tendencies from any of the objections which apply to this principle of distribution. The Government had, without necessity, received from the people a large surplus, which, instead of being employed as heretofore, and returned to them by means of the public expenditure, was deposited with sundry banks. The banks proceeded to make loans upon this surplus, and thus converted it into banking capital; and in this manner it has tended to multiply bank charters, and has had a great agency in producing a spirit of wild speculation. The possession and use of the property out of which this surplus was created belonged to the people; but the Government has transferred its possession to incorporated banks, whose interest and effort it is to make large profits out of its use. This process need only be stated to show its injustice and bad policy.

And the same observations apply to the influence which is produced by the steps necessary to collect as well as to distribute such a revenue. About three-fifths of all the duties on imports are paid in the city of New York; but it is obvious that the means to pay those duties are drawn from every quarter of the Union. Every citizen in every State, who purchases and consumes an article which has paid a duty at that port, contributes to the accumulating mass. The surplus collected there, must, therefore, be made up of moneys or property withdrawn from other points and other States. Thus the wealth and business of every region from which these surplus funds proceed, must be to some extent injured, while that of the place where the funds are concentrated and are employed in banking are proportionably extended. But both in making the transfer of the funds which are first necessary to pay the duties and collect the surplus, and in making the re-transfer which becomes necessary when the time arrives for the distribution of that surplus, there is a considerable period when the funds cannot be brought into use; and it is manifest that, besides the loss inevitable from such an operation, its tendency is to produce fluctuations in the business of the country, which are always productive of speculation, and detrimental to the interests of regular trade. Argument can scarcely be necessary to show that a measure of this character ought not to receive further legislative encouragement.

By examining the practical operation of the ratio for distribution adopted in the deposite bill of the last session, we shall discover other features that appear equally objectionable. Let it be assumed, for the sake of argument, that the surplus moneys to be deposited with the States have been collected and belong to them in the ratio of their federal representative population—an assumption founded upon the fact that any deficiencies in our future revenue from imposts and public lands must be made up by direct taxes collected from the States in that ratio. It is proposed to distribute the surplus, say $30,000,000, not according to the ratio in which it has been collected and belongs to the people of the States, but in that of their votes in the colleges of electors of President and Vice President. The effect of a distribution of that ratio is shown by the annexed table, marked A.

By an examination of that table, it will be perceived that in the distribution of the surplus of $30,000,000 upon that basis, there is a great departure from the principle which regards representation as the true measure of taxation; and it will be found that the tendency of that departure will be to increase whatever inequalities have been supposed to attend the operation of our federal system in respect to its bearings upon the different interests of the Union. In making the basis of representation the basis of taxation, the framers of the constitution intended to equalize the burdens which are necessary to support the Government; and the adoption of that ratio, while it accomplished this object, was also the means of adjusting other great topics arising out of the conflicting views respecting the political equality of the various members of the confederacy. Whatever, therefore, disturbs the liberal spirit of the compromises which established a rule of taxation so just and equitable, and which experience has proved to be so well adapted to the genius and habits of our people, should be received with the greatest caution and distrust.

A bare inspection, in the annexed table, of the differences produced by the ratio used in the deposite act compared with the results of a distribution according to the ratio of direct taxation, must satisfy every unprejudiced mind that the former ratio contravenes the spirit of the constitution, and produces a degree of injustice in the operation of the Federal Government which would be fatal to the hope of perpetuating it. By the ratio of direct taxation, for example, the State of Delaware, in the collection of $30,000,000 of revenue, would pay into the treasury $188,716; and in a distribution of $30,000,000 she would receive back from the Government, according to the ratio of the deposite bill, the sum of $306,122; and similar results would follow the comparison between the small and the large States throughout the Union; thus realizing to the small States an advantage which would be doubtless as unacceptable to them as a motive for incorporating the principle in any system which would produce it, as it would be inconsistent with the rights and expectations of the large States. It was certainly the intention of that provision of the constitution which declares that "all duties, imposts, and excises" shall "be uniform throughout the United States," to make the burdens of taxation fall equally upon the people, in whatever State of the Union they may reside.—But what would be the value of such a uniform rule, if the moneys raised by it could be immediately returned by a different one, which will give to the people of some States much more, and to those of others much less, than their fair proportions? Were the Federal Government to exempt, in express terms, the imports, products, and manufactures of some portions of the country from all duties, while it imposed heavy ones on others, the injustice could not be greater. It would be easy to show how, by the operation of such a principle, the large States of the Union would not only have to contribute their just share towards the support of the Federal Government, but also have to bear in some degree the taxes necessary to support the Governments of their smaller sisters; but it is deemed unnecessary to state the details where the general principle is so obvious.

A system liable to such objections can never be supposed to have been sanctioned by the framers of the constitution, when they conferred on Congress the taxing power; and I feel persuaded that a mature examination of the subject will satisfy every one that there are insurmountable difficulties in the operation of any plan which can be devised, of collecting the revenue, for the purpose of distributing it. Congress is only authorized to levy taxes "*to pay the debts and provide for the common defence and general welfare of the United States.*" There is no such provision as would authorize Congress to collect together the property of the country, under the name of revenue, for the purpose of dividing it equally or unequally among the States or the People. Indeed, it is not probable that such an idea ever occurred to the States when they adopted the constitution. But, however this may be, the only safe rule for us, in interpreting the powers granted to the Federal Government, is to regard the absence of express authority to touch a subject so important and delicate as this is, as equivalent to a prohibition.

Even if our powers were less doubtful in this respect, as the constitution now stands, there are considerations afforded, by recent experience, which would seem to make it our duty to avoid a resort to such a system.

All will admit that the simplicity and economy of the State Governments mainly depend on the fact that money has to be supplied to support them by the same men or their agents who vote it away in appropriations. Hence, when there are extravagant and wasteful appropriations, there must be a corresponding increase of taxes; and the people, becoming awakened, will necessarily scrutinize the character of measures which thus increase their burdens. By the watchful eye of self-interest, the agents of the people in the State Governments are repressed, and kept within the limit of a just economy. But if the necessity of levying the taxes be taken from those who make the appropriations, and thrown upon a more distant and less responsible set of public agents, who have power to approach the people by an indirect and stealthy taxation, there is reason to fear that prodigality will soon supersede those characteristics which have thus far made us look with so much pride and confidence to the State Governments as the mainstay of our union and liberties. The State Legislatures, instead af studying to restrict their State expenditures to the smallest possible sum, will claim credit for their profusion, and harass the General Government for increased supplies. Practically, there would soon be but one taxing power, and that vested in a body of men far removed from the people, in which the farming and mechanic interests would scarcely be represented. The States would gradually lose their purity as well as their independence; they would not dare to murmur at the proceedings of the General Government, lest they should lose their supplies; all would be merged in a practical consolidation, cemented by wide-spread corruption, which could only be eradicated by one of those bloody revolutions which occasionally overthrow the despotic systems of the old world.

In all the other aspects in which I have been able to look at the effect of such a principle of distribution upon the best interests of the country, I can see nothing to compensate for the disadvantages to which I have adverted. If we consider the protective duties, which are, in a great degree, the source of the surplus revenue, beneficial to one section of the Union and prejudicial to another, there is no corrective for the evil in such a plan of distribution. On the contrary, there is reason to fear that all the complaints which have sprung from this cause would be aggravated. Every one must be sensible that a distribution of the surplus must beget a disposition to cherish the means which create it; and any system, therefore, into which it enters, must have a powerful tendency to increase rather than diminish the tariff. If it were even admitted that the advantages of such a system could be made equal to all the sections of the Union, the reasons already so urgently calling for a reduction of the revenue would, nevertheless, lose none of their force; for it will always be improbable that an intelligent and virtuous community can consent to raise a surplus for the mere purpose of dividing it, diminished as it must inevitably be by the expenses of the various machinery necessary to the process.

The safest and simplest mode of obviating all the difficulties which have been mentioned is, to collect only revenue enough to meet the wants of the Government, and let the people keep the balance of their property in their own hands, to be used for their own profit. Each State will then support its own Government, and contribute its due share towards the support of the General Government. There would be no surplus to cramp and lessen the resources of individual wealth and enterprise, and the banks would be left to their ordinary means. Whatever agitations and fluctuations might arise from our unfortunate paper system, they could never be attributed, justly or unjustly, to the action of the Federal Government. There would be some guaranty that the spirit of wild speculation, which seeks to convert the surplus revenue into banking capital, would be effectually checked, and that the scenes of demoralization which are now so prevalent through the land would disappear.

Without desiring to conceal that the experience and

observation of the last two years have operated a partial change in my views upon this interesting subject, it is, nevertheless, regretted that the suggestions made by me, in my annual messages of 1829 and 1830, have been greatly misunderstood. At that time, the great struggle was begun against that latitudinarian construction of the constitution which authorizes the unlimited appropriation of the revenues of the Union to internal improvements within the States, tending to invest in the hands, and place under the control, of the General Government, all the principal roads and canals of the country, in violation of State rights, and in derogation of State authority. At the same time, the condition of the manufacturing interest was such as to create an apprehension that the duties on imports could not, without extensive mischief, be reduced in season to prevent the accumulation of a considerable surplus after the payment of the national debt. In view of the dangers of such a surplus, and in preference to its application to internal improvements, in derogation of the rights and powers of the States, the suggestion of an amendment of the constitution to authorize its distribution was made. It was an alternative for what were deemed greater evils—a temporary resort to relieve an over-burdened Treasury, until the Government could, without a sudden and destructive revulsion in the business of the country, gradually return to the just principle of raising no more revenue from the people, in taxes, than is necessary for its economical support. Even that alternative was not spoken of but in connexion with an amendment of the constitution. No temporary inconvenience can justify the exercise of a prohibited power, or a power not granted by that instrument; and it was from a conviction that the power to distribute even a temporary surplus of revenue is of that character, that it was suggested only in connexion with an appeal to the source of all legal power in the General Government, the States which have established it. No such appeal has been taken, and, in my opinion, a distribution of the surplus revenue by Congress, either to the States or the people, is to be considered as among the prohibitions of the constitution. As already intimated, my views have undergone a change, so far as to be convinced that no alteration of the constitution, in this respect, is wise or expedient. The influence of an accumulating surplus upon the legislation of the General Government and the States, its effect upon the credit system of the country, producing dangerous extensions and ruinous contractions, fluctuations in the price of property, rash speculation, idleness, extravagance, and a deterioration of morals, have taught us the important lesson, that any transient mischief which may attend the reduction of our revenue to the wants of our Government is to be borne in preference to an overflowing Treasury.

I beg leave to call your attenion to another subject intimately associated with the preceding one—the currency of the country.

It is apparent, from the whole context of the constitution, as well as the history of the times which gave birth to it, that it was the purpose of the convention to establish a currency consisting of the precious metals. These, from their peculiar properties, which rendered them the standard of value in all other countries, were adopted in this, as well to establish its commercial standard, in reference to foreign countries, by a permanent rule, as to exclude the use of a mutable medium of exchange, such as of certain agricultural commodities, recognised by the statutes of some States as a tender for debts, or the still more pernicious expedient of a paper currency. The last, from the experience of the evils of the issues of paper during the Revolution, had become so justly obnoxious, as not only to suggest the clause in the constitution forbidding the emission of bills of credit by the States, but also to produce that vote in the convention which negatived the proposition to grant power to Congress to charter corporations; a proposition well understood at the time, as intended to authorize the establishment of a national bank, which was to issue a currency of bank notes, on a capital to be created to some extent out of Government stocks. Although this proposition was refused by a direct vote of the convention, the object was afterwards in effect obtained, by its ingenious advocates, through a strained construction of the constitution. The debts of the Revolution were funded, at prices which formed no equivalent, compared with the nominal amount of the stock, and under circumstances which exposed the motives of some of those who participated in the passage of the act, to distrust.

The facts that the value of the stocks was greatly enhanced by the creation of the bank, that it was well understood that such would be the case, and that some of the advocates of the measure were largely benefited by it, belong to the history of the times, and are well calculated to diminish the respect which might otherwise have been due to the action of the Congress which created the institution.

On the establishment of a national bank, it became the interest of its creditors that gold should be superseded by the paper of a bank as a general currency. A value was soon attached to the gold coins, which made their exportation to foreign countries as a mercantile commodity, more profitable than their retention and use at home as money. It followed, as a matter of course, if not designed by those who established the bank, that the bank became, in effect, a substitute for the mint of the United States.

Such was the origin of a national bank currency, and such the beginning of those difficulties which now appear in the excessive issues of the banks incorporated by the various States.

Although it may not be possible, by any legislative means within our power, to change at once the system which has thus been introduced, and has received the acquiescence of all portions of the country, it is certainly our duty to do all that is consistent with our constitutional obligations, to prevent the mischiefs which are threatened by its undue extension. That the efforts of the fathers of our Government to guard against it by a constitutional provision were founded on an intimate knowledge of the subject, has been frequently attested by the bitter experience of the country. The same cause which led them to refuse their sanction to a power authorizing the establishment of incorporations for banking purposes, now exist in a much stronger degree to urge us to exert the utmost vigilance in calling into action the means necessary to correct the evils resulting from the unfortunate exercise of the power; and it is to be hoped that the opportunity of effecting this great good will be improved before the country witnesses new scenes of embarrassment and distress.

Variableness must ever be the characteristic of a currency, of which the precious metals are not the chief ingredient, or which can be expanded or contracted without regard to the principles that regulate the value of those metals as a standard in the general trade of the world. With us, bank issues constitute such a currency, and must ever do so, until they are made dependant on those just proportions of gold and silver, as a circulating medium, which experience has proved to be necessary, not only in this, but in all other commercial countries. Where those proportions are not infused into the circulation, and do not control it, it is manifest that prices must vary according to the tide of bank issues, and the value and stability of property must stand exposed to all the uncertainty which attends the administration of institutions that are constantly liable to the temptation of

an interest distinct from that of the community in which they are established.

The progress of an expansion, or rather a depreciation of the currency, by excessive bank issues, is always attended by a loss to the laboring classes. This portion of the community have neither time nor opportunity to watch the ebbs and flows of the money market. Engaged from day to day in their useful toils, they do not perceive that, although their wages are nominally the same, or even somewhat higher, they are greatly reduced, in fact, by the rapid increase of a spurious currency, which, as it appears to make money abound, they are at first inclined to consider a blessing. It is not so with the speculator, by whom this operation is better understood, and is made to contribute to his advantage. It is not until the prices of the necessaries of life become so dear that the laboring classes cannot supply their wants out of their wages, that the wages rise and gradually reach a justly proportioned rate to that of the products of their labor. When thus, by the depreciation in consequence of the quantity of paper in circulation, wages as well as prices become exorbitant, it is soon found that the whole effect of the adulterations is a tariff on our home industry for the benefit of the countries where gold and silver circulate and maintain uniformity and moderation in prices. It is then perceived that the enhancement of the price of land and labor produces a corresponding increase in the price of products, until these products do not sustain a competition with similar ones in other countries, and thus both manufactured and agricultural productions cease to bear exportation from the country of the spurious currency, because they cannot be sold for cost. This is the process by which specie is banished by the paper of the banks. Their vaults are soon exhausted to pay for foreign commodities; the next step is a stoppage of specie payment—a total degradation of paper as a currency—unusual depression of prices, the ruin of debtors, and the accumulation of property in the hands of creditors and cautious capitalists.

It was in view of these evils, together with the dangerous power wielded by the Bank of the United States, and its repugnance to our constitution, that I was induced to exert the power conferred upon me by the American people to prevent the continuance of that institution. But although various dangers to our republican institutions have been obviated by the failure of that bank to extort from the Government a renewal of its charter, it is obvious that little has been accomplished except a salutary change of public opinion, towards restoring to the country the sound currency provided for in the constitution. In the acts of several of the States prohibiting the circulation of small notes, and the auxiliary enactments of Congress at the last session, forbidding their reception or payment on public account, the true policy of the country has been advanced, and a larger portion of the precious metals infused into our circulating medium. These measures will probably be followed up in due time by the enactment of State laws, banishing from circulation bank notes of still higher denominations; and the object may be materially promoted by further acts of Congress, forbidding the employment, as fiscal agents, of such banks as continue to issue notes of low denominations, and throw impediments in the way of the circulation of gold and silver.

The effects of an extension of bank credits and over-issues of bank paper have been strikingly illustrated in the sales of the public lands. From the returns made by the various Registers and Receivers in the early part of last summer, it was perceived that the receipts arising from the sales of the public lands were increasing to an unprecedented amount. In effect, however, these receipts amounted to nothing more than credits in bank. The banks let out their notes to speculators; they were paid to the Receivers, and immediately returned to the banks, to be sent out again and again, being mere instruments to transfer to speculators the most valuable public land, and pay the Government by a credit on the books of the banks. Those credits on the books of some of the western banks, usually called deposites, were already greatly beyond their immediate means of payment, and were rapidly increasing. Indeed, each speculation furnished means for another; for no sooner had one individual or company paid in the notes, than they were immediately lent to another for a like purpose; and the banks were extending their business and their issues so largely, as to alarm considerate men, and render it doubtful whether these bank credits, if permitted to accumulate, would ultimately be of the least value to the Government. The spirit of expansion and speculation was not confined to the deposite banks, but pervaded the whole multitude of banks throughout the Union, and was giving rise to new institutions to aggravate the evil.

The safety of the public funds, and the interest of the people, generally, required that these operations should be checked, and it became the duty of every branch of the General and State Governments to adopt all legitimate and proper means to produce that salutary effect. Under this view of my duty, I directed the issuing of the order which will be laid before you by the Secretary of the Treasury, requiring payment for the public lands sold to be made in specie, with an exception until the fifteenth of the present month in favor of actual settlers. This measure has produced many salutary consequences. It checked the career of the Western banks, and gave them additional strength in anticipation of the pressure which has since pervaded our Eastern as well as the European commercial cities. By preventing the extension of the credit system, it measurably cut off the means of speculation, and retarded its progress in monopolizing the most valuable of the public lands. It has tended to save the new States from a non-resident proprietorship, one of the greatest obstacles to the advancement of a new country, and the prosperity of an old one. It has tended to keep open the public lands for entry by emigrants, at Government prices, instead of their being compelled to purchase of speculators at double or treble prices. And it is conveying into the interior large sums in silver and gold, there to enter permanently into the currency of the country, and place it on a firmer foundation. It is confidently believed that the country will find, in the motives which induced that order, and the happy consequences which will have ensued, much to commend, and nothing to condemn.

It remains for Congress, if they approve the policy which dictated this order, to follow it up in its various bearings. Much good, in my judgment, would be produced by prohibiting sales of the public lands, except to actual settlers, at a reasonable reduction of price, and to limit the quantity which shall be sold to them. Although it is believed the General Government never ought to receive any thing but the constitutional currency in exchange for the public lands, that point would be of less importance if the lands were sold for immediate settlement and cultivation. Indeed, there is scarcely a mischief arising out of our present land system, including the accumulating surplus of revenue, which would not be remedied at once by a restriction on land sales to actual settlers; and it promises other advantages to the country in general, and to the new States in particular, which cannot fail to receive the most profound consideration of Congress.

Experience continues to realize the expectations entertained as to the capacity of the State banks to per-

form the duties of fiscal agents for the Government, at the time of the removal of the deposites. It was alleged by the advocates of the Bank of the United States, that the State banks, whatever might be the regulations of the Treasury Department, could not make the transfers required by the Government, or negotiate the domestic exchanges of the country. It is now well ascertained that the real domestic exchanges, performed through discounts, by the United States Bank and its twenty-five branches, were at least one-third less than those of the deposite banks for an equal period of time; and if a comparison be instituted between the amounts of service rendered by these institutions, on the broader basis which has been used by the advocates of the United States Bank, in estimating what they consider the domestic exchanges transacted by it, the result will be still more favorable to the deposite banks.

The whole amount of public money transferred by the Bank of the United States in 1832, was $16,000,000. The amount transferred and actually paid by the deposite banks in the year ending the first of October last, was $39,319,899; the amount transferred and paid between that period and the 6th November, was $5,399,000; and the amount of transfer warrants outstanding on that day, was $14,450,000; making an aggregate of $59,168,894. These enormous sums of money first mentioned have been transferred with the greatest promptitude and regularity; and the rates at which the exchanges have been negotiated previously to the passage of the deposite act were generally below those charged by the Bank of the United States. Independently of these services, which are far greater than those rendered by the United States Bank and its twenty-five branches, a number of the deposite banks, have, with a commendable zeal to aid in the improvement of the currency, imported from abroad, at their own expense, large sums of the precious metals for coinage and circulation.

In the same manner have nearly all the predictions turned out in respect to the effect of the removal of the deposites—a step unquestionably necessary to prevent the evils which it was foreseen the bank itself would endeavor to create in a final struggle to procure a renewal of its charter. It may be thus, too, in some degree, with the further steps which may be taken to prevent the excessive issue of other bank paper; but it is to be hoped that nothing will now deter the Federal and State authorities from the firm and vigorous performance of their duties to themselves and to the people in this respect.

In reducing the revenue to the wants of the Government, your particular attention is invited to those articles which constitute the necessaries of life. The duty on salt was laid as a war tax, and was no doubt continued to assist in providing for the payment of the war debt. There is no article, the release of which from taxation would be felt so generally and so beneficially. To this may be added all kinds of fuel and provisions. Justice and benevolence unite in favor of releasing the poor of our cities from burdens which are not necessary to the support of our Government, and tend only to increase the wants of the destitute.

It will be seen by the report of the Secretary of the Treasury, and the accompanying documents, that the Bank of the United States has made no payment on account of the stock held by the Government in that institution, although urged to pay any portion which might suit its convenience, and that it has given no information when payment may be expected. Nor, although repeatedly requested, has it furnished the information in relation to its condition, which Congress authorized the Secretary to collect at their last session. Such measures as are within the power of the Executive have been taken to ascertain the value of the stock, and procure the payment as early as possible.

The conduct and present condition of that bank, and the great amount of capital vested in it by the United States, require your careful attention. Its charter expired on the third day of March last, and it has now no power but that given in the 21st section, "to use the corporate name, style, and capacity, for the purpose of suits, for the final settlement and liquidation of the affairs and accounts of the corporation, and for the sale and disposition of their estate, real, personal, and mixed, but not for any other purpose, or in any other manner whatsoever, nor for a period exceeding two years after the expiration of the said term of incorporation." Before the expiration of the charter, the stockholders of the bank obtained an act of incorporation from the Legislature of Pennsylvania, excluding only the United States. Instead of proceeding to wind up their concerns, and pay over to the United States the amount due on account of the stock held by them, the President and Directors of the old bank appear to have transferred the books, papers, notes, obligations, and most or all of its property, to this new corporation, which entered upon business as a continuation of the old concern. Amongst other acts of questionable validity, the notes of the expired corporation are known to have been used as its own, and again put in circulation. That the old bank had no right to issue or re-issue its notes after the expiration of its charter, cannot be denied; and that it could not confer any such right on its substitute, any more than exercise it itself, is equally plain. In law and honesty, the notes of the bank in circulation, at the expiration of its charter, should have been called in by public advertisement, paid up as presented, and together with those on hand, cancelled and destroyed. Their re-issue is sanctioned by no law, and warranted by no necessity. If the United States be responsible in their stock for the payment of these notes, their re-issue by the new corporation, for their own profit, is a fraud on the Government. If the United States is not responsible, then there is no legal responsibility in any quarter, and it is a fraud on the country. They are the redeemed notes of a dissolved partnership, but, contrary to the wishes of the retiring partner, and without his consent, are again re-issued and circulated.

It is the high and peculiar duty of Congress to decide whether any further legislation be necessary for the security of the large amount of public property now held, and in use by the new bank, and for vindicating the rights of the Government, and compelling a speedy and honest settlement with all the creditors of the old bank, public and private, or whether the subject shall be left to the power now possessed by the Executive and Judiciary. It remains to be seen whether the persons, who, as managers of the old bank, undertook to control the Government, retained the public dividends, shut their doors upon a committee of the House of Representatives, and filled the country with panic to accomplish their own sinister objects, may now, as managers of a new bank, continue with impunity to flood the country with a spurious currency; use the seven millions of Government stock for their own profit, and refuse to the United States all information as to the present condition of their own property, and the prospect of recovering it into their own possession.

The lessons taught by the Bank of the United States cannot well be lost upon the American people. They will take care never again to place so tremendous a power in irresponsible hands; and it will be fortunate if they seriously consider the consequences which are likely to result on a smaller scale from the facility with which corporate powers are granted by their State Governments.

It is believed that the law of the last session, regulating the deposite banks, operates onerously and unjustly

upon them in many respects; and it is hoped that Congress, on proper representation, will adopt the modifications which are necessary to prevent this consequence.

The report of the Secretary of War *ad interim*, and the accompanying documents, all which are herewith laid before you, will give you a full view of the diversified and important operations of that Department during the past year.

The military movements rendered necessary by the aggressions of the hostile portions of the Seminole and Creek tribes of Indians, and by other circumstances, have required the active employment of nearly our whole regular force, including the marine corps, and of large bodies of militia and volunteers. With all these events, so far as they were known at the seat of Government before the termination of your last session, you are already acquainted; and it is, therefore, only needful in this place to lay before you a brief summary of what has since occurred.

The war with the Seminoles, during the summer, was, on our part, chiefly confined to the protection of our frontier settlements from the incursions of the enemy; and, as a necessary and important means for the accomplishment of that end, to the maintenance of the posts previously established. In the course of this duty, several actions took place, in which the bravery and discipline of both officers and men were conspicuously displayed, and which I have deemed it proper to notice, in respect to the former, by the granting of brevet rank for gallant services in the field. But as the force of the Indians was not so far weakened by these partial successes as to lead them to submit, and as their savage inroads were frequently repeated, early measures were taken for placing at the disposal of Governor Call, who, as commander-in-chief of the territorial militia, had been temporarily invested with the command, an ample force, for the purpose of resuming offensive operations, in the most efficient manner, so soon as the season should permit. Major General Jesup was also directed, on the conclusion of his duties in the Creek country, to repair to Florida, and assume the command.

The result of the first movement made by the forces under the direction of Governor Call, in October last, as detailed in the accompanying papers, excited much surprise and disappointment. A full explanation has been required of the causes which led to the failure of that movement, but has not yet been received. In the mean time, as it was feared that the health of Governor Call, who was understood to have suffered much from sickness, might not be adequate to the crisis, and as Major General Jesup was known to have reached Florida, that officer was directed to assume the command, and to prosecute all needful operations with the utmost promptitude and vigor. From the force at his disposal, and the dispositions he has made, and is instructed to make, and from the very efficient measures which it is since ascertained have been taken by Governor Call, there is reason to hope that they will soon be enabled to reduce the enemy to subjection. In the meantime, as you will perceive from the report of the Secretary, there is urgent necessity for further appropriations to suppress these hostilities.

Happily for the interests of humanity, the hostilities with the Creeks were brought to a close soon after your adjournment, without that effusion of blood which at one time was apprehended as inevitable. The unconditional submission of the hostile party was followed by their speedy removal to the country assigned them west of the Mississippi. The inquiry as to alleged frauds in the purchase of the reservations of those Indians, and the cause of their hostilities, requested by the resolution of the House of Representatives of the 1st of July last, to be made by the President, is now going on, through the agency of commissioners appointed for that purpose. Their report may be expected during your present session.

The difficulties apprehended in the Cherokee country have been prevented, and the peace and safety of that region and its vicinity effectually secured, by the timely measures taken by the War Department, and still continued.

The discretionary authority given to General Gaines to cross the Sabine, and to occupy a position as far west as Nacogdoches, in case he should deem such a step necessary to the protection of the frontier, and to the fulfilment of the stipulations contained in our treaty with Mexico, and the movement subsequently made by that officer, have been alluded to in a former part of this message. At the date of the latest intelligence from Nacogdoches, our troops were yet at that station; but the officer who has succeeded General Gaines has recently been advised, that, from the facts known at the seat of Government, there would seem to be no adequate cause for any longer maintaining that position; and he was accordingly instructed, in case the troops were not already withdrawn under the discretionary powers before possessed by him, to give the requisite orders for that purpose, on the receipt of the instructions, unless he shall then have in his possession such information as shall satisfy him that the maintenance of the post is essential to the protection of our frontiers, and to the due execution of our treaty stipulations, as previously explained to him.

Whilst the necessities existing during the present year, for the service of militia and volunteers, have furnished new proofs of the patriotism of our fellow-citizens, they have also strongly illustrated the importance of an increase in the rank and file of the regular army. The views of this subject, submitted by the Secretary of War, in his report, meet my entire concurrence, and are earnestly commended to the deliberate attention of Congress. In this connexion, it is also proper to remind you, that the defects in our present militia system are every day rendered more apparent. The duty of making further provision by law, for organizing, arming, and disciplining this arm of defence, has been so repeatedly represented to Congress by myself and my predecessors, that I deem it sufficient, on this occasion, to refer to the last annual message and to former Executive communications, in which the subject has been discussed.

It appears, from the reports of the officers charged with mustering into service the volunteers called for under the act of Congress of the last session, that more presented themselves at the place of rendezvous in Tennessee, than were sufficient to meet the requisition which had been made by the Secretary of War upon the Governor of that State. This was occasioned by the omission of the Governor to apportion the requisition to the different regiments of militia, so as to obtain the proper number of troops, and no more. It seems but just to the patriotic citizens who repaired to the general rendezvous, under circumstances authorizing them to believe that their services were needed, and would be accepted, that the expenses incurred by them, while absent from their homes, should be paid by the Government. I accordingly recommend that a law to this effect be passed by Congress, giving them a compensation which will cover their expenses on the march to and from the place of rendezvous, and while there; in connexion with which, it will also be proper to make provision for such other equitable claims, growing out of the service of the militia, as may not be embraced in the existing laws.

On the unexpected breaking out of hostilities in Florida, Alabama, and Georgia, it became necessary, in some

cases to take the property of individuals for public use. Provision should be made by law for indemnifying the owners; and I would also respectfully suggest whether some provision may not be made, consistently with the principles of our Government, for the relief of the sufferers by Indian depredations, or by the operations of our own troops.

No time was lost, after the making of the requisite appropriations, in resuming the great national work of completing the unfinished fortifications on our seaboard, and of placing them in a proper state of defence. In consequence, however, of the very late day at which those bills were passed, but little progress could be made during the season which has just closed. A very large amount of the moneys granted at your last session accordingly remains unexpended; but as the work will be again resumed at the earliest moment in the coming spring, the balance of the existing appropriations, and in several cases which will be laid before you, with the proper estimates, further sums for the like objects may be usefully expended during the next year.

The recommendations of an increase in the engineer corps, and for a reorganization of the topographical corps, submitted to you in my last annual message, derive additional strength from the great embarrassments experienced, during the present year, in those branches of the service, and under which they are now suffering. Several of the most important surveys and constructions, directed by recent laws, have been suspended in consequence of the want of adequate force in these corps.

The like observations may be applied to the ordnance corps and to the general staff, the operations of which, as they are now organized, must either be frequently interrupted, or performed by officers taken from the line of the army, to the great prejudice of the service.

For a general view of the condition of the Military Academy, and of other branches of the military service not already noticed, as well as for fuller illustrations of those which have been mentioned, I refer you to the accompanying documents; and among the various proposals contained therein for legislative action, I would particularly notice the suggestion of the Secretary of War, for the revision of the pay of the army, as entitled to your favorable regard.

The national policy, founded alike in interest and in humanity, so long and so steadily pursued by this Government, for the removal of the Indian tribes originally settled on this side of the Mississippi to the west of that river, may be said to have been consummated by the conclusion of the late treaty with the Cherokees. The measures taken in the execution of that treaty, and in relation to our Indian affairs generally, will fully appear by referring to the accompanying papers. Without dwelling on the numerous and important topics embraced in them, I again invite your attention to the importance of providing a well-digested and comprehensive system for the protection, supervision, and improvement of the various tribes now planted in the Indian country. The suggestions submitted by the Commissioner of Indian Affairs, and enforced by the Secretary, on this subject, and also in regard to the establishment of additional military posts in the Indian country, are entitled to your profound consideration. Both measures are necessary, for the double purpose of protecting the Indians from intestine war, and in other respects complying with our engagements to them, and of securing our Western frontier against incursions which otherwise will assuredly be made on it. The best hopes of humanity in regard to the aboriginal race, the welfare of our rapidly extending settlements, and the honor of the United States, are all deeply involved in the relations existing between this Government and the emigrating tribes. I trust, therefore, that the various matters submitted in the accompanying documents, in respect to those relations, will receive your early and mature deliberation; and that it may issue in the adoption of legislative measures adapted to the circumstances and duties of the present crisis.

You are referred to the report of the Secretary of the Navy for a satisfactory view of the operations of the department under his charge during the present year. In the construction of vessels at the different navy yards, and in the employment of our ships and squadrons at sea, that branch of the service has been actively and usefully employed. While the situation of our commercial interests in the West Indies required a greater number than usual of armed vessels to be kept on that station, it is gratifying to perceive that the protection due to our commerce in other quarters of the world has not proved insufficient. Every effort has been made to facilitate the equipment of the exploring expedition authorized by the act of the last session, but all the preparation necessary to enable it to sail has not yet been completed. No means will be spared by the Government to fit out the expedition on a scale corresponding with the liberal appropriations for the purpose, and with the elevated character of the objects which are to be effected by it.

I beg leave to renew the recommendation made in my last annual message respecting the enlistment of boys in our naval service, and to urge upon your attention the necessity of further appropriations to increase the number of ships afloat, and to enlarge generally the capacity and force of the navy. The increase of our commerce, and our position in regard to the other Powers of the world, will always make it our policy and interest to cherish the great naval resources of our country.

The report of the Postmaster General presents a gratifying picture of the condition of the Post Office Department. Its revenues, for the year ending the 30th June last, were $3,398,455 19, showing an increase of revenue over that of the preceding year of $404,878 53, or more than thirteen per cent. The expenditures for the same year were $2,755,623 76, exhibiting a surplus of $642,831 43. The Department has been redeemed from embarrassment and debt; has accumulated a surplus of more than half a million of dollars; has largely extended, and is preparing still further to extend, the mail service, and recommends a reduction of postages equal to about twenty per cent. It is practising upon the great principle which should control every branch of our Government, of rendering to the public the greatest good possible, with the least possible taxation to the people.

The scale of postages suggested by the Postmaster General recommends itself, not only by the reduction it proposes, but by the simplicity of its arrangement, its conformity with the Federal currency, and the improvement it will introduce into the accounts of the Department and its agents.

Your particular attention is invited to the subject of mail contracts with railroad companies. The present laws providing for the making of contracts are based upon the presumption that competition among bidders will secure the service at a fair price. But on most of the railroad lines there is no competition in that kind of transportation, and advertising is therefore useless. No contract can now be made with them, except such as shall be negotiated before the time of offering or afterwards, and the power of the Postmaster General to pay them high prices is, practically, without limitation. It would be a relief to him, and no doubt would conduce to the public interest, to prescribe by law some equitable basis upon which such contracts shall rest, and restrict him by a fixed rule of allowance. Under a liberal act of that sort, he would undoubtedly be able to secure the services of most of the railroad companies, and the interest of the Department would be thus advanced.

The correspondence between the people of the United States and the European nations, and particularly with the

British islands, has become very extensive, and requires the interposition of Congress to give it security. No obstacle is perceived to an interchange of mails between New York and Liverpool, or other foreign ports, as proposed by the Postmaster General. On the contrary, it promises, by the security it will afford, to facilitate commercial transactions, and give rise to an enlarged intercourse among the people of different nations, which cannot but have a happy effect. Through the city of New York most of the correspondence between the Canadas and Europe is now carried on, and urgent representations have been received from the head of the Provincial Post Office, asking the interposition of the United States to guard it from the accidents and losses to which it is now subjected. Some legislation appears to be called for, as well by our own interest as by comity to the adjoining British Provinces.

The expediency of providing a fire-proof building for the important books and papers of the Post Office Department is worthy of consideration. In the present condition of our Treasury it is neither necessary nor wise to leave essential public interests exposed to so much danger, when they can so readily be made secure. There are weighty considerations in the location of a new building for that Department, in favor of placing it near the other Executive buildings.

The important subjects of a survey of the coast, and the manufacture of a standard of weights and measures for the different custom-houses, have been in progress for some years, under the general direction of the Executive, and the immediate superintendence of a gentleman possessing high scientific attainments. At the last session of Congress, the making of a set of weights and measures for each State in the Union, was added to the others by a joint resolution.

The care and correspondence, as to all these subjects, have been devolved on the Treasury Department during the last year. A special report from the Secretary of the Treasury will soon be communicated to Congress, which will show what has been accomplished as to the whole; the number and compensation of the persons now employed in these duties, and the progress expected to be made during the ensuing year; with a copy of the various correspondence deemed necessary to throw light on the subjects which seem to require additional legislation. Claims have been made for retrospective allowances in behalf of the superintendent and some of his assistants, which I did not feel justified in granting; other claims have been made for large increases in compensation, which, under all the circumstances of the several cases, I declined making without the express sanction of Congress. In order to obtain that sanction, the subject was, at the last session, on my suggestion, and by request of the immediate superintendent, submitted by the Treasury Department to the Committee on Commerce of the House of Representatives. But no legislative action having taken place, the early attention of Congress is now invited to the enactment of some expressed and detailed provisions in relation to the various claims made for the past, and to the compensation and allowances deemed proper for the future.

It is further respectfully recommended that, such being the inconvenience of attention to these duties by the Chief Magistrate, and such the great pressure of business on the Treasury Department, the general supervision of the coast survey, and the completion of the weights and measures, if the works are kept united, should be devolved on a board of officers organized specially for that purpose, or on the Navy Board attached to the Navy Department.

All my experience and reflection confirm the conviction I have so often expressed to Congress in favor of an amendment of the constitution which will prevent, in any event, the election of the President and Vice President of the United States devolving on the House of Representatives and the Senate; and I therefore beg leave again to solicit your attention to the subject. There were various other suggestions in my last annual message not acted upon, particularly that relating to the want of uniformity in the laws of the District of Columbia, that are deemed worthy of your favorable consideration.

Before concluding this paper, I think it due to the various executive departments to bear testimony to their prosperous condition, and to the ability and integrity with which they have been conducted. It has been my aim to enforce in all of them a vigilant and faithful discharge of the public business, and it is gratifying to me to believe that there is no just cause of complaint from any quarter, at the manner in which they have fulfilled the objects of their creation.

Having now finished the observations deemed proper on this, the last occasion I shall have of communicating with the two Houses of Congress at their meeting, I cannot omit an expression of the gratitude which is due to the great body of my fellow-citizens, in whose partiality and indulgence I have found encouragement and support, in the many difficult and trying scenes through which it has been my lot to pass during my public career. Though deeply sensible that my exertions have not been crowned with a success corresponding to the degree of favor bestowed upon me, I am sure that they will be considered as having been directed by an earnest desire to promote the good of my country; and I am consoled by the persuasion that whatever errors have been committed will find a corrective in the intelligence and patriotism of those who will succeed us. All that has occurred during my administration is calculated to inspire me with increased confidence in the stability of our institutions; and should I be spared to enter upon that retirement which is so suitable to my age and infirm health, and so much desired by me in other respects, I shall not cease to invoke that beneficent Being to whose providence we are already so signally indebted, for the continuance of his blessings on our beloved country.

ANDREW JACKSON.

Washington, *5th December*, 1836.

DOCUMENTS ACCOMPANYING THE PRESIDENT'S MESSAGE.

A.

Statement of distribution of surplus revenue of $30,000,000 *among the several States, agreeably to the number of electoral votes for President, and according to the constitutional mode of direct taxation by representative population, and the difference arising from those two modes of distribution, as per census of* 1830.

States.	Representative population.	Electoral vote.	Share according to system of direct taxation.	Share according to electoral vote.	Difference in favor of direct-tax mode.	Difference in favor of electoral-vote mode.
Maine,	399,454	10	$999,371	$1,020,408	–	$21,037
New Hampshire,	269,327	7	673,813	714,286	–	40,473
Massachusetts,	610,408	14	1,527,144	1,428,571	$98,573	
Rhode Island,	97,192	4	243,159	408,163	–	165,004
Connecticut,	297,665	8	744,711	816,327	–	71,616
Vermont,	280,652	7	702,147	714,286	–	12,139
New York,	1,918,578	42	4,799,978	4,285,714	514,264	
New Jersey,	319,921	8	800,392	816,327	–	15,935
Pennsylvania,	1,348,072	30	3,372,662	3,061,225	311,437	
Delaware,	75,421	3	188,716	306,122	–	117,406
Maryland,	405,842	10	1,015,352	1,020,408	–	5,056
Virginia,	1,023,502	23	2,560,640	2,346,939	213,701	
North Carolina,	639,747	15	1,600,546	1,530,612	69,934	
South Carolina,	455,025	11	1,138,400	1,122,449	15,951	
Georgia,	429,811	11	1,075,319	1,122,449	–	47,130
Alabama,	262,507	7	656,751	714,286	–	57,535
Mississippi,	110,357	4	276,096	408,163	–	132,067
Louisiana,	171,904	5	430,076	510,204	–	80,128
Tennessee,	625,263	15	1,564,309	1,530,612	33,697	
Kentucky,	621,832	15	1,555,725	1,530,612	25,113	
Ohio,	937,901	21	2,346,479	2,142,858	203,621	
Indiana,	343,030	9	858,206	918,368	–	60,162
Illinois,	157,146	5	393,154	510,204	–	117,050
Missouri,	130,419	4	326,288	408,163	–	81,875
Arkansas,	28,557	3	71,445	306,122	–	234,677
Michigan,	31,625	3	79,121	306,122	–	227,001
	11,991,168	294	$30,000,000	$30,000,000	$1,486,291	$1,486,291

REPORT OF THE SECRETARY OF WAR AD INTERIM.

DEPARTMENT OF WAR,
December 3, 1836.

SIR: In compliance with your directions, I have the honor to lay before you the usual annual reports of the several divisions of this Department, and to submit, for your consideration, a summary of the contents of those documents, together with such additional statements and suggestions as seemed to me to be required by the present condition and necessities of the public service.

I. THE ARMY.

1. *Organization and force.*—It appears, from the report of Major General Macomb, and the tables annexed to it, that the regular army of the United States consists of 648 commissioned officers, and 7,310 non commissioned officers, musicians, artificers, and privates; making an aggregate of 7,958, organized as follows: General Staff 14, viz., one major general commanding; two brigadier generals, each commanding one of the two military districts into which the United States are divided; one adjutant general; two inspectors general; one quartermaster general, and four quartermasters; and one commissary general of subsistence, and two commissaries; Pay department 18, viz., one paymaster general and seventeen paymasters; Medical department 76, viz., one surgeon general, fifteen surgeons, and sixty assistant surgeons; Purchasing department 3, viz., one commissary general of purchases and two military storekeepers; corps of Engineers 22; Topographical Engineers 10; Ordnance department (including 294 non-commissioned officers and enlisted men) 308; two regiments of dragoons, each containing ten companies of sixty privates each; four regiments of artillery, each containing nine companies of forty-two privates each; and seven regiments of infantry, each containing ten companies of forty-two privates each.

The present actual force of the regular army, according to the last general return, is 6,283; but it also appears from that return, that after making the necessary deductions for sickness, and other circumstances, the available force for service in the field, at the latest dates, was 4,282.

The difference between the actual force (6,283) and the force allowed by law (7,958) is 1,320, and is occasioned by the fact, that only 360 recruits have yet been obtained for the new regiment of dragoons authorized by the act of the last session, and by the vacancies caused by expiration of service and other casualties in the other regiments.

2. *Distribution and present position of the troops.*—The Eastern department, under the command of Major General Scott, includes thirty posts, from twenty of which the troops have been mostly withdrawn for service in the Creek country and in Florida. The whole number of officers of the line and men at the several stations in the Eastern department, including absentees, is therefore now only 1,124. Of that number 113 are at Fort Winnebago, 114 at Fort Brady, 105 at Fort Mackinac, 149 at Fort Howard, 67 at Fort Dearborn, 122 at Fort Gratiot; all which posts are on

the Northwestern frontier, or in that vicinity, and the remainder at posts in the Atlantic States.

The Western department, under the command of Major General Gaines, now includes twenty posts and four temporary stations. Several of these posts have also been evacuated, and the troops ordered to Florida, so that the whole number of officers of the line and men now stationed at them, including absentees, amounts only to 2,458. Of that number 233 are at Fort Snelling, 185 at Fort Crawford, 321 at Fort Leavenworth, 132 at Fort Gibson, 158 at Fort Towson, 44 at Fort Coffee, 360 at Fort Jesup, and 124 at a station twenty miles from that place, 147 at Camp Sabine, and 428 at Camp Nacogdoches; all which posts and stations are in the Northwest or on or near the Western frontier; 136 at Fort Mitchell, Alabama, and 53 at Fort Cass, Tennessee.

The regular force serving in Florida consists of the four regiments of artillery, (five companies excepted;) eight companies of the fourth regiment of infantry, one company of dragoons, and a battalion of three hundred and twenty marines; making, in the aggregate, about two thousand, according to the latest returns received at the Adjutant General's office. After deducting the number reported sick, and absentees, the efficient regular force for field service in Florida will not exceed fifteen hundred.

For want of the necessary returns of the volunteers serving in that quarter, the estimate of that auxiliary force, at this time, is less accurate; but, from the best data in the Adjutant General's office, it may be thus computed: Tennessee volunteers, about 1,200; Alabama do., 300; Florida do., 250; and Washington city do., 59; amounting in all to about 1,800, besides seven hundred and thirty volunteer Creek Indians who have been mustered into the service of the United States, and are now employed with the army. The whole active force, then, regular, volunteer, and Indian, now in Florida, is probably somewhat less than four thousand.

Besides the volunteers above mentioned, there are also now employed, of that description of force, 361 in Tennessee, under the command of Brigadier General Wool; 537 in Arkansas, under the command of Brigadiar General Arbuckle; and 58 in Alabama; making, when added to those serving in Florida, an aggregate of near 2,800.

3. *Movements during the last year, and now in progress.*—At the date of the last annual report from this Department, several companies had been placed in Florida, under the command of Brigadier General Clinch, for the purpose of restraining any hostile intentions on the part of the Seminole Indians, and of enforcing the execution of the treaty providing for their removal. It was then hoped that an open rupture would be prevented, and it was confidently believed that the eleven companies actually in Florida, amounting to five hundred and thirty-six officers and men, would be amply sufficient, with the reinforcements then under orders, and with such aid as might be derived from the local militia and volunteers, to put down any hostile attempt which might be made by the disaffected portion of the tribe. Both these expectations were disappointed, and a protracted warfare ensued, which has not yet been terminated.

The most important military operations growing out of this state of things, are mentioned in the accompanying report of Major General Macomb, which brings down the narrative of events in Florida to the retirement of the forces under Governor Call from the Withlacoochee, in October last. Authentic intelligence of that event reached the Department on the 1st ultimo, through the medium of letters received by some of the bureaus and of officers direct from Florida. By the same channels of information it was also ascertained that the health of Governor Call had been so much impaired by sickness and fatigue as to make it doubtful whether he could renew the campaign with the promptitude and energy demanded by the crisis. On the fourth ultimo, no report having been received from that officer, and it being deemed necessary that the Department should act, without further delay, on the information then in its possession, despatches were sent by express to Governor Call and to Major General Jesup, expressing to the former the surprise and disappointment of the President at the failure of his movement, and calling for an explanation, and directing the latter to assume the command. General Jesup was also instructed to establish posts at or near the mouth of the Withlacoochee, at Fort King, and at Volusia; and after taking the proper measures for securing, through them, the safety of the frontier, and for procuring sufficient and regular supplies, to concentrate all his disposable forces, and to proceed, without delay, to possess himself of the positions occupied by the Indians, and of the whole country between the Withlacoochee and Tampa bay. Should the war thereafter be continued, he was then directed to take such advanced positions to the south of Volusia, and to the east and south of Tampa bay, as the nature of the country might admit, and to push from them such further operations as might be necessary to the most speedy and effectual subjugation of the enemy.

No acknowledgment of the receipt of the despatches of the 4th of November has yet reached the Department; but it is known that Governor Call and General Jesup have both been very actively engaged in preparing for offensive movements, and the latest intelligence gives reason to hope that the objects of the campaign will soon be accomplished. But as these expectations may be disappointed, and as the term of service of the Tennessee volunteers, who compose a very important part of the force serving in Florida, will expire on the 1st of January, it has been deemed important to make provision for supplying their places, in part at least, from the regular army. With this view the commanding officer of the second regiment of dragoons was directed, on the 26th ultimo, to organize the recruits enlisted for that corps into companies, and to hold them in readiness to be moved to Florida on the shortest notice. It is also expected that two additional companies of artillery may be prepared for the like purpose during the present month. After maturing these arrangements, information was received at the Department that General Jesup had recently called on the Governor of Alabama for a battalion, and on the Governor of Georgia for a regiment of volunteers, to meet the contingency of a want of force on the discharge of the Tennessee brigade. This call has been approved as a proper precautionary measure; but it is believed that the other troops now in Florida will be sufficient, especially when reinforced as above suggested, for all available purposes, even should the war be continued, and that the services of the volunteers last called for may therefore very soon be dispensed with.

I beg leave to refer to the report of the General-in-chief for a succinct account of the operations rendered necessary by the hostile movements of the Creek Indians. To that account, however, it is but just to add that the marine corps, at a very alarming juncture, generously volunteered their services to aid in suppressing those hostilities, and were accordingly employed for that purpose. Since the termination of their tour of duty in the Creek country, they have been moved to Florida, where they now compose a most efficient portion of General Jesup's force.

Indications of a mischievous disposition having been exhibited by the Winnebagoes and other tribes in the Northwest, some movements of troops in the Upper Mississippi were had in the months of July and August last, which produced the desired effect of awing them into quietness.

The movements of the forces under the personal command of Major General Gaines, on the western frontiers of Louisiana and Arkansas, are sufficiently stated in the report of the General-in-chief. General Gaines has recently

been relieved of this command by Brigadier General Arbuckle, who was instructed, under date of the 10th of October last, to make a full report of the condition of things in that quarter. He was also particularly advised that, under the instructions previously given to General Gaines, that officer was not to advance into the territory claimed by Mexico; and if he should have advanced, was to retire, unless the Indians were actually engaged in hostilities against the United States, or unless he had undoubted evidence that such hostilities were intended and were actually in preparation within that territory. On the 11th ultimo a communication was received from the officer in command at Camp Nacogdoches, giving an unfavorable account of the health of the troops at the post, and stating that their continuance there during the winter would make it necessary to construct barracks and quarters for their comfortable accommodation. In consequence of this communication, Brigadier General Arbuckle was instructed, under date of the 12th ultimo, to take all necessary measures to restore the health of the troops; and, in the event of his deciding to retain possession of Camp Nacogdoches, to provide at that place all needful accommodations. He was also informed that it was not in the power of the Department, with the limited information then in its possession, to give any positive order in regard to the further occupation of the post. The opinion was, however, expressed, that there seemed to be no adequate cause for any longer maintaining a position so unhealthful and inconvenient; and he was instructed, in case he had not already withdrawn the troops, to give the requisite orders for that purpose immediately on the receipt of that communication, unless he should then have in his possession information satisfying him that the maintenance of the post is esssential to the protection of our frontiers and to the due execution of our treaty stipulations, as explained in the previous instructions to General Gaines and to himself.

In the month of June last it became necessary to call on the Governor of Tennessee, under the act of the last session, for a volunteer force sufficient to put down any hostile attempt on the part of the disaffected Cherokees, and to ensure the peaceful execution of the treaty then lately concluded with that tribe. The command of the troops to be raised for this purpose was committed to Brigadier General Wool, who immediately repaired to the Cherokee country, and is yet in command there. The force under him amounted, at one time, to about 2,450, but has lately been reduced to 361, a number sufficient, from present appearances, to prevent any difficulty in that quarter. Much praise is due to General Wool for the promptitude and zeal with which he has devoted himself to the execution of his duties.

The whole number of militia and volunteers mustered into the service of the United States, in the various movements and operations above mentioned, appears, from the rolls received in the office of the Adjutant General, to have been about 24,500. In the case of the Tennessee volunteers, mustered by General Wool, a larger number appeared than had been called for; but as they acted in good faith and under patriotic impulses, and as the commanding general deemed it best to receive them, it seems proper that provision should be made for their pay.

Legal provision will also be required for the just settlement of many of the accounts growing out of the employment of militia and volunteers, and for the satisfaction of claims which, though equitable, cannot be allowed by the accounting officers.

In executing the first section of the act of the 28th of May last, "to provide for the payment of expenses incurred, and supplies furnished, on account of the militia or volunteers received into the service of the United States for the defence of Florida," it has been decided that this section does not authorize any allowance for horses or other property impressed into the service of the United States, nor for any special damage done to individuals or their property by the troops of the United States, or the enemy. Some of these cases ought, undoubtedly, to be provided for by Congress; and, perhaps, under the peculiar circumstances which attended them, provision should be made for embracing the whole.

In addition to the movements now in progress, already mentioned, the troops stationed at Fort Dearborn, Chicago, have been ordered to proceed to Fort Howard, and to join the garrison at that post, and seventy-five recruits are on their way to join the first regiment of dragoons at Fort Gibson. The public property at Fort Dearborn will remain in charge of the late commandant of the post.

4. *General Staff.*—The reports of the chiefs of the different staff departments exhibit a perspicuous view of their operations during the past year.

I beg leave to call your attention to the communication of the Adjutant General, setting forth the difficulties which have been, and are yet, experienced in various branches of the public service for the want of additional staff officers.

The fiscal operations of the Quartermaster's and Subsistence departments have been unusually heavy, in consequence of the hostilities in which the army has been employed. It is due to these two important arms of the service that I should state that, from the time when adequate means were placed at their disposal by Congress, nothing has been omitted, on their part, to provide the necessary supplies for the troops in the field

The report of the acting Quartermaster General states the progress made, or rather the inability to make progress, in the construction of the roads and other works with which the department is charged. It also exposes, in a lucid and convincing manner, the utter insufficiency of this branch of the service, as now organized by law, to the execution of the duties committed to it.

The expenditures incurred during the past year in the emigration and subsistence of Indians, will appear in the report of the Commissioner of Indian Affairs, to whose office that business was transferred by a regulation made on the 1st ultimo. This change was made from a conviction that the interests of the service would be promoted by bringing all matters belonging to any one branch under the care of the bureau to which they properly belonged. The clerks and messenger, allowed by law, have been transferred with the business.

The complaints made in the accompanying papers as to the want of sufficient strength in the staff departments, appear to me to be well founded.

The present system seems to have been framed upon the principle of concentrating the business of those departments at the seat of Government, and of employing therein a very small number of officers commissioned in the staff, the deficiencies being supplied by selections from the lines. This arrangement is very well adapted to a time of profound peace, when officers can be spared from the line without injury to the service, when the positions of the troops are chiefly permanent; and when the changes which occur are made with so much deliberation as to afford ample time for preparing adequate means of transportation and supply. But, when large bodies of troops, whose numbers and movements may be varied by unforseen contingencies, are to be supplied in the field, and at a great distance from the seat of Government, the system is worse than insufficient—it is the parent of expense, confusion, and delay. During the time necessarily occupied in the transmission of despatches to, and of instructions from, the War Department, the state of things may be so entirely changed as to render the instructions inapplicable; and, even if it remain unaltered, the loss of time in military operations is always a great evil, and sometimes a fatal one. To prevent inconveniences of this sort, it is evidently necessary that staff of-

ficers of experience and rank should be associated with the commander, and, to supply such associates, the staff departments must be enlarged. On the other hand, to make the line of the army truly effective, officers should not be taken for staff service or other detached duties, in large numbers, nor for long periods, from their companies. And when, to relieve the weakness of the staff on a pressing contingency, officers are selected from the line, the difficulty, instead of being remedied, is only exchanged for a new, and possibly a greater one. The embarrassments occasioned by these causes, during the operations of the year, have been of constant recurrence, and of the most serious character.

5. *Pay department.*—So far as the regular army is concerned, there is nothing in the report of the Paymaster General demanding particular remark. His suggestions in regard to the services and responsibilities of the paymasters who have been, or who may be, employed in making payments to militia and volunteers, undoubtedly demand the attention of Congress. In order to a clear understanding of this subject, it should be observed that after the reduction of the army, on the conclusion of the late war, and until the act of July 14, 1832, the Secretary of War appears, in several instances, to have exercised the power of making discretionary allowances to paymasters of the army of the United States, for the risks and losses sustained by them in making payments to militia and volunteers. These allowances were made in the shape of *commissions* on the money paid, and were usually fixed at two and a half per cent. The only ground on which such a power could have been exercised, was the absence of any legislative provision making it a part of the regular duty of the army paymasters to make payments to militia and volunteers. But by the third section of the act of the 14th of July, 1832, it was made the duty of the district paymasters of the army of the United States, "in addition to the payments required to be made by them to the regular troops, to make payment to all other troops in the service of the United States, whenever required thereto by order of the President." The discretionary power, before possessed by the Secretary of War, to make an extra allowance for payments to the militia and volunteers, was, as I suppose, taken away by this provision; and it was, doubtless, in consequence of this change that the second section of the act of the 2d of March, 1833, expressly provided "that the Secretary of War be authorized, at his discretion, out of the moneys appropriated by this or any former act, for the payment of the militia ordered into the service of the United States, according to law, during the last year, to allow and pay to the district paymasters of the army of the United States, employed in making such payments, a commission on the sums respectively paid by them, not exceeding one per centum upon the amount."

The act of the 14th of January, 1836, making appropriations for the suppression of hostilities commenced by the Seminole Indians, provides "that the sum of one hundred and twenty thousand dollars be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, to defray the expense attending the suppression of hostilities with the Seminole Indians in Florida, to be expended under the direction of the Secretary of War, *conformably* to the provisions of the act of April 5, 1832, 'making appropriations for the support of the army;'" and the same reference is in effect made in the subsequent acts. When the act of the 5th of April, 1832, thus referred to, was passed, the discretionary power, spoken of above, was possessed by the Secretary of War, and was exercised in the settlement of the paymaster's accounts, under that act, by the allowance of a commission of two and a half per cent. In a case of peculiar hardship, and of just merit, also, which occurred before the resignation of the late Secretary of War, the Paymaster General, under the impression that the general reference to the act of the 5th of April, 1832, contained in the acts of the last session, included authority to allow a per centage, recommended such an allowance to the extent of one per cent. The Secretary of War referred the case to me, as Attorney General, and called for my opinion as to the power of the Department to allow the proposed commission. My opinion was, that the discretionary power was taken away by the act of 1832, above quoted, and also by the act of the 3d of March, 1835, making additional appropriations for the Delaware breakwater and other works, and that the intent to confer such a power was not sufficiently apparent in the general reference to the act of 1832, to authorize the allowance applied for. But as it would seem, from the report of the Paymaster General, that justice requires that additional compensation should be allowed, I concur in recommending a special provision, similar to that inserted in the act of the 2d of March, 1833.

6. *Medical department.*—The number of cases treated by the officers of the Medical department, during the year ending the 30th of September last, was 14,356, of which number only 139 died. This result may be well taken as evidence of the professional skill of the surgeons and assistant surgeons, and of the care with which their duties are performed. For other matters respecting this department, I beg leave to refer to the report of the Surgeon General *ad interim*. His suggestions in regard to the pay of hospital stewards, and the repairing and erection of hospitals at the different military posts, appear to me to be worthy the attention of Congress.

7. *Purchasing department.*—The report of the Commissary General of Purchases exhibits the several amounts drawn and disbursed for clothing, camp equipage, &c. during the present year, with estimates for the like service for the year 1837.

8. *Engineers and Topographical Engineers.*—The reports of the Chief Engineer and of the head of the Topographical bureau exhibit the progress made during the last year upon the fortifications and other works under their care.

The failure during the session of 1834--'5, of the bill containing the usual appropriations for fortifications, occasioned a suspension of those works during the year 1835; and though liberal appropriations for resuming them were made at the last session of Congress, yet it unfortunately happened that the season for active operations was too far advanced, at the time of the passing of the appropriation laws, to allow of much progress during the present year. Operations have been also retarded by the difficulty of procuring laborers, and still more by the insufficiency of the Engineer department to furnish an adequate number of engineers to superintend the constructions. Several important works authorized at the last session have not even been commenced; and but little has been done towards the completion of those previously undertaken. The like remarks are applicable to the various improvements in harbors on the seaboard and lakes, and at the mouths and in the channels of navigable rivers.

From the causes above stated, but a small portion of the sums appropriated by the present Congress for the engineer and topographical service has yet been expended.

The balances of those appropriations may, however, be expended without any further law, and measures will be taken for resuming operations at an early day, and with all practicable vigor.

In the last annual report of the Secretary of War he stated the insufficiency of the corps of engineers, and of the topographical corps, to the expeditious and economical performance of the duties committed to them, and recommended their increase. His suggestions on this subject were approved by you, and the attention of Congress was invited to them in your message. The propriety of such

a measure is greatly strengthened by the present condition of those branches of the service, and by the delays and embarrassments occcasioned by a want of the necessary force. In connexion with the proposed reorganization of the topographical corps, it may well be questioned whether the existing arrangement as to the civil engineers attached to that corps, and the practice of lending the topographical engineers to the States and to incorporated companies, ought longer to be continued. In my judgment it would be better that all the engineers in the service of the United States should belong to one or other of the organized military corps. And the information derived from the services of engineers, when employed by the States, or by companies, though useful in a military point of view, does not seem to me sufficiently important to counterbalance the inconveniences and objections incident to the practice.

9. *Ordnance department.*—It appears from the report of the Colonel of Ordnance, that $857,570 45 have been expended and accounted for during the first three quarters of the present year, being about $207,000 more than was expended in the same service during the corresponding quarters of the year 1835. These moneys have been expended in the manufacture, repair, and purchase of ordnance, ordnance stores, small-arms, and accoutrements, and in building materials, the details of all which will appear by the statements annexed to Colonel Bomford's report.

During the year ending on the 30th September, 1836, the sum of $220,813 38 was expended in procuring and distributing artillery, small-arms, accoutrements, &c. under the act of 1808, for arming and equipping the militia of the States and Territories.

The munitions of war issued during the year ending on the 30th of September, 1836, have been very large, in consequence of the actual hostilities in which the army has been engaged.

No returns of lead made at the United States lead mines have been delivered to the superintendent during the last year, and there yet remains due to the United States, on account of rent-lead which accrued prior to the 30th September, 1835, an aggregate of 493,313 pounds. It appears that the refusal to account for and to pay over the rent reserved in the leases mentioned in the last annual report has become general, the lessees denying the validity of the laws under which the leases were made, and that suits have been commenced against several of the delinquents, but are not yet determined. Colonel Bomford recommends the selling of the mineral lands, as the most effectual mode of terminating difficulties now existing between the Government and the inhabitants, and of securing to the United States the value of the mines.

Of the works authorized by acts passed at the last session of Congress, and belonging to the Ordnance department, all have been greatly delayed, and some entirely suspended, by the want of the necessary officers to conduct them. The interests of the service, as well as the just claims of contractors, whose payments are frequently delayed from inability to make the proper inspections, call loudly for an increase of this corps.

10. *Proposed increase in rank and file of artillery and infantry.*—In compliance with the suggestion of General Macomb, and with my own convictions of duty, I beg leave to invite your attention to a proposal for the increase of the rank and file of the artillery and infantry.

The insufficiency, in several respects, of our present military establishment has already been noticed. It is the greatest in the general staff and the rank and file; those arms of the service being much less numerous, in proportion, than the officers retained in the line of the army. The object of Congress in this arrangement evidently was, on the one hand, to reduce the rank and file and the general staff to the lowest allowable point; and on the other, to retain in the line officers enough to preserve an amount of military knowledge and experience competent to the direction of a large effective force, whenever such a force might be required by special emergencies, or by the permanent interests of the country. This policy was recommended at the time of its adoption (1821) by the existence of other and more pressing claims on the Treasury, and by the comparatively few calls then made for active military operations. In both these respects our condition is now widely different. The extinction of the public debt, whilst it gives us the ability to attend to other subjects of national importance, lays us under new obligations to do so. We have a much larger number of fortifications and other posts to be garrisoned; and our Indian relations have now reached a point which demands an effective military provision.

There are thirty-two forts on the Atlantic seaboard and the Gulf of Mexico, each of which ought to be garrisoned by a force adequate at least to the preservation of the public property, and to the retaining of some knowledge of artillery practice. This will require, as I understand, an average of about ninety-six men to each post, or about three thousand in the whole. The rank and file of the present regular army, supposing the new regiment of dragoons to be filled, amounts in the total to seven thousand and sixteen; from which number a large deduction must always be made for sickness, arrests, occasional absence, and time lost in recruiting and marching. The effective force, exclusive of officers, which may be relied on under the present arrangement, can, therefore, scarcely ever exceed six thousand men; a force utterly inadequate to the necessities of the public service, inasmuch as it affords, after the scanty provision for the seaboard above suggested, only about three thousand for the interior.

In that part of this report which relates to Indian affairs, I shall have occasion to specify some of the weighty reasons which make it necessary that we should establish additional posts on our Western borders and in the Indian country, and that each should be permanently garrisoned by a respectable force. We have now in that region sixteen posts, including three temporary stations, the whole of which are now occupied by about three thousand men, including a regiment of Arkansas volunteers recently called into the service. All, probably, will agree that the present force at several of the existing posts is inadequate, and a deliberate survey of the immense field of operations, and the various interests involved, will, I think, lead to the conclusion that this branch of the service cannot safely be left, for the next five or ten years, with a force at any time less than from five to seven thousand men.

The seaboard may be provided for in the manner above suggested, and adequate protection may be given to the interior and to the Indian country, by augmenting the number of men in each company of artillery and infantry to one hundred. This would increase the legal force, independently of commissioned officers and non-commissioned officers of artillery and infantry, to twelve thousand and thirty, from which we might at all times expect to command an available force of not more than about ten thousand effective men. Two plans for a similar increase in the rank and file of the army were submitted to Congress in the report of the Secretary of War of the 8th of March, 1836, and the accompanying communication of General Macomb of the 7th of that month, both of which communications were laid before the Senate of the United States in compliance with a resolution of that body. I refer to these documents for the details of those plans, and for an estimate of the expense, which, according to the statement then made, would be, for the increase above proposed, about $850,000 per annum. Such an addition to the heavy expenses of our present establishment should undoubtedly be well weighed before it is incurred; but, if we may judge from the experience of the last few years, the

measure is as plainly called for on the score of economy as it is by other and more impressive considerations. The expenses occasioned by the hostile aggressions of the Sac and Fox Indians in 1832, amounted to more than $3,000,000; and the several appropriations for suppressing Indian hostilities, made by Congress at the last session, and amounting to five millions of dollars, have already been drawn from the Treasury; and, though a considerable amount is yet in the hands of disbursing officers, the whole will be required to meet expenses already incurred.

If it be one of the first objects of legislation to guard against the evils of war, then must it be admitted that the prevention of Indian hostilities, so far as human foresight is competent to that end, should be the great care of the Congress of the United States. For, whilst our exposure to such hostilities is imminent, the evils which attend them are so peculiar and unmitigated as to bring on those public agents who may neglect to guard against them the most fearful responsibility. The presence of an adequate military force at or near each of the points where the Indians are numerous, is the most effectual, if not the only effectual means of security and defence. In my judgment, such a force cannot be furnished by our present establishment; and, as neither militia nor volunteers can be employed for permanent garrisons, the object can only be effected by the increase of the regular army. I trust it will be provided for without delay.

11. *Proposed revision of the pay of certain officers.*—My attention having been called, by repeated resignations and other circumstances, to the pay of the subordinate grades, I have looked into the subject with some care, and the result is a decided conviction that the pay of the several grades above that of second lieutenant, and below that of colonel, ought to be increased; and that a new principal of periodical increase in each grade ought also to be introduced.

By the law, as it now stands, there is no increase of the fixed pay and emoluments, except when the officer is promoted; and, as promotion in time of peace is generally very slow, officers may serve over ten years in a single grade, and, after a service of twenty or thirty years' may still rise no higher than a majority, or even a captaincy. On the other hand, it will occasionally happen that resignations or other causalties may produce numerous vacancies, within a comparatively short period, in particular regiments, which may lead to rapid promotions, so that a second lieutenant may, within three or four years after entering the service, be advanced to a captaincy. To remedy the inadequacy of the present system, when promotion is slow, and to prevent its inequality, when its movement in particular regiments is rapid, it has occurred to me that it would be expedient and just to introduce the additional feature of increasing the pay after five years' service in any one grade, agreeably to the precedents established by the act of 1834, in relation to surgeons and assistant surgeons of the army, and by the act of 1835, regulating the pay of surgeons in the navy.

Concurrently with the introduction of this principle, I would also revise the scale of pay and emoluments, with a view to a moderate increase of the different grades above that of second lieutenants, and under that of colonel. I think it would be just to allow to second lieutenants, for the first five years from the dates of their commissions, the present pay and emoluments of their grade; and to those who have been in commission over five years, the present pay and emoluments of the first lieutenant; to first lieutenants, for the first five years, the present pay and emoluments of a captain; and to those who have been commissioned over five years, a corresponding increase; and, in like manner, to provide for an increase in the pay of those captains, majors, and lieutenant colonels, who shall have been in commission over five years—taking care, however, that the increase, by means of five years' service in one grade, shall not be more than one-half the difference between the first pay of such grade and the first pay of the next grade. The effect of this double arrangement for increase of compensation would be to secure to the officer the certainty of an increase of pay, at periodical stages, corresponding to the probable increase in his wants, and in the value of his services. But it would not interfere with the ancient and just practice of increasing the pay of the officer on his advancement to a higher grade. When promotions are slow the principle is greatly needed, and then it would apply; when they are rapid it would not be needed, and would not take place.

As the pay, emoluments, and allowances now given by law, depend on the grade of the officer, the corps to which he belongs, and his particular position and circumstances, the attempt to state them in this place would lead to inconvenient prolixity; and should you think proper to submit the subject to Congress, the proper information can be laid before the committees of that body. It is, however, deserving of consideration whether the principle adopted in the act of 1835, regulating the pay of the navy, by which all allowances (except for travelling expenses when under orders) are prohibited, and a gross sum in lieu thereof added to the pay may not, to some extent at least, be advantageously followed. The whole subject undoubtedly demands revision, especially with a view to retain in the departments of engineering and other branches requiring scientific attainments of a high order, experienced and valuable officers. Several of that class have retired from the army during the year, induced, as I have reason to suppose, by the inadequacy of the existing compensation, and the great demand for their services in civil life.

12. *Proposed increase of the pay of privates—land bounty on re-enlistments.*—I think it highly expedient that the pay of privates should also be increased. They are now allowed, when serving as cavalry in the regiment of dragoons, eight dollars per month; in all other cases six dollars per month. No bounty is given except on a second enlistment, which is encouraged by a gratuity of two months' pay. In consequence of the great increase in the price of labor, it has been found difficult, during the last year, to procure ablebodied men to supply the places of those soldiers whose term of service had expired; and the recruiting of the second regiment of dragoons, and to fill up vacancies in the other regiments, goes on very slowly. I submit whether it be not advisable to increase the regular pay; and as the services of an experienced and disciplined soldier are far more valuable than those of a new recruit, I cannot doubt the propriety of increasing the bounty on re-enlistment. It might be granted in land, at less inconvenience to the Government than if paid in money, and would probably be equally acceptable to the soldier. And as the service of the army, for some years to come, will be chiefly on our Western frontiers, most of the men, when discharged in that region, would probably find it for their interest to become actual settlers. The policy of the Government, in regard to the disposition of the public lands, would thus be promoted; and the settlers whom this arrangement would plant on the frontiers, would be found, from their military knowledge, among the most useful of their class. These objects might be still further promoted by giving an increased quantity of land on the condition of actual settlement.

13. *Proposal for employment of chaplains.*—Some provision, as it appears to me, should be made for securing to the army the services of chaplains. The act of April 12, 1808, required one chaplain, with the pay and emoluments of a major of infantry, to be appointed to each brigade. This provision was continued in force until superseded by the act of the 3d of March, 1815, fixing the military peace establishment; and there is now no authority for employing

such an officer in the army at the public expense, except at the Military Academy.

The constitution of the United States has wisely provided that Congress "shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof;" but this cannot lessen the obligation of Congress to furnish to the officers and men employed in the military service, such opportunities of religious worship and of moral culture as may be compatible with the appropriate duties of the army. And when it is considered that even the common soldier resumes, sooner or later, the character of a citizen, how important does it become that he should be shielded as much as possible from the pernicious influences to which a military life is usually exposed! The enlightening and tranquillizing effects of a regular attendance on public worship, and the aid which a judicious and devoted chaplain may give, in the promotion of discipline and subordination, ought not to be overlooked in the organization of an army.

Since 1815, the services of chaplains at the fixed posts have frequently been secured by voluntary contributions, collected and applied, as I understand, by the council of administration. As the officers composing that council will be enabled to consult the wishes of the garrison, and are, in other respects, better qualified to make judicious selections for services of this nature than the authorities at the seat of Government, I recommend the passage of a law authorizing them to select and employ chaplains from time to time, and giving to the persons so employed the pay and emoluments of such grade as Congress may think proper to prescribe. To each regiment, when employed in the field, the like arrangement might be extended.

14. *General condition of the army, &c.*—The vacancies in the rank and file being numerous, and many officers of the line being engaged on detached service, or absent with leave or on furlough, the army, though in a high state of discipline, has not been found in the fittest condition for active field service. And notwithstanding the successive orders which have been issued, directing officers to join their regiments, the deficiency in officers has not yet been supplied—many having resigned, and others being so situated, by reason of sickness, or other causes, as to make a suspension of the orders, in respect to them, unavoidable. These circumstances, however, only enhance the merits of the officers and men, whether regulars, marines, militia, or volunteers, who have encountered the difficulties, privations, and perils of field service on the Western frontier and in the South. Several instances have occurred, during the war with the Seminoles, in which our troops have nobly sustained the honor of the American name; and those who will dispassionately consider the events of the past year, will find, in the services of the army, many strong claims on the confidence and gratitude of the nation.

The General-in-chief has noticed in his report, and in appropriate terms, the gallantry and good conduct of Brigadier General Clinch, who commanded in Florida on the breaking out of hostilities in that quarter. The merits of that officer were so highly appreciated by this Department, that his resignation was not accepted until it had been ascertained to have been rendered necessary by important private affairs. In consequence, doubtless, of pending inquiries, General Macomb's report intimates no opinion as to the conduct or operations of any other general officer in Florida, or in the Creek country. This forbearance was manifestly proper, and will be imitated by the Department. But it is not inconsistent with the rule thus adopted, to express the hope that it may ultimately appear that nothing has occurred to justify permanent estrangement between soldiers who trod together the path of renown, nor to dim the lustre of those honorable services which each has rendered to his country.

II. Militia and Volunteers.

It has already been stated that, within the last year, no less than about 24,500 militia and volunteers have been mustered into the service of the United States. As these forces, when in actual service, form a part of the army of the United States, such particulars concerning those employed during the year, as seemed proper to be noticed in this report, have been presented under the preceding head.

The defective organization of the militia was noticed at length in the last annual report of the Secretary of War; and the outlines were suggested of a plan for its improvement, which received your sanction, and was submitted to Congress in the opening message of the last session. No legislative action having been had upon the subject, I deem it my duty to invite to it your renewed attention. If any arguments, in addition to those heretofore urged, were needed on this point, they would be found in the experience of the last year. Whilst the calls on the militia have been answered in a manner highly honorable to their patriotism, they have led to new illustrations of their deficiencies in organization and discipline. The matter has very often been presented to the consideration of Congress; and, until the constitutional power of organizing, arming, and disciplining this arm of national defence shall have been more adequately exercised, it will continue to be a duty to invoke their enlightened interposition.

III. Fortifications, Arsenals, Roads, &c.

The present condition of our fortifications, arsenals, and other works of public defence, will sufficiently appear by reference to the accompanying documents from the Engineer and Ordnance departments; and the elaborate and very able report of the Secretary of War of the 7th of April last, transmitted to the Senate with your message of the following day, contains so full a view of the measures proper to be taken for their completion and armament, as to make any further observations on that point superfluous in this place. I would, however, particularly invite your attention, and also that of Congress, to the proposal contained in that paper, and in the last annual report, for the establishment of a national foundry for cannon, and to the suggestions on the subject of depots for arms, then also submitted.

The reports of the Chief Engineer and of the head of the Topographical bureau must also be referred to, for a succinct account of the present condition of the Cumberland and other roads, and of the harbors and other improvements authorized by law.

IV. Military Academy at West Point.

The report of the Board of Visiters, giving the results of the last annual examination, is well calculated to confirm the favorable opinion so generally entertained in respect to this institution. It also states some facts which, it may be hoped, will remove some of those misapprehensions which have occasionally prevailed to the prejudice of that establishment.

By the existing law, each cadet, on his appointment, is required to sign articles, by which he engages to serve five years, unless sooner discharged. As four years of this term, by the regulations in force since 1819, are to be spent at the Academy, the engagement secures to the United States only one year's service after graduation. It appears, however, from the report of the Visiters, that out of 841 graduates, the total number from the commencement of the institution, only sixty five had resigned at the end of their term of enlistment. The Visiters also ascertained that, out of the same number, 403 still remained in the army; and that, of the others, fifteen had been killed in battle, and 106 had otherwise died in the service. These facts illustrate the value of the institution as one of the effective means of providing for the national defence.

Whilst it thus appears that the public service has not been materially prejudiced by the early resignation of the

graduates, I am yet inclined to think that its interests should be more effectually secured. In my judgment, the engagement for service after graduation, should be considerably prolonged; and the graduate should be made liable by law, in case of his discharge, after graduation and short of the prescribed term, for neglect of duty or other misconduct, to pay to the Government an equivalent for the expenses incurred in his education and support. Such a provision would not only be just in itself, but seems due to other considerations. As there is no constitutional authority to maintain the institution, except as a part of the military establishments necessary to the defence of the country, it should be so regulated as to contribute directly to that end. Such, also, seems to have been the design of the act of 1812, in prescribing the articles above referred to. There was at that time no prescribed term of study; and, as the position of the cadet, on his entrance, was regulated by the extent of his attainments, he might, and, as I understand, usually did, complete his course in about two years. It was, therefore, intended by the framers of the act of 1812, that a term of army service should be secured, equivalent, in some measure, to the expense incurred by the Government. I recommend the reassertion of this principle in a new enactment, adapted to the changes since made in the term of study.

The Board of Visiters having submitted various propositions for the enlargement of the public buildings, and of the courses of instructions, I have deemed it due to the subject, as well as to the high character of the Board, to present their suggestions to your consideration and to that of Congress. They are accordingly embraced in the estimates made by the Chief Engineer, with a single exception, which could not be submitted in that form. The recommendation thus excepted relates to the duties of the chaplain. By the second section of the act of the 14th of April, 1818, it is provided that there shall be one chaplain stationed at the Military Academy at West Point, who shall also be professor of geography, history, and ethics. To assist the chaplain in the duties of his professorship, an officer of the army has been associated with him, and the two instruct in the branches above named, and also in grammar and rhetoric, and in the elements of political science, including the law of nations and the constitutional law of the United States. It has been found physically impossible for the chaplain to give adequate attention to his clerical duties, and, with the aid of one assistant, to instruct in a suitable manner in the various studies above named. The consequence is, that the religious instruction of the cadet receives less attention than is commensurate with its importance, and with the probable intent of the act of Congress. The Visiters therefore recommend, and the suggestion strikes me as important, either that the functions of the chaplain be separated from those of the professor, or that another assistant be provided to aid him in the professorship. The latter mode of relief may be extended by executive regulation; but the former is deemed most appropriate, and for that reason the interposition of Congress is solicited.

V. Indian Affairs.

The report of the Commissioner of Indian Affairs, herewith laid before you, embraces a detailed account of the operations of his office during the past year.

It appears from that document, that, within this period, more than 18,000 Indians, of whom 400 were Seminoles, 16,900 Creeks, and the remainder Pottawatamies, have reached the west bank of Mississippi, on their way to their new homes; and that arrangements have been made for the removal of the residue of those tribes at as early a day as circumstances shall allow. The mere process of removal has been conducted with greater expedition, as much economy, and as little of suffering and privation to the Indians, as in former years; but the opposition made by the hostile portions of the Seminoles and Creeks, already noticed under a former head, has subjected the Government, in those cases, to the painful necessity of resorting to coercive measures, which, in respect to the Seminoles, are yet continued.

The same report also exhibits the progress made by the commissioners appointed in pursuance of the resolution of the House of Representatives of the 1st of July, 1836, requesting the President of the United States "to cause measures to be taken for investigating certain alleged frauds in the purchase of the reservations of the Creek Indians, and the causes of their hostilities." The investigations, thus directed, have necessarily suspended the action of the Executive, on many contracts for the sale of Creek reservations, and there are also other difficulties in respect to them, which will probably require the intervention of Congress.

A commissioner has recently been appointed to certify contracts and to take proof of residence, under the treaty with the Choctaws of the 27th of September, 1830, and has probably entered on the duties assigned him.

The provisions in the treaties of 1832 and 1834, with the Chickasaws, which are to be carried into effect before their removal, have been nearly completed; and an arrangement, it is hoped, will soon be concluded between them and the Choctaws west of the Mississippi, for a portion of the territory assigned to the latter.

Measures have been taken for fulfilling the engagements of the United States contained in the treaties with the Chippewas and Ottawas, the Swan-creek and Black-river bands of the Chippewas, and the Wyandots, ratified at the last session of the Senate; and, so far as allowed by the short time which has since elapsed, those engagements have been faithfully executed.

Immediately after the ratification of the treaty with the Cherokees east of the Mississippi, the initiatory measures for carrying it into effect were taken by the Department; and though much retarded by various unforeseen occurrences, they are now going on with all the despatch of which the case is susceptible. The military movements deemed necessary to the maintenance of peace, and to the enforcement of the treaty, have already been noticed. Efforts have recently been made by Mr. John Ross, and by those of his people of whom he is understood to be the leader, to excite opposition to the treaty, and to prevent its execution; but it is believed that the steps taken by the Government will be sufficient to counteract those efforts. The more intelligent part of the Cherokees are well satisfied with the treaty, and the prompt and faithful execution, on our part, of its very liberal provisions, will doubtless secure the good-will of the great mass of the nation, and issue in their peaceful establishment with their brethren in the West.

Treaties have been made with the Indians who have emigrated from New York to Green bay, for lands on both sides of Fox river; and with four bands of Pottawatamies residing in the State of Indiana, for the extinguishment of their title to the sections of land reserved for them in the treaties of October, 1832. Negotiations have also been commenced with the Indians of New York, for the extinguishment of their title to lands in that State, and for their removal to the west of the Mississippi. With a view to the extinguishment of the Indian title to the country between the State of Missouri and the Missouri river, negotiations were opened with the tribes interested therein for the relinquishment of their rights; and treaties to that effect have already been concluded with the Iowas and Sacs of Missouri, Omahas, Yancton and Santie Sioux, and Ottoes and Missourias. Measures have also been taken for opening negotiations with the united nation of Ottawas, Chippewas, and Pottawatamies, for an exchange of the lands north of the Missouri river, assigned to them by the treaty of Chicago of 1833, for lands south of that river; and with the Miamies, for a cession of their lands in Indiana.

The Commissioner points out several defects in the laws

relative to Indian affairs, and, for the purpose of remedying those defects, submits various propositions, to which I beg leave to call your attention, as worthy of being presented to the consideration of Congress. He also recommends the removal of the seat of the superintendency of Indian affairs from St. Louis (where it is now fixed by law) to Fort Leavenworth, or some other point on the Missouri river: and the substitution of full agencies for the present subagencies of the Creeks, Cherokees, and Osages, as measures rendered necessary by the onerous nature of the duties now pressing on the incumbents of those offices, and by the great accessions recently made, and hereafter to be made, to the tribes west of the Mississippi.

From the facts stated by the Commissioner, it would seem that the proviso to the act of the 3d of March, 1835, making appropriations for the Delaware breakwater, &c. operates harshly on the military officers in the Indian department. I concur in the propriety of asking from Congress, as an act of justice to those officers, the allowance of a commission on disbursements, as recommended by the Commissioner.

Connected with the general subject of our Indian relations are two measures, proposed by the Commissioner, which I deem of great moment. They are, the organization of an efficient system for the protection and government of the Indian country west of the Mississippi, and the establishment of military posts for the protection of that country and of our own frontiers, in addition to those now authorized by law.

These measures are due to the numerous tribes whom we have planted in this extensive territory, and to the pledges and encouragements by which they were induced to consent to a change of residence. We may now be said to have consummated the policy of emigration, and to have entered on an era full of interest to both parties. It involves the last hopes of humanity in respect to the Indian tribes; and though, to the United States, its issues cannot be equally momentous, they yet deeply concern our prosperity and honor. It therefore behooves us, at this juncture, seriously to examine the relations which exist between the United States and the inhabitants of the Indian country, to look into the duties which devolve on us, and to mature a system of measures for their just and constant execution.

In almost every treaty providing for the emigration of an Indian tribe, the impossibility of preserving it from extinction if left within the limits of any of the States or organized Territories of the United States, and thus exposed to the advances of the white population, is expressly recognised. The advantages which the tribe will derive from its establishment in a territory to be exclusively occupied by red men, under the solemn guaranties and the paternal care of the United States, are uniformly insisted on. In the treaty with the Choctaws of the 27th of September, 1830, the wish of the tribes to be allowed the privilege of a delegate in the House of Representatives of the United States is expressly mentioned; and though not acceded to by the commissioners of the United States, yet they insert it in the treaty, "that Congress may consider of and decide the application."

In the late treaty with the Cherokees east of the Mississippi, it is expressly stipulated "that they shall be entitled to a delegate in the House of Representatives whenever Congress shall make provision for the same." It is not to be doubted that the hopes thus held out to these tribes had an important influence in determining them to consent to emigrate to their new homes in the West.

Although some of the Indians have made considerable advances in civilization, they all need the guardianship of the United States. To leave them to the barbarism of their own institutions, with the inadequate assistance of an agent and the slight control of the general superintendent, would be imprudent as it regards ourselves, and unjust towards them. Under such a system, hostilities will frequently break out between the different tribes, and sometimes between them and the inhabitants of our frontiers, attended, in both cases, by the usual consequences of savage warfare. To fulfil in their true spirit the engagements into which we have entered, we must institute a comprehensive system of guardianship, adapted to the circumstances and wants of the people, and calculated to lead them gradually and safely to the exercise of self-government. And, at as early a day as circumstances will allow, the expectations authorized by the passage above quoted from the treaties with the Choctaws and Cherokees should be fulfilled. Indeed, from the facts stated by the Commissioner, it is scarcely to be doubted that the Choctaws are already in a condition to justify the measure. The daily presence of a native delegate on the floor of the House of Representatives of the United States, presenting, as occasion may require, to that dignified assembly, the interests of his people, would, more than any other single act, attest to the world and to the Indian tribes the sincerity of our endeavors for their preservation and happiness. In the successful issue of these endeavors, we shall find a more precious and durable accession to the glory of our country than by any triumph we can achieve in arts or in arms.

The duty of planting a line of posts near the borders of the Indian country, and of opening along it a free communication for the passage of troops, has already been recognised by the present Congress, by the act of the 2d of July, 1836, "to provide for the better protection of the Western frontier." This law authorizes the President to cause to be opened a military road from some point upon the right bank of the Mississippi, between the mouth of the St. Peter's and the mouth of the Des Moines, to Red river; and it contemplates the establishment of military posts "at such places along said road as the President may deem most proper" for the protection of the frontier, and for the preservation of the necessary communication. But this line of posts, though it will probably be sufficient, if well garrisoned, to protect our own frontier, will not be all that caution and good faith will require. To exercise the necessary supervision over the emigrated Indians, to preserve peace among the different tribes, and to protect them from their savage neighbors, we must also establish posts at convenient positions in the interior of their country.

The establishment and maintenance of these various posts is due to the emigrated tribes for other reasons. By the most sacred pledges, the territory in which we have planted them is to be perpetually theirs; the white man, with certain specified exceptions, is not to reside among them. The pledges have been given in the utmost sincerity, and the American people cannot but desire that they should be honorably redeemed. Without a strong military force—a force adequate to repress the encroachments of the civilized and more powerful race, how can we hope for their fulfilment? In the history of the Indian tribes, from the Atlantic to the Mississippi, and, indeed, in the history of barbarians in every quarter of the globe when pressed upon by a civilized population, we may read the issue of these pledges, unless we take early and efficient measures for their fulfilment. The measures must be such as will arrest the causes which, in all other cases, have ended in the extinction of the weaker race. The operation of those causes cannot be controlled by parchment guaranties, or mere moral considerations; to resist and counteract them, a physical force must be employed, sufficiently powerful and vigilant to keep them constantly in check. To my view, nothing is clearer than the ultimate failure of the great experiment we have commenced with the emigrated Indians, unless we secure to them, by military protection, the place and the time for the fair trial of that experiment. If we leave them unprotected, they will fade away as other tribes have faded; and the process, as in their cases, will

be diversified by the same sanguinary events. The only difference will be, that, as the Indians on our Western frontiers are concentrated in greater force than has ever before been known in the history of the race, their inroads, if not more frequent, will probably be more terrible and disastrous than any which have yet occurred.

When it is considered that the emigration of the present year includes great numbers recently engaged in open hostilities, and that, besides these, there are probably many others who cherish unfriendly feelings, though never manifested in overt acts, is it unreasonable to suppose that they will seize the first favorable opportunity to gratify the strongest of savage passions, and to re-enact the scences which have been so recently exhibited in the South? From them, and from the events yet passing before us, we may learn how much of individual suffering and of national calamity may be occasioned by even a small Indian force, organized by stealth, and acting with characteristic quickness and ferocity. If those events shall only teach us to provide, by wise forecast, against the repetition of similar disasters, they will not have been without their use. It is to guard against the recurrence of any such event, as well as to fulfil our plighted faith to the tribes now settled in the West, that I have felt it my duty to enforce, at such length, the views presented by the Commissioner.

VI. Pensions, &c.

The sums paid to pension agents for disbursements during the current year, amount to two millions six hundred and ninety-nine thousand four hundred and thirty dollars and sixty-six cents, viz:

For paying invalid pensioners - -	$276,450 00
For paying revolutionary pensioners, under the act of March 18, 1818 - -	675,112 66
For paying pensioners, under the act of June 7, 1832, including payments made in 135 cases, allowed under the act of July 4, 1836 - - - -	1,563,376 00
For paying pensioners, under the act of May 15, 1828 - - - -	137,320 00
For paying claims, under the act of July 5, 1832, granting half pay to the officers of the Virginia State troops - -	47,172 00
	$2,699,430 66

The particulars of which will appear by the report of the Commissioner of Pensions and the accompanying tables.

Under the act of the 4th of July last, granting half pay to widows and orphans in certain cases, four hundred and thirty-six claims have been presented, of which one hundred and thirty-five have been admitted and twenty-two rejected. The remainder have not yet received official decision. The payments already made under this act have been from the standing appropriation made by the act of June 7, 1832; but it would seem to be more appropriate that they should be specially provided for, and an estimate for that purpose will accordingly be submitted.

It is observed by General Macomb, and also by the Commissoner of Pensions, in their reports, that the existing pension laws do not extend to the widows and orphans of officers and soldiers of the regular army all the benefits now enjoyed by the widows of officers and soldiers in other branches of the service. This arises from the circumstance that the first section of the act of the 4th of July last is expressly confined to the widows and orphans of persons who served as militia or volunteers. I concur in the suggestion that this difference ought to be removed. The third section of this law has been construed to apply to those widows only whose husbands died before its passage. As this construction, though demanded by the words employed, makes a distinction in the operation of the law which may not have been designed, it is, perhaps, worthy of being submitted to the attention of Congress.

It appears from the accompanying report of the operations of the Bounty Land Office, that eight hundred and seventy six claims for services rendered in the revolutionary war, and six hundred and ninety-two for services rendered during the last war, were presented during the year ending on the 30th of September last; and that of the former, 40, and of the latter and similar claims previously presented and suspended, 128 were allowed.

VII. Fiscal Concerns of the Department.

To exhibit, at one view, a summary of the various fiscal operations of this Department during the year 1836, I have caused to be prepared the tabular statement, marked A, hereunto annexed, to which I beg leave respectfully to refer.

It appears from that document, that, on the 1st day of January, 1836, the various sums then under the control of the Department, as unexpended balances of former appropriations, or by virtue of the standing appropriations made by the revolutionary-pension and claims acts of May 15, 1828, June 7, 1832, and July 5, 1832, and the acts of April 23, 1808, and April 29, 1816, for arming and equipping the militia, amounted, in the aggregate, to $5,675,746 12.

The estimates made by this Department for the service of 1836, and transmitted to the Secretary of the Treasury, and by him laid before Congress at the commencement of the last session, amounted to $8,393,282 49; making when added to the above sum of $5,675,746 12, an aggregate of $14,069,028 61, which was all then supposed by the Department to be required for the service of 1836, on account of the objects then authorized by law. But, in consequence of the military operations which became necessary during the session, the conclusion of the treaty with the Cherokees and other Indian tribes, and the various increased or new expenditures directed by Congress, there was appropriated at the last session, for the service of this Department, an aggregate of $23,242,331 28; being an excess of appropriations over the estimates of $14,849,048 79; and making, when added to the unexpended balances and standing appropriations above mentioned, the sum of $28,918,077 40, applicable to the service of 1836, and liable to be drawn out of the Treasury during the year, if needed, for disbursement; although it was doubtless known, when the appropriations were made, that in many cases only portions thereof would be so needed during the year.

During the first three quarters of the year 1836, there was drawn from the Treasury, and placed in the hands of disbursing officers, the aggregate amount of $13,514,456 27; the expenditure of which, so far as the accounts have been rendered and settled, will appear by the reports of the several bureaus and of the accounting officers, hereunto annexed.

It is estimated that the expenditures which will be made during the fourth quarter of 1836 will amount to $6,807,626 92. In this sum is included all that remained, at the end of the third quarter, of the different appropriations, amounting to $5,000,000, made during the last session for the suppression or prevention of Indian hostilities. Indeed, those appropriations have already been expended, or drawn from the Treasury and placed in the hands of disbursing officers for expenditure.

Should the expenditures of the fourth quarter of 1836 conform to the preceding estimate, the expenditures of the year will have amounted to $20,322,083 19; and the unexpended balance which will remain in the Treasury on the 31st day of December, 1836, applicable to the service of 1837, will be $8,595,994 21; but under the standing appropriations for pensions, &c., and for arming the militia, above mentioned, there will also be under the control of the Department, for the year 1837, so much as may be required for those objects.

The aggregate of the estimates made by this Department, for the service of the year 1837, and transmitted to the Sec-

retary of the Treasury, to be included in his general estimate to be laid before Congress, is $10,758,431 33; which, if confirmed by the requisite appropriations, will make, when added to the balance of $8,595,994 21, estimated to remain in the Treasury on the 31st day of December, 1836, an aggregate of $19,354,425 54, applicable to the service of 1837; besides the amount which may be required from the standing appropriations above mentioned.

The various bureaus and offices of the Department to which the sums making the above-mentioned aggregates are respectively referrible, will appear by the table annexed, marked A; and the details of each aggregate, except those of the estimates, will appear in the documents from those bureaus and from the accounting officers accompanying this report. The details of the estimates for 1837 are included in the statement transmitted to the Secretary of the Treasury, as above mentioned.

The estimates for the year 1837 include only those objects which are authorized by existing laws. The estimates for the Engineer office, the Topographical bureau, and the Ordnance department, embrace, in accordance with the usual course of legislation, various amounts which, when added to the present unexpended balances, will constitute, in the case of each of those bureaus, an aggregate amount much larger, in all probability, than can be actually expended in the year 1837.

On the other hand, the estimates above mentioned include nothing for the suppression of Indian hostilities, nor for new works, or any other objects not already authorized by law.

A further appropriation is immediately needed for the suppression and prevention of Indian hostilities, including the maintenance of the volunteers on the Southwestern frontier. The subject does not admit of specific estimates; but there is danger that at least $1,000,000 will be required for this purpose.

In concluding, I desire to express my obligations to the experienced and able heads of the several branches of the Department, for the aid they have given me in the preparation of this report. Having very recently undertaken the temporary care of the Department, and many of its affairs being very foreign to my ordinary studies and pursuits, I have had, in this matter as well as in others, constant occasion for their assistance. They cannot be held responsible for all the suggestions contained in this paper; but from me, at least, are justly entitled to this tribute.

I have the honor to be, sir, with high respect, your obedient servant,

B. F. BUTLER,
Secretary of War ad interim.

To the President *of the United States.*

REPORT OF THE MAJOR GENERAL.

Headquarters of the Army,
Washington, November, 1836.

Sir: In compliance with the instructions of the acting Secretary of War, under date of the 9th of September last, I have the honor, herewith, to submit the following statements and returns:

1. A report showing the organization of the army, marked A.

2. A general return of the army, marked B.

3. Distribution of the troops in the Eastern department, marked C.

4. Distribution of the troops in the Western department, marked D.

5. Statement showing the number of recruits enlisted in the army from the 1st of January, 1836, marked E.

Since my last annual report giving an account of the operations of the army, the troops have been variously engaged.

In consequence of the indisposition of the Seminole Indians to comply with the treaty stipulations entered into with the Government, in regard to their emigrating to the country west of the Mississippi allotted to them, and the hostile attitude taken by some of their principal chiefs, three companies of artillery were ordered, on the 24th of November, 1834, to Tamba bay; and the company at St. Augustine was at the same time ordered to Fort King, then garrisoned by a company of infantry. The same order placed brevet Brigadier General Clinch in command of the troops in Florida. On the 14th of February, 1835, five additional companies of artillery were ordered to join the command of General Clinch, in Florida, making the whole force in Florida ten companies. On the 22d of October, 1835, General Clinch was authorized to order the two companies of artillery from Forts Wood and Pike, Louisiana, to Florida; these, with the two companies placed at his disposal on the 15th of October, would increase his command to 14 companies. On the 9th December, 1835, General Clinch was informed that the Governor of Florida had been requested to place at his disposal such militia force as he might require. It appears that, on the 30th November, 1835, the regular force in Florida consisted of 11 companies, amounting to 536 officers and men, and posted as follows:

St. Augustine, 1 company; Fort King, 6 companies; Fort Brooke, 3 companies; and Key West, 1 company.

The four companies placed at the disposal of General Clinch in October, arrived at Fort Brooke between the 27th of November and 28th of December.

On the 23d December, a detachment of 110 men, including officers, took up the march from Tampa bay for Fort King, to join General Clinch. On the fifth day, on the march, the detachment was attacked by a large body of Indians, concealed, and cut off, with the exception of one or two men.

On the 29th December, General Clinch, with six companies of regular troops, amounting to about 200 men, proceeded from Fort King towards the Withlacoochee, to attack the Seminoles, who were in force on the left bank of that river. In this expedition he was joined by Governor Call, with between 400 and 500 volunteers of Florida.

On the 31st December, General Clinch, with the regular troops under his command, crossed the Withlacoochee. He was here attacked by a large body of Indians, and, after a spirited engagement, the Indians were finally defeated and fled into the hammocks. In this affair, it will appear that the regular troops bore the brunt of the action: out of the 200 regular troops who crossed the river with General Clinch, 57 were killed or wounded, including four officers. Of the 400 or 500 volunteers who had joined General Clinch with a view of aiding in subduing the Indians, only 27 men and 3 officers took part in the action. Why so many remained out of the action is not explained. Had the same zeal and bravery been displayed by the whole force as was evinced by the regular troops, there is little doubt but that the war would have been terminated with the battle of Withlacoochee.

As soon as information of this affair reached the War Department, it was determined, lest the communication with General Clinch might be interrupted, to call on the Governor of South Carolina to place at the disposal of General Eustis, commanding officer at Charleston, such a force as he might call for, which was accordingly done, and this officer was directed to proceed with that force, together with the United States troops stationed at Charleston and Savannah, to St. Augustine, thence to open a communication with General Clinch, and co-operate with him.

About this time it was intimated to the War Department that there was reason to apprehend that parties of the Creek Indians might join the Seminoles. In consequence of this intimation, and from the belief that the operations might

become more extended, Major General Scott was ordered, on the 21st January, to proceed to the theatre of hostilities, and there assume the command. He was invested with authority to call on the Executives of Florida and the adjoining States for such militia force as he might deem necessary; at the same time, six companies of artillery and 100 dragoon recruits, all from the seaboard, were ordered to Florida. It was estimated that the whole number of regular troops in Florida and on their way at that time amounted to 1,200, including officers.

While General Scott was making his preparations for the campaign, General Gaines, who was at Pensacola, hearing of the hostile conduct of the Seminoles, and of the attack made by them on the detachment which marched from Tampa bay on the 23d of December, immediately proceeded to New Orleans, and there, with the assistance of the Governor of Louisiana and the citizens of that place, raised a corps of volunteers of about 1,000 men, and with the detachment of the regular troops in that vicinity, proceeded to Tampa bay, and thence marched to Fort King, and from Fort King to the Withlacoochee, near to the batt'e-ground of General Clinch, where he encountered the Indians. Finding his provisions and ammunition nearly consumed, he formed a camp, protected by fallen timber, and sent a despatch to General Clinch, at Fort Drane, for surplies. In this situation, he was relieved by the arrival of General Clinch with provisions, when the whole force moved to Fort Drane, when General Gaines, in consequence of previous orders received by him to repair to the frontier of Louisiana, turned his command over to General Clinch, and left Florida. About this time General Scott reached Fort Drane, for the purpose of prosecuting the war according to his plan of operations.

With a considerable force of regular troops and volunteers he marched into the Indian country, in three divisions, one conducted by General Clinch, from Fort Drane, one by General Eustis, from Volusia, and another by Colonel Lindsey, from Tampa bay, concentrating on a point near the Withlacoochee, where the Indians were believed to be imbodied. After a fruitless search for the enemy, the three divisions finally concentrated at Tampa bay, where finding the term of service of the volunteers had nearly expired, and the season near at hand when, in the opinion of General Scott, it would, on account of the insalubrity of the climate, be unsafe longer to keep the field, he determined to return with his troops through the Indian country bordering on the Withlacoochee, still with a hope of finding the Indians and bringing them to battle. But again failing to do so, General Scott ordered the volunteers to be discharged, and distributed the regulars in positions proper to cover the frontier, and at the same time to give repose to them after the fatigues and sufferings of long and painful marches. General Scott returned to St. Augustine, and there learning that hostilities had broken out among the Creek Indians in Georgia and Alabama, left Florida about the 21st of May, and repaired, according to orders previously received by him from the War Department, to Columbus, in Georgia. Not knowing whether General Scott, in consequence of his ill health as reported by him, would be able to take the direction of affairs in the Creek country, brevet Major General Jesup was in the month of May invested with the command, and charged with the removal of the Creeks to the lands allotted them beyond the Mississippi. In order to enable him to carry into effect his instructions, authority was given him to call out a suitable volunteer force from the adjoining States and Territory, all the remaining troops on the seacoast, including the marine corps, were placed at his disposal, making a force in regular troops of about 1,500 men, and of volunteers 9,000. Generals Scott and Jesup met at Columbus, and there concerted and arranged the plan of operations. It being determined by the Executive to leave the direction of the Creek affairs in the hands of General Jesup, General Scott was, on the 28th day of June last, recalled, when he resumed the command of the Eastern department. General Jesup, having a competent force, caused the hostile Creeks to submit; and having fulfilled the object of his appointment, he discharged all the volunters except the Tennessee brigade, amounting to about 1,500 mounted men, and the regular troops, which he retained for prosecuting the war against the Seminoles, under Governor Call, of Florida, who had been invested with the command of the troops in Florida, and charged with the conduct of the war in that quarter.

Whilst preparations were making for entering Florida with additional troops, several handsome affairs took place between the regulars and the Indians, in all of which the regular force was successful against superior numbers, especially at Micanopy and Fort Drane.

General Jesup was directed to assume the command in Florida as soon as he could accomplish his arrangements for sending off the Creeks to the westward; but his instructions, by some accident, did not reach him. He, however, met Governor Call at Tallahassee in the month of September, when the Governor offered to resign to him the command; but as the Governor had made his arrangements for the campaign, General Jesup declined taking the command, but entered into the views of Governor Call, and consented to act with a body of troops in aid thereof.

On the 19th day of September, Governor Call, with the Tennessee mounted volunteers, and about one hundred and forty Florida militia, marched to Suwannee Old Town, with ten days' rations. He was met at Fort Drane by brevet Lieutenant Colonel Pierce, of the regular army, with a supply of provisions for about seven days more, and 160 men of the regular army, who had been stationed at Garey's ferry. On the receipt of this supply, Governor Call made a forward movement to the Withlacoochee, when his advanced parties skirmished with the Indians, but owing to the rise of the waters of that river, it having overflowed its banks, the troops were unable to ford it.

Governor Call finding his supplies of provisions short, and having no depots established in the country, he was obliged to retire upon Fort Drane with his whole force. The regular troops, and the friendly Indians under Captain Lane, who afterwards joined him, he retained in that position, and sent the Tennessee brigade to Garey's ferry, until he could establish his depots of provisions more in advance, and resume offensive operations.

While Governor Call was on his march to the Withlacoochee, General Jesup was using his endeavors to send the regular troops, marines, and the regiment of friendly Creeks above mentioned, to Tampa bay; but, owing to the fall of the water in the Appalachicola, the transports could not navigate that river without great difficulty and a considerable loss of time. The friendly Indians under Captain Lane, however, with a small detachment of regular troops, reached Tampa about the 5th of October, and proceeded towards the main body under Governor Call, and having passed through the Seminole country, joined that officer at Fort Drane. General Jesup had been in the mean time to Tampa, but finding there but few supplies and no means of transport, returned to St. Mark's and ordered from New Orleans the necessary supplies and equipage, and by our last advices is using his endeavors to get on the remaining troops, consisting of the marine corps and detachments of the regular army.

The troops on the Northwestern frontier have been in motion from the Mississippi to the lakes, within the Wisconsin Territory, with a view of producing some effect on the Winnebago and other tribes of Indians in that quarter, said to be disposed to be mischievous, but have resumed their respective stations. These movements had the desired effect.

In the month of January Major General Gaines was ordered to the western frontier of Louisiana, to assume the personal command of all the troops of the United States employed in any part of the region adjoining the Mexican boundary, and in February, the 6th regiment of infantry was ordered from Jefferson barracks to Fort Jesup, a post within 25 miles of the Sabine, with a view of protecting the frontier from the incursions of the Indians, and at the same time to keep peace among the Indian tribes themselves, which inhabit the adjoining country.

Instructions were also given to General Gaines to fulfil the treaty stipulations entered into between Mexico and the United States in reference to the Indians on the Western frontier, whether belonging to the territory of the United States or Mexico, and especially to maintain a strict neutrality in regard to the contending parties in Texas.

From information received by General Gaines that the Indians meditated hostilities, he conceived it his duty to call on the Executives of Louisiana, Mississippi, Tennessee, and Alabama, for a force consisting of three brigades and one battalion, to aid him in maintaining peace on the frontiers, and repelling any attack from the Indians. Shortly after, finding that he had been deceived in reference to the intentions of the Indians, he recalled his requisition for militia on the States above mentioned, before they could be imbodied.

At a subsequent period, General Gaines becoming convinced that the necessity of a military force on the frontier did actually exist, repeated his requisition for militia, which proceeding being disapproved by the President, they did not march to the frontiers. The General, however, as a precautionary measure, ordered the squadron of United States dragoons, and six companies of the 7th regiment of infantry stationed at Fort Gibson, to march to Fort Towson, on the Red river, where they arrived about the 17th of May, and finally pushed these corps in advance, as far as Nacogdoches, where they still were at the last reports from that place, dated in September. A camp was also formed on the left bank of the Sabine.

From the reports received from the commanding officer of Nacogdoches, he is of opinion that there is no necessity for the continuance of the force at that place; and from the views taken of the state of affairs on the Mexican frontier by the general officer who has succeeded General Gaines in the immediate command in that quarter, and the instructions he has received, the belief is entertained that, by this time, the United States troops at Nacogdoches have been withdrawn and returned to their respective stations within our border.

By instructions from the War Department, brevet Brigadier General Wool was directed to proceed to the Cherokee country, with a view of settling the difficulties and allaying the excitements which prevailed among different parties of that tribe, lest they should eventually lead to open rupture. A competent force of volunteers was placed at the disposal of General Wool to check any irregularities, and to maintain order. General Wool is still on that duty, but with a very limited force, having brought matters to such a state as not to require more at present.

Early in the season, Inspector General Wool made a tour along the coast, and inspected the troops and arsenals, and reported favorably of their condition; but having been ordered to the Cherokee country to take charge of affairs there, as well as the command of a portion of the volunteers called into the service of the United States, his inspections have in consequence been limited. Inspector General Croghan is now on a tour of inspection up the Mississippi, and along the Western frontier; no report has, as yet, been received from him.

I feel it my duty to report to the War Department the insufficiency of the present military establishment for the purpose of protecting the frontiers, and garrisoning the forts on the seacoast, and of performing the many and arduous duties required of the troops. It was proposed at the last session of Congress to increase the army by augmenting the rank and file, so as to make the whole number ten thousand men; and, at the instance of the Secretary of War, I submitted a project for that purpose, dated the 7th of March, 1836, which was communicated to Congress by him on the following day, and to which I beg leave to refer.

The regiments of artillery and infantry have, since the late war with Great Britain, been placed on the lowest possible establishment as to rank and file, consistent with a regard to the preservation of military knowledge and discipline among them; but for operations in the face of an enemy, the rank and file were reduced too low for any efficient service, a company of artillery having, when full, only forty-eight rank and file, and that of the infantry forty-six. Taking into consideration the short period of enlistment, which is now three years; the fatigue and exposure of the troops when in the field, which is for the most part in wilderness countries, where there are to be had no other comforts than those they carry with them; the diseases to which they are subjected by constant exposure, especially in insalubrious climates, without reckoning the casualties of war, it is not to be expected that any company will be able, one month after taking the field, to present, under arms, more than two-thirds of its original number; for, independently of the casualties just alluded to, the soldiers of the regular army are obliged to become the drivers of the trains of artillery, of provisions, and of other supplies, as well as the laborers on all occasions where labor for the service is required, as no troops for these special duties are provided by law in the American army as are in other services; and experience has proved, wherever militia and volunteers have been called into the service, that these duties have devolved on the regular troops. I would then recommend, in order to render the army efficient and capable of performing all the duties required of it, as well as on the score of economy, that every company of artillery and infantry be augmented to one hundred rank and file, so that there may always be in each regiment for duty, *with arms*, a respectable force.

I would also respectfully submit to your consideration the propriety of increasing the number of officers in the Engineer department, including the topographical engineers, in the Ordnance department, and in the Quartermaster's department. The duties required of these several staff departments have been so extensive and multifarious that they have not been able to perform them without the aid of a great number of officers from the line of the army, and consequently has measurably diminished the efficiency of the regiments from which these officers have been withdrawn. It would be better, in my opinion, to provide at once a sufficient number of officers for the several branches of the service, and to organize them into distinct corps or departments, so that, being constantly employed on one duty, they will be better acquainted with that duty, and more competent to perform it. The chiefs of the several branches of the staff will, in their reports, indicate what is required to render their respective branches of the service most efficient.

In closing this report, I beg leave to draw your attention to the fact that there is no provision made by law for the widows and orphans of the officers of the regular army who may die in consequence of wounds or diseases contracted by exposure in the service; while there is a provision of that nature for all other descriptions of troops, whether militia, rangers, sea-fencibles, or volunteers, as will appear by the act of the 4th July, 1836. There are the widows and orphans of several meritorious officers and soldiers to whom the extension of the provisions of that law would be a great relief, and I trust that you will see the justice of urging on Congress the application of that law to the members of the regular army.

I have the honor to be, very respectfully, sir, your most obedient servant,

ALEXANDER MACOMB,
Major General, commanding in chief.

To the Hon. B. F. Butler,
Secretary of War ad interim.

LETTER OF THE ADJUTANT GENERAL.

Adjutant General's Office,
Washington, November 26, 1836.

Sir: The importance of the subject, I trust, will justify me in respectfully requesting your attention to the correspondence of your predecessor, Mr. Cass, with Mr. Preston and Mr. Goldsborough, of the Senate, and members of the Committee on Military Affairs, relative to the proposed augmentation of the General Staff, when the new bill for increasing the army was under revision in June last. The correspondence referred to, and the incipient measures then taken by the Secretary of War, will be found on the records of the War office. As the time and occasion for a recurrence to this subject appear to be proper, it may be also useful now briefly to advert to former organizations of the general staff of the army; since a retrospect to the well-adjusted systems, under obsolete laws, may serve to show the importance of the Adjutant General's department of the staff at former periods of the service, and now aid in forming a more just estimate of its usefulness and relative value.

After various modifications of the general staff pending the declaration of and during the late war with Great Britain, the act of March 3, 1813, provided for one adjutant and one inspector general of the army, with the rank of brigadier general, and eight adjutants general of division, each with the rank of colonel of cavalry. The duties of a division adjutant general were limited to the particular division in which he served, while those of the adjutant and inspector general extended to the entire army; being then, as the adjutant general now is, stationed in the War office, and then an indispensable functionary of that department of the Executive Government. The Inspector's department consisted of eight inspectors general, each with the rank of colonel of infantry, and sixteen assistants, with the rank of major. (*See organization No.* 1 *of the table.*)

At the close of the war, in 1815, nearly the entire staff of the army was abolished; but such were the requirements of the public service, that President Madison provisionally retained such branches of the staff as were deemed to be indispensably necessary for the service. Of this provisional staff, so retained, were the adjutant and inspector general of the army, and two adjutants general of *division*, each of whom was assigned to one moiety of the army for duty with the troops, under the orders of the respective commanding generals, while the principal staff officer, with the rank of brigadier, continued to discharge his important functions in the War office. The act of April 24, 1816, confirmed the provisional arrangement of the President; and the staff, retained in virtue of his authority, was now incorporated in the permanent peace establishment. (*See organization No.* 2 *of the table.*) This organization of the staff, under the confirmatory act of 1816, was still less perfect than it should have been; and, among other improvements, as seen by the act of the 14th of April, 1818, it was further completed by the addition of another important officer, that of quartermaster general of the army, with the rank of brigadier; and, like the adjutant and inspector general of the army, he was also assigned to duty in the War office. (*See organization No.* 3 *of the table.*)

This efficient and harmonious system, which the experience of the war with Great Britain, and six years' subsequent peace, had tested and matured, continued in successful operation until the reduction of the army in 1821, when the whole structure was greatly disturbed and impaired. The department of orders and military correspondence, of inspection, instruction, &c., was reduced, dismembered, and nearly broken up. The incumbents were all disbanded, namely, the adjutant and inspector general of the army, the two adjutants general of division, and their four assistants; and, in lieu of these, *one* adjutant general was retained, on whom devolved all the duties of the central office of orders and military correspondence in the War Department, with the reduced rank of colonel, being the precise grade of the staff officer which had been deemed, formerly, to be *no more than requisite* for a single division of the army.* The only staff officers of the adjutant and inspector general's department retained for habitual duties with the troops in the field, or in garrison, were the division inspectors general, whose services generally alternate between the Eastern and Western departments, a geographical arrangement analogous to the previous North and South divisions of the army. The four assistant inspectors were also disbanded under the act.

It cannot be doubted that the public service has suffered, and continues to suffer, for want of an adequate staff for service in the field, and habitual duty with the troops. This has been demonstrated in our recent military operations; and the lamentable deficiency, both in number and of the *proper description* of staff officers at every point where troops, whether regular or militia, have been concentrated, or been put in motion, is too palpable, and ought not to be doubted by any whose duty it may be to know the wants and understand the true condition of the army. The military operations under Generals Gaines, Scott, Jesup, Clinch, Eustis, &c., and various official reports, show the destitute state of the service as to the inadequacy of the adjutant general's, inspector's, and quartermaster's departments of the staff in the field. Like the diseases of the human body, which baffle the skill of the ablest physician when concealed by the timid patient, so, if the wants of the army be kept out of view, or remedial measures be unessayed, then the evils so long felt, and now much complained of, by officers of experience and known devotion to the public weal, can never be cured. In order, therefore, to illustrate this subject, and with the view to spread some facts before you, I beg leave to make the following extracts from my communication to the Secretary of War dated the 26th of June, 1836: "While at St. Augustine, in command of the army in Florida, Major General Scott was without a single officer for duty in his personal staff, no one to act as adjutant general, or even to perform the duty of aid-de-camp. And, more recently, on changing the scene of his operations to the Creek nation, that general has been compelled, from the necessity of the case, to seize upon that excellent officer, *Paymaster Edmund Kirby*, (who is always ready and ever amongst the first for active service with the troops,) and assign him to the performance of duty in almost every branch of the staff. He is, at the same time, his adjutant general, his inspector general, his aid-de-camp, and has performed duty as quartermaster and commissary, has mustered in and out of service, and paid the militia; all this, when the execution of his appropriate duties, assigned him by the Paymaster General, required his presence elsewhere."† "In another point of the frontier, the Southwest, Major General Gaines, in his communication to the Secretary of War, dated Camp Sabine, 20th of April, writes: 'At this moment I know not an officer or soldier sufficiently acquainted with the *topography* of this whole line of frontier, to be able to conduct a single day's movement upon it, without the risk of

* For superadded duties, see Adjutant General's report made to the Secretary of War, dated April, 1836.

† About this time (the month of June) the aggregate force under the orders of General Scott in Georgia and Alabama exceeded 10,000.

suffering severely from an enemy better acquainted with the country.'" "The same distinguished general, in another communication to the Secretary of War, dated the 10th of May, states: 'I avail myself of the occasion to request that legal provision may be recommended by the President, which will enable me to have an *assistant adjutant general and an assistant inspector general permanently attached to my staff*, by which means I should have, in the appropriate way, the services of my aid-de-camp, and be thereby relieved of much of the sedentary labor of copying, and of many other duties such as usually, in all respectable armies, devolve upon aids-de-camp, but which have long occupied much of my time.'"

In his communication to the adjutant general of the 17th of October, 1835, being then in command of all the troops serving in Florida, brevet Brigadier General Clinch states that "It is now nearly twelve months since I was placed in command of the troops in Florida, during which time I have had no staff, not even a private with me, whose services I could claim, except as a matter of courtesy. A colonel commanding a regiment has his regimental staff, to aid him in the discharge of his duties; I, however, whilst assigned by the general-in-chief to an *arduous and important* command, have not even a confidential private to copy my letters and orders."

And in his letter of the 16th of May, from St. Augustine, brevet Brigadier General Eustis writes that, "Major General Scott being still indisposed, and *having no staff officer with him*, has directed me to address this to you."

The like destitution of the service is seen at other points; and the consequences are now injuriously felt by brevet Brigadier General Arbuckle, on whom has devolved the highly responsible command of the Southwestern army, and the general direction of affairs on the frontiers of Louisiana and Arkansas. And that officer has neither assistant adjutant general nor inspector; even an aid-de camp, it is said, is not allowed him by law.

To the testimony of the experienced officers above mentioned I must now add that of my own, relative to the central office of the adjutant general of the army, pertaining to the War office, and as established at the seat of Government. And I deem it useful to remark that, for want of the proper denomination of officers of the Adjutant and Inspector General's department in the field—officers who from habit and experience are conversant and familiar with the practical duties of this branch of service—no monthly return of all the forces serving in the Creek nation, or in Florida, has been received from any commanding general of either army; and the War office is now destitute of these important returns, which are not only now necessary for present use, but are also required for the archives of the Department.

To supply these obvious wants of the service in the department of orders and military correspondence, to ensure better accountability with reference to the *personnel* of the army, and of the militia when in the service of the United States, the rendition of exact returns and reports enjoined by the articles of war and general regulations, and of musters and inspections of the troops, militia as well as regulars, I respectfully submit for your consideration the expediency of requesting legal provision for the appointment of eight assistant adjutants general, four of whom to be of the *brevet* rank of major, and four of the *brevet* rank of captain of cavalry, each with the pay and emoluments of their respective cavalry grades; provided that they shall also perform the duties of assistant inspectors general, when the exigencies of the service may require. Even in a state of peace and perfect tranquillity at every point of our widely-extended Western frontier, yet ever liable as these are to be disturbed, the public interest now, and at all times, requires the habitual services of not less than five or six of the class of staff officers herein proposed to be provided for. Of this class, two should always be on duty with the commanding general of the Western department; one, but preferably two, should serve under the orders of the general commanding the Eastern department; and the presence of one, if not two, with the officer, of whatever rank he may be, charged with the immediate command and conduct of affairs on the Southwestern and Western frontiers, is indispensably necessary. To ensure *exact uniformity and regularity of official action* in the central office of orders, military correspondence, and of the initiatory duties relative to "military commissions" in the War Department, it is also necessary that one assistant adjutant general, but *preferably two*, should be assigned to duty there, in lieu of the two officers which the necessities of the case, now, and for several years past, require to be taken from their regiments for duty as acting assistants to the adjutant general of the army.

As the number of officers of the line is fully adequate, in my humble opinion, to furnish the offices necessary to fill appointments in the staff which may be clothed with *rank* in the army, I respectfully recommend that the provisions of the 4th section of the "act for the better organization of the general staff of the army," approved March 3d, 1813, be made applicable by law to the assistant adjutants general, should authority for their appointment be granted by Congress.* A recurrence to this salutary practice, adopted in time of war, and continued until very recently, will not only best subserve the *public* interest in every military point of view whatever, but, widening the field by guarantying promotion in the line, would thereby enable the Executive to make the best selections for all subordinate staff appointments. For, it should not be doubted, if subordinate appointments in the staff be only granted at the price of the regimental commission, the *most competent*, active, and aspiring young officer, who regards the army as his profession, and who looks forward to the chances of better advancement and higher rank in the line than can be opened to him by any staff organization, would reject unhesitatingly the boon at such a sacrifice. This is no fiction, for the records show that the case has occurred. Again, if economy is to be at all regarded, (and it may perhaps be the least considered in any question of the public good,) the additional annual expense of the assistant adjutants general, if taken from the line, would only be $7,524, being the difference of pay between the grades in the line and the staff, supposing the eight staff officers herein proposed to be taken equally from the captains and subalterns. If these eight staff appointments be not based upon commissions in the line, then the requisite annual appropriation would be $15,100.

In affirming that the number of officers of the line is adequate to the supply of staff appointments which may confer *rank* in the army, the opinion should be qualified with the proviso that the employment of the officers of the line away from their regiments and companies should be restricted to the military staff of the army proper, and that the practice of assigning them to any description of business not congenial to the spirit and character of military duty proper be discontinued. I may here appropriately remark that, to the *long separation*† of so many officers from the troops, and their consequent estrangement from all military duty by reason of their more civil vocations, which gradually but surely allure them to other pursuits, in the reasonable hope of better fortune than can await them in the army, should they return to it, may probably

* Vide table A and "Remarks."

† There are instances of officers being separated from their companies for ten, twelve, and even fifteen years, and there are also instances of officers holding commissions in the army for several years who resigned without ever having joined or performed any military duty with the army.

be ascribed as one of the causes of many of the resignations tendered during the present year. Of the number of officers absent in the interior whose civil pursuits may have been interrupted, had they joined their regiments on the frontiers when required to do so by recent orders, many resignations were tendered almost immediately on receiving the order, and others were forwarded almost immediately after complying with its first mandate.

The right of an officer to quit the army, under ordinary circumstances, with a view to the improvement of his fortune and prospects in life, may not be doubted; but the policy of our system (now beginning to be corrected by "general order" 69, of October 15) which separates him for years from the line of his profession, and employs him on business which teaches him so to rate the value of his commission as often to throw it up, when remanded to his regiment under any requirement of the public service, must be admitted to be greatly at variance with the true interest and primary object for which it is presumed that the army was created and destined to subserve. And if this system of indiscriminate and onerous detail of so many officers for business, which estranges them from the line of their professional duties, be continued, the army certainly must become less and less efficient for active field service, at any crisis which may arise. In respectfully adding, incidentally, these remarks, I speak as one who looks only to the efficiency of the army, with a view to the fulfilment, in the best manner, of all the high duties which it may be supposed to owe to the republic, as an institution for whose military service it was created, and by which its members have been educated with a view to the national defence.

I respectfully submit, herewith, table A, which may be useful for general reference, as it comprises a relative view of the three branches of the general staff at the several periods of our military history therein specified, to wit: 1st. During the late war, or, according to the act of March 3, 1813; 2d. After the first years of peace, as provided by the act of April 24, 1816; 3d. As altered and increased by the act of April 24, 1818; 4th. As reduced and dismembered by the act of March 2, 1821; and, 5th. As provided for by existing laws.

My remarks relative to the proposed increased staff, it will be seen, are, for proper reasons, restricted to the Adjutant General's department, as the wants in other branches have doubtless been communicated by the respective chiefs, who best understand the description and measure of all necessary augmentation.

I am, sir, with great respect, your obedient servant,

R. JONES,
Adjutant General of the Army.

The Hon. B. F. Butler,
Secretary of War.

TABLE A.

Tabular statement of the number and rank of the commissioned officers of the Adjutant General's, Inspector's, and Quartermaster's departments of the staff of the army, having military rank at the several periods of the service designated by the acts authorizing the several organizations.

Period of organization, and date of act.	Adjutant General's department.				Inspector General's department.			Quartermaster General's department.					
	Adjutant and inspector general, with the rank of brigadier general.	Adjutants general, with brevet rank of colonel of cavalry.	Assistant adjutants general, with the brevet rank of major of cavalry.	Total.	Inspectors general, with brevet rank of colonel of infantry.	Assistant inspectors general, with the brevet rank of major of cavalry.	Total.	Quartermaster general, with the rank of brigadier general.	Quartermaster general, with the brevet rank of colonel of infantry.	Deputy quartermaster general, with brevet rank of major of cavalry.	Quartermasters, with rank of majors.	Assist't dep'y quartermaster general, with brevet rank of captain of inf'y.	Total.
No. 1.—March 3, 1813	1	8	16	25	8	16	24	–	8	8	–	32	48
No. 2.—April 24, 1816	1	2	4	7	2	4	6	–	2	2	–	4	8
No. 3.—April 14, 1818	1	2	4	7	2	4	6	1	–	2	–	16	19
No. 4.—March 2, 1821	–	1	–	1	2	–	2	1	–	–	2	–	3
Provided by existing laws	–	1	–	1	2	–	2	1	–	–	4	–	5

REMARKS.

1. All the officers of the Adjutant and Inspectors' General department, during the war and after the peace, inclusive of March 2, 1821, when the peace establishment was reduced, held rank in the army, except the adjutant and inspector general of the army, in virtue of commissions by brevet. 2. According to the provisions of the act of March 3, 1813, the quartermaster general, attached to the principal army, held the brevet rank, &c. of brigadier general. 3. Of the sixteen colonels of the staff, of whom eight were adjutants general, and eight inspectors general of division, all, except three, were taken from and held rank in the line of the army, cotemporaneously with their commissions and brevet rank in the staff, according to the provision of the fourth section of the "act for the better organization of the general staff of the army," approved March 3, 1813; and the thirty-two assistant adjutants and assistant inspectors general, having the brevet rank of major, were required by the act to retain their regimental commissions.

REPORT OF THE ACTING QUARTERMASTER GENERAL.

QUARTERMASTER GENERAL'S OFFICE,
Washington, November 22, 1836.

SIR: In compliance with your present order, I have the honor to submit a report of the operations of the Quartermaster's department during the first, second, and third quarters of the present year; and, as heretofore, to make it more complete, the fourth quarter of the last year is included.

By the last annual report, which embraced, in part, the operations of the third quarter of the year 1835, the balance remaining in the hands of disbursing officers, for which accounts had not then been rendered, was $162,126 16

To which is to be added—

1*st. Remittances.*

In the 4th quarter of 1835 -	$220,729 58	
In the 1st quarter of 1836 -	574,296 02	
In the 2d quarter of 1836 -	804,375 62	
In the 3d quarter of 1836 -	1,452,626 50	
		3,052,027 72
2d. The proceeds of the sales of public property become unfit for service or no longer required for public use, and rents received for public grounds and buildings not required for military purposes - -		19,778 49
Making the total to be accounted for -		3,071,806 21

Of which the following sums have been accounted for:

1*st. By expenditures, viz:*

In the 1st, 2d, and 3d quarters of 1835, the accounts for which were received after the date of last annual report -	$28,650 90	
In the 4th quarter of 1835 -	202,141 26	
In the 1st quarter of 1836 -	446,694 77	
In the 2d quarter of 1836 -	619,615 09	
In the 3d quarter of 1836, so far as the accounts have been received - -	692,766 18	
		1,989,868 20
2d. By payments into the Treasury, and warrants rendered unavailable by the casualties of service, returned and cancelled -		80,399 30
Making the total accounted for during the fiscal year - - - -		2,070,267 50
And leaving a balance in the hands of disbursing officers, to be hereafter accounted for, of - - - - -		1,001,538 71

The outstanding balance is unusually large, but it will be observed that the fiscal operations of the year have exceeded three millions of dollars. It results, in part, from the heavy remittances which were necessarily made towards the close of the third quarter, the employment of irregular agents, and the difficulty of rendering accounts promptly during active operations.

In consequence of the want of officers for active service in the field, most of the public works under the direction of the department at the date of the last report have been necessarily suspended during the present year. But little progress has, therefore, been made with them; nor can they be resumed or prosecuted to advantage, under existing circumstances, with the present limited number of officers at the disposal of the department.

It became necessary, early in the season, when operations had just been commenced, to withdraw from the Delaware breakwater the officers charged with superintending the construction of that important work, and no alternative presented but to seek relief from it altogether. It was, accordingly, with the sanction of your predecessor, transferred to the Engineer department.

The total amount of the various appropriations which had been made for that object, prior to its transfer in June last, is $1,530,000 00

Of which there was expended by the Navy Department, while the work was under its direction - -	$10,804 36	
And by the Quartermaster's department - -	1,454,813 61	
Making the total expended -		$1,465,617 97
And leaving a balance, subject to the disposal of the Engineer dpartment, of -		$64,382 03

The operations on the various roads in Arkansas were suspended in the month of August; the services of the officer charged with their superintendence being required at one of the military stations, in consequence of thec ollection of troops on the Sabine frontier. Considerable progress, however, had been made with these works prior to their suspension, and it is believed that the balances of the appropriations applicable to them had been nearly expended before the operations ceased. I have not deemed it my duty to estimate for any further appropriations for those roads. They are chiefly in the interior, connecting places of but little importance, and having no relation to military operations, may now, with propriety, it is thought, be committed to the superintending authority of the State.

A detachment of sixty men, detailed from the army, were placed at work in February last, on the road leading from Fort Towson to the northern boundary line of Louisiana. The party was withdrawn in June, in consequence of the approach of the sickly season in that country, but it had passed over eighty-five miles of the road, making the necessary repairs, and rebuilding the bridges over the principal streams. The work was probably resumed early in the present month, and will be prosecuted through the season as rapidly as circumstances will permit.

The road from Fort Howard, at Green bay, to Fort Crawford, at Prarie du Chien, in the Wisconsin Territory, has been in progress by the labor of the troops during the present season, and has probably been completed by this time, as well as the limited appropriation made for that object would authorize. This road, passing as it does by Fort Winnebago, and thus connecting three of our military posts, is deemed of high importance in its relation to the defence of that frontier, and a further appropriation is recommended to give it a more perfect finish, and to keep it in repair.

Appropriations were made at the last session of Congress for continuing the improvement of several rivers in Florida, and there were unexpended balances remaining of former appropriations for various roads there. The active military operations which have been carried on in that Territory during the whole season, have necessarily suspended such of those works as were in progress, and prevented any measures being taken to commence others. Nothing can be done towards those objects until hostilities shall have ceased there, and quiet be restored to the country.

The various appropriations made for other special objects coming under the authority of the department, have been put in a course of application, with the following exceptions, namely: That for the removal of the troops from Fort Gibson; that for barracks at Fort Jesup; and that for a wharf at Fort Wolcott, at Newport, Rhode Island. In reference to the first object, the department awaits the action of higher authority in selecting the new position which is to be occupied, before the arrangements connected with

the building operations can be made. The second has been suspended, upon the suggestion that Fort Jesup, being twenty-five miles from the Sabine, is too remote from the frontier, and that a more advanced position would probably be occupied. As the appropriation is specifically for Fort Jesup, legal provision will be necessary to authorize its expenditure elsewhere; and as accommodations are much wanted for the troops on that frontier, I submit the expediency of obtaining authority to apply the appropriation to the erection of barracks and quarters at such place in the vicinity of Fort Jesup as it may be deemed proper to occupy. The wharf at Fort Wolcott has been postponed for want of an officer to attend to its construction.

Charged as I am but temporarily with the direction of the Quartermaster's department, I feel restrained from making many suggestions in relation to it, which would come with more propriety from its chief, now absent on a high and important command; but there are some that I cannot omit consistently with a faithful discharge of the trust confided to me. The necessity for an improved organization of the department is one of them. This has been represented heretofore to your predecessor, and was by him brought before Congress at the last session. It is now my duty to repeat the suggestion, and to urge it with earnestness.

There is, perhaps, no country, considering the relative force, where the duties of the Quartermaster's department are so arduous as they are in our own; especially in conducting our Indian wars. It necessarily results from difference of circumstances. In highly-improved and thickly-settled countries, where the facilities of transportation are great, and the means of supply abundant, there cannot be much difficulty in moving and supporting armies; and, even in our own country, on the Atlantic border, and on the great lines of communication in the West, where those advantages exist, the difficulty is comparatively small. But these are not the scenes of our Indian wars. They lie beyond the frontier; in the swamps and fastnesses of the wilderness, far removed from the sources of supply; and the heavy task of moving and sustaining our armies under these circumstances, belongs to the Quartermaster's department.

Experience had shown that the present organization, both as to number and grades, was barely sufficient to meet the demands of the service ten years ago, when the army was measurably inactive. It is altogether inadequate now to a proper discharge of the heavy and important duties which devolve upon the department under present circumstances, when not merely the regular army, but large masses of volunteers and militia, are called into active service. During the present year there have been four separate armies in the field, mustering from two to ten thousand men each, and operating under circumstances involving great difficulties in regard to transportation and supplies; and, considering our extensive and complicated Indian relations, a similar state of things will, in all probability, too often recur. If it be supposed that the present organization of the department, whose executive officers consist of but four majors, six captains, and fourteen lieutenants, drawn from the line, is equal to such an emergency, it is undoubtedly an error.

Prior to the year 1818, there were division quartermaster generals, with the rank of colonel, who were executive officers, and attended the army in the field when occasions required. In my humble judgment, there has not been a period since the war of 1812, when the necessity for such officers was half so urgent as it is at the present time. There is now no executive officer whose rank is sufficient to give him precedence in his own department in a campaign; and the case has twice occurred recently, where the quartermaster general of a territory, by virtue of his superior rank as colonel, became entitled to the chief direction of the operations of that department of the staff by whose agency the army was to be moved and supported—a duty second only in importance to the chief command. I submit whether it is right that the advantages of twenty years' experience in the details of the department should thus be measurably lost to the service for want of adequate rank to render it available.

By an act of the last session of Congress, ten thousand volunteers were authorized to be received into service, and the duty of moving and supplying these also devolves upon the Quartermaster's department. It must be obvious that, in proportion as an irregular and temporary force is substituted for a regular and permanent one, so is the necessity for an increased regular staff, especially in that department which is to move and supply the army. It will be found the surest, if not the only means of rendering that description of troops efficient, and of enforcing any thing like system and economy in their operations.

I would, therefore, without entering further into the details of the subject at this time, respectfully recommend that at least four officers corresponding with the former division quartermaster generals, and two quartermasters and eight assistant quartermasters, be added to the present organization of the department, the whole to be separated from the line; and also that provision be made for a limited number of forage and wagon masters, whose services are so important at the large depots of forage and in conducting the wagon trains. The expense would not be worth a moment's consideration when compared with the military advantages alone which would result from the improvement; but it would, in fact, be a measure of wise economy.

Another point to which I would ask your attention is the necessity of having the duties of the department prescribed and limited by law. Inadequate as it is, with its present organization, to do justice to its own appropriate duties, it is nevertheless burdened with duties appertaining to other departments of the service, involving much labor and heavy pecuniary responsibility. Among these are the payment of Indian annuities and the purchase of supplies for the department of Indian affairs, amounting, in the present year, to near eight hundred thousand dollars, not included in my report, and which is disbursed at great risk by the officers of the Quartermaster's department, without compensation. This business has no connexion with the military service; and as it frequently requires the officers to quit their stations, and leave their own duties to be performed by agency during their absence, it is clearly incompatible with their primary obligations, and they should, therefore, be relieved from it; but if they must continue to be charged with it, I trust that some compensation will be provided for them. It has already been the subject of complaint, which the following extract of a report from one of the officers engaged in that service will show is not without just grounds: "My Indian account (he observes, under date 11th October) for the last quarter, is over half a million of dollars, a great portion of which has been disbursed under circumstances that involved unusual risk of error and loss. It is unjust, I conceive, to subject officers to the hazard of being ruined or seriously embarrassed, without awarding them any corresponding remuneration." I will only add, in reference to this subject, that, apart from the objections stated, it is worthy of consideration whether the imposition of such heavy extra duties upon a public agent may not affect the validity of the bond given by him for the faithful performance of his own duties, and thus impair the security for the public funds.

A further source of embarrassment to the operations of the department is the liability of its officers to be called upon to make good the deficiences in other branches of the staff. Beside their subjection to duty in the Subsistence department, which, being of a kindred character to their own, occasions no serious inconvenience, it is provided by law "that, in addition to their duties in the field, they

shall, when thereto directed by the Secretary of War, purchase military stores, camp equipage, and other articles requisite for the troops;" and under this authority the officers of the department are frequently required, in active service, to provide large supplies of camp equipage, to purchase medicines and hospital stores, and occasionally arms and ammunition—duties which they are not altogether prepared for by their ordinary pursuits, and which have the injurious effect of diverting to other objects the funds provided to meet the engagements of their own department.

In the distribution of the mass of duties appertaining to the staff of the army, the governing principle, I humbly conceive, should be the greatest subdivision consistent with the preservation of unity and concert of action. From the extent of the extra calls which are made upon the Quartermaster's department, a doubt may well be entertained whether the adjustment of the relative duties of the several departments, which was supposed to constitute the chief merit of the system, has been so fully attained as is desirable. It is at least questionable whether a department whose own duties are arduous, and on the prompt discharge of which so much depends, should be subjected to so wide a range of responsibility for other branches of the staff. But if the necessities of the service shall be deemed to require a continuance of this feature of the system, it forms a strong additional reason for the improved organization which is herein suggested.

I have the honor to be, sir, your most obedient servant,

T. CROSS,
Major, acting Quartermaster General.

Hon. B. F. Butler, *Secretary of War ad interim.*

REPORT OF THE COMMISSARY GENERAL OF SUBSISTENCE.

Office of the Com'y Gen. of Subsistence,
Washington, December 6, 1836.

Sir: In compliance with directions from the Department of War of 9th September ultimo, I have the honor to submit a statement of the moneys remitted and charged to contracting and disbursing officers of the department for the 1st, 2d, and 3d quarters of the year, together with the balances in possession of the latter on the 31st of December, 1835, amounting to - - - - $1,082,164 33

To which is to be added the balances due them on the settlement of their accounts 46,923 77

1,129,088 10

The amount accounted for is - - 984,282 44

Leaving a balance of - - - 144,805 66

From which is to be deducted this sum, charged to contractors, as the difference in price of stores purchased to supply deficiencies on failures - - - $539 61

Balance due by Lieut. Allston at the period of his decease - 610 97

Balances in the hands of assistant commissaries who made no disbursements in 1836 - - 260 00

And the amount remitted late in the 3d, for expenditures of the 4th quarter - - 64,200 00

65,610 58

Leaving - - $79,195 08

actually in possession of the disbursing officers of the department, applicable to the expenditures of the fourth quarter of the year.

Of 142 officers disbursing the public money on account of subsistence for the first three quarters of the year, the accounts of eight only were not received at the completion of the statement, three have been rendered since, and the remaining five are those of officers actively engaged in the Indian campaign, which no doubt will be promptly rendered the moment that a relaxation from duty affords the proper opportunity.

The amount due by Lieutenant Allston at the period of his decease, it is believed, is sufficiently secured, and will eventually be paid; so that not a cent will be lost to the Government of the amounts remitted the present year.

The balance to the credit of the appropriation for subsistence, on the 31st of Dec'r, 1835, was - $208,954 85
The amount appropriated for 1836 - 495,400 00
Transfers authorized by acts of Congress - 133,372 64
Refunded from officers' accounts - - 8,780 31

Making a total of - - $846,507 82
Of which there remained in the Treasury on the 30th of September, 1836 - - 375,508 19

Making the amount drawn from that appropriation for the three quarters - - 470,999 63

The amount expended by the disbursing officers of the department, it will be perceived by the statement, is $984,282 44, being an excess of $513,282 82, which sum has been drawn from the various appropriations for suppressing Indian hostilities, which, being exhausted, the balance on account of subsistence will now be held strictly applicable to the purchase of such stores as may be required for all the troops of every description at present mustered into the service of the United States.

Very respectfully, your most obedient servant,

GEO. GIBSON, *C. G. S.*

Hon. B. F. Butler,
Secretary of War ad interim.

REPORT OF THE SURGEON GENERAL.

Surgeon General's Office,
December 2, 1836.

Sir: In consequence of the death of the late Surgeon General, by which melancholy event the service has lost one of its most valuable and meritorious officers, it becomes my duty to report the condition of the department over which he presided with so much honor to himself and advantage to the Government.

The amount advanced on account of the Medical department of the army during the first three quarters of the present year, has been eight thousand three hundred dollars; of which sum five thousand and ninety-one dollars and seventy-six cents have been expended, and for which accounts have been rendered and settled; leaving a balance in the hands of the disbursing officers of three thousand two hundred and eight dollars and twenty-four cents, and for which they are accountable.

The amount paid by warrants on the Treasury for claims presented and admitted during the same period, has been twelve thousand five hundred and twenty-four dollars sixty-one and a half cents. During the same period there has also been advanced to Surgeon Thomas G. Mower, the purveyor of medical supplies for the army, on account of Indian hostilities, eight thousand five hundred dollars, of which seven thousand one hundred and ninety-six dollars and one cent have been expended, and for which his accounts have been received and settled.

The annual medical and hospital supplies for the army were all transmitted in due time to the several posts, and received in good order, which, with the other property in charge of the officers of the department, have been fully and satisfactorily accounted for by the returns of the surgeons and assistant surgeons; from which it is also perceived that

the hospitals are all well supplied with every article necessary for the comfort of the sick, and of the best quality; and in consequence of the well-arranged system of responsibility which has been adopted and practised in relation to the supply as well as expenditure, the expenses of the department continue about the same as for the last year.

The whole number of cases which have been treated by the medical officers of the department, during the year ending the 30th of September last, has been fourteen thousand three hundred and fifty-six; of which number *only* one hundred and thirty-nine have died: of these, seventeen died at Fort Gibson, (fourteen in the fourth quarter of 1835,) seven at Fort Towson and vicinity, thirteen at Fort Jesup and vicinity, eight at Camp Sabine and Nacogdoches, five at Fort Mitchell, seventy-five at the different posts and stations in Florida, and fourteen at other posts.

Of the whole number of deaths, three were of yellow fever, twenty-five of remittent fever, two of typhus fever, ten of congestive fever, nine of intemperance, nineteen of consumption, thirteen of dysentery, nineteen of gunshot wounds, seven of gastro-enteritis, and thirty-two from other causes, (twenty of which occurred during the third quarter of the present year, at Camp Call, Suwannee Old Town, Florida, principally from yellow, remittent, and congestive fevers.)

The law requiring an examination by a medical board previous to appointment in the army, has proved of the greatest advantage, by securing that professional knowledge so essentially necessary to enable an officer of the Medical department faithfully to perform the important duties required of him.

Fifty-six applicants who were recommended as qualified for appointment have been authorized since the last annual report to present themselves for examination. Of this number, twenty-one failed to attend; seven, after presenting themselves, withdrew without an examination; and of the remainder, only thirteen were found qualified to receive the commission they had applied for; being less than one-fourth of those who had been authorized to attend.

The nature of the service requires that the examinations should be rigid; not only in relation to the professional requirements of the candidates, but also as to their physical qualifications and moral habits; for every surgeon and assistant surgeon in the army, from the very nature of the service, is at all times subject to be called on to decide in the most important cases, when so far distant from any settlement as to render it impossible for him to obtain any professional advice or assistance, which under similar circumstances in civil life would be resorted to.

I would respectfully call your attention to the present regulations relative to hospital stewards. There are no persons in the service who are so badly paid for their services (which are important and very arduous) as they are. It is essentially necessary they should be honest, intelligent, and sober; and such individuals, who are competent to compound and administer the medicines as prescribed by the surgeon, cannot be obtained for the present compensation. I therefore most respectfully suggest that a steward to an hospital, at a post of more than four companies, be allowed the pay, clothing, and rations of a sergeant of ordnance, and at all other posts the pay, clothing, and rations of the first sergeant of a company. For the propriety and necessity of asking an appropriation for repairing and erecting hospitals at the different military posts, I must refer you to the very full and lucid report of the late Surgeon General on that subject.

Very respectfully, your obedient servant,

BENJAMIN KING,
Surgeon General ad interim.

Hon. B. F. Butler,
Secretary of War ad interim.

REPORT OF THE PAYMASTER GENERAL.

Paymaster General's Office,
Washington December 1, 1836.

Sir: I have the honor herewith to lay before you a tabular statement showing the sums advanced to the several paymasters of the army from the Treasury, from the 1st day of October, 1835, to the 1st day of October, 1836; to which are added the balances remaining to be accounted for on the 1st of October, 1835; the amount unexpended and forming part of their estimates for the fourth quarter of 1836; the balances to be accounted for, and the periods to which the troops have been paid.

It was not until late in the season that the additional paymasters authorized by the act of last session, except one, entered on duty. This left to the old officers the whole burden of paying the volunteers and militia serving in Florida, Georgia, and Alabama, amounting to three times the number of the regular army. This duty, always a difficult one, has been performed with less delay and inconvenience to the troops than generally attend such payments, and much less than I anticipated, but in doing it the officers of this department have been unavoidably subjected to great hazard, and, I fear, to serious losses. It has been the practice, in previous Indian wars, to have the muster-rolls of the volunteers and militia sent to this place to be examined and approved by the accounting officers, before they were placed in the hands of paymasters. In most cases the pay-rolls were prepared in this office and audited before settlement, and, notwithstanding the paymaster was thus relieved from much responsibility, the Secretary of War was authorized to allow a per centage on the amount disbursed to cover losses.

At the commencement of the late and present hostilities, it was considered highly important to hold out inducements to the militia of the adjacent country to volunteer their services, and one of the inducements was prompt payment. This could not be effected if the rolls were to be first examined and the accounts audited at this place: your predecessor, therefore, after maturely considering the subject, determined to suspend so much of the regulation relating to the payment of volunteers and militia as required the rolls to be transmitted to this place and audited before settlement. This removed the safeguard of the officers of the Pay department, and they have since been, and now are, subject to a most hazardous and I fear in some cases ruinous duty, unless some provision is made to cover disallowances in the settlement of their accounts. To form an opinion of the losses to which they are liable, it is necessary to have a knowledge of the circumstances under which the duty is performed. One great difficulty arises from the militia serving under the different organizations given to them by their State laws, and all varying from that prescribed by the laws of the United States that are to govern in the settlement of paymaster's accounts; another difficulty is caused by the irregularity of the service, and the imperfect evidence to establish it; and a third, from the pay-rolls and accounts being necessarily prepared under circumstances calculated to prevent accuracy. The troops are generally discharged by regiments, sometimes brigades, always impatient to return to their homes, and importunate to be paid. The paymaster cannot begin to prepare his accounts until after the discharge takes place; of course he must always perform that duty in a hurry, frequently surrounded by persons conversing with and questioning him. Under such circumstances he has to judge of and pay claims of doubtful character, and to make long and perplexing calculations, without time to re-examine and test their accuracy. If he differs in opinion with the accounting officers in construing the law or applying it, or if he errs in his calculations in favor of the claimant, the latter receives the benefit, and the paymaster loses

the amount; if the error is favorable to the Government, the Government receives the benefit, and not the paymaster.

I trust that, on examining the subject, you will think the disbursing officers of this department equitably entitled to such additional compensation for this onerous duty as will cover the losses to which they are liable under a careful performance of it.

It was believed that the references in the appropriation laws of the last session to the act of April 5, 1832, as a guide for the disbursement, gave to the Secretary of War the same power to allow paymasters a per centage, as was exercised under the act referred to; but as the Attorney General entertains doubts of that authority, I respectfully request that you will lay the subject before Congress, with such remarks as you may think necessary and proper.

Respectfully, your obedient servant,

N. TOWSON,
Paymaster General.

Hon. B. F. Butler,
Secretary of War ad interim.

REPORT OF COMMISSARY GENERAL OF PURCHASES.

Commissary General's Office,
Philadelphia, November 1, 1836.

Sir: In obedience to instructions of the War Department, dated on the 14th October, 1836, I have prepared, and have the honor of enclosing, my moneyed estimate for the year 1837, marked A and B, as follows, viz:

A. For clothing, camp equipage, &c., for one year, ending 31st October, 1838, -	$206,940 08
B. For the expenses of the Commissary General's office during the year 1837, -	8,000 00
Total,	$214,940 08

I likewise enclose ten statements, numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, prepared in obedience to your order, viz:

No. 1. Statement of moneys drawn from the Treasury of the United States on account of various appropriations during the first three quarters of the year 1836.

No. 2. Statement of moneys received and disbursed on account of the Purchasing department during the same period.

No. 3. Statement of moneys received and disbursed on account of "appropriation for volunteers and militia," to the 30th September, 1836.

No. 4. Statement of moneys received and disbursed on account of "appropriation for suppressing hostilities of Creek Indians," to the 30th September, 1836.

No. 5. Statement of moneys received and disbursed on account of "appropriation for additional dragoons," &c., to 30th September, 1836.

No. 6. Statement of moneys received and disbursed on account of "appropriation for repressing hostilities of Seminole Indians," during the first three quarters of 1836.

No. 7. Statement of moneys received and disbursed on account of "appropriation for the suppression of Indian hostilities in Florida," per act of April 1, 1836, to September 30, 1836.

No. 8. Statement of the expenditure of the contingent fund of the Commissary General's office, during the first three quarters of the year 1836.

No. 9. Comparative statement of the cost of army clothing during the years 1835, 1836, and 1837.

No. 10. Statement of the cost of clothing, &c., for the United States army during the year 1837.

The above statements will, I hope, be entirely satisfactory.

Since making out the enclosed statements Nos. 1 to 7, I have received the report of the Second Auditor of the Treasury Department, by which I am informed my accounts of the second quarter of 1836 have been acted upon, and the disbursements passed to my credit.

I have deducted $30,000 from the gross amount of the moneyed estimate A, for clothing, &c., that may remain on hand after the issues for this year may have been completed, which is as much as can be deducted with safety.

Whatever balances of the different appropriations remain undrawn will be required to enable me to execute the orders of the War Department, to settle all accounts to the end of the year, and to have clothing made during the approaching winter, so as to be ready for an early spring issue. I have therefore to request the money may be reserved for the operations of this department, as the whole will be required.

The duplicates will be forwarded as soon as they can be prepared.

I have the honor to be, sir, with high respect, your most obedient servant,

C. IRVINE,
Commissary General of Purchases.

Hon. B. F. Butler, *Secretary of War.*

REPORT FROM THE CHIEF ENGINEER.

Engineer Department,
November 30, 1836.

Hon. B. F. Butler, *Secretary of War ad interim:*

Sir: In compliance with your instructions, I have the honor to submit the following report relating to the operations of this department during the year ending on the 30th of September, 1836. It is accompanied by four tabular statements, marked A, B, C, and D. The first two relate to its fiscal concerns; the third exhibits the works projected by the Board of Engineers which have not been commenced, with an estimate of their cost; and the fourth shows the respective appropriations referred to this department during the past year, with the name and station of the superintendent of each work.

FORTIFICATIONS.

The appropriation for this branch of service became available in July last. Some time necessarily elapsed in giving instructions to the several officers, and in their making and commencing their plan of operations. The difficulty, at that advanced period of the year, of procuring mechanics and laborers, nearly all of whom had made their engagements for the season, caused a tardy commencement of operations, especially at those works where they had been suspended an entire year for want of funds; and, to the time embraced by the annual report, (30th September,) they had scarcely got into full operation. This is the cause why little progress has been made during the past year; and, so far as the several works are concerned, I shall have little either of interest or importance to report.

Fort Warren, Boston harbor, Massachusetts.—The work performed at this fort, from its commencement, has been chiefly confined to those fronts which are designed to command the main channel and entrance to the harbor. The entire excavations on these fronts will probably be completed this autumn, except those for foundations of walls not commenced, and a small mass of earth on a high level on the coverface, which, to save expense, is left to be transferred to the terrepleins and parapets of the main work after the completion of the casemates. The whole quantity of earth excavated is ninety-nine thousand two hundred and eighty-seven cubic yards.

Although, since the commencement of operations in July, due efforts have been made to collect the requisite force, the masons on the work have not at any time exceeded

thirty. They have been employed exclusively on the piers and walls of front No. 1. Six piers for arches of thirty feet span will be completed within the present month. Five other piers are in various stages of progress, and so far advanced that arrangements will be made to commence the arch-work next spring.

Fort Independence, Boston harbor, Massachusetts.—The small balance of former appropriations unexpended on the 30th of September, 1835, was applied, during the last quarter of that year, to the hammering of stone for facing the scarp. At the beginning of the present year, when the work was suspended for want of funds, 3,560 cubic yards had been received, of which 3,044, making 48,839 superficial feet of face, had been hammered, leaving 7,000 superficial feet to be dressed to complete the quantity required for the new scarp. $100,000 were appropriated in July last for rebuilding this fort on the plan recommended by the Board of Engineers and approved by the Executive. Since then a suitable force has been employed in demolishing the old walls and buildings, and clearing away the earth and rubbish along the fronts facing the channels; the curtains and flanks of which are among the parts of the work to be casemated. This will soon be completed, and arrangements made for commencing the masonry next spring and prosecuting it with vigor.

Fort Adams, Narragansett roads, Rhode Island.—In consequence of there being no appropriations for this work for the year 1835, the operations were discontinued from the spring of last year till July of the present year, and were resumed with vigor the moment the current appropriation was granted. The excavations of earth and rock in all the ditches of the fort are finished. A small portion of the excavation of the esplanade, and a considerable part for the parade itself, remain to be executed. Such portions of the stones removed in these excavations as were suitable have been applied to the masonry of the fort. The remainder and all the earth have been used in forming the embankments of some of the fronts. All the excavations for the communication from the fort to the redoubt are executed, and the earth has been applied to the formation of the communication parapets, which are finished. The glacis, terrepleins, and embankments of certain fronts, with their places of arms, and covert-ways, are completed, with the exception of some turfing. The masonry of the several fronts of the fort is well advanced, and in parts completed; some of them have all the arches turned, roofed, leaded, and covered with earth. On others the entire masonry is completed, with the exception of the breast-height walls. All the gun-embrasures (in number 104) and all the carronade-embrasures (in number 67) are built. The two large ovens, many of the cisterns, and fire-places for soldiers' barracks are finished. All the walls of communication from the fort to the redoubt, in length 2,840 feet, are completed, as well as about two-thirds of the walls under water for the permanent wharf. On the exterior faces of the scarp-walls, and for exposed corners, granite of a durable quality, hammered to a rough face, is used. The interior of the walls, and the inner faces, nearly the whole of the peirs, and all the foundations, are of grauwacke slate, which occurs abundantly on the public domain, is obtained with good beds and faces, and costs much less than any other stone. Most of the lime used within the year has been burned in kilns on the spot; the quality is superior to any found in market and costs less. A portion of hydraulic lime is now added to all mortar designed for stone masonry; experience having shown that that composed of sand and lime alone, suffers much injury from the frost, however carefully made and applied. The estimate for 1837 is predicated upon the plan of finishing the scarp of the west front and the scarp and piers of the north front; to turn the arches of the north front; to finish the parade-wall; to finish putting on the earthen parapets of the fort; to build the breast-height walls, and to make all possible progress in the masonry of the redoubt.

Fort Schuyler, Throg's neck, East river, New York.—No exertion has been spared, since funds became available for this work, to advance the operations as rapidly as possible; but the demand for mechanics has been so great ever since the opening of the season, and even before it, that not more than 50 masons could ever be collected, whereas 200 were designed to be employed. Operations in consequence have been comparatively limited, and, in addition to other impediments, occasionally embarrassed by strikes for unreasonable prices on the part of those by whom stone was to be supplied. The sea-wall has been carried to its height around the front of the fort, and where it forms the revetment of the right flank of the glacis. A part of the foundation of the counter-scarp wall has been laid and the culvert finished. The graduation of the site has been commenced, and will be sufficiently advanced to begin the foundations of the walls of the main work so soon as the masons can be spared from the sea-wall, or others engaged to commence them.

Fort Columbus and Castle William, Governor's Island, New York.—It is anticipated that the repairs of these works will be completed the present working season. The masonry of Fort Columbus is now finished, except the construction of some offices and steps, and the laying of a small portion of coping, flagging, and paving, and the completion of some traverse circles and pintle beds. The necessary plastering and painting will be finished this month, as well as the iron-work and roofing of the barracks, at which time it is also expected the carpentry will be completed.

The flagging of the barbette platform of Castle William has been relaid on a thick bed of cement-mortar, which appears to be perfectly tight. The platform of the second tier and floors of the third tier have been laid, and the galleries repaired. All the work required to be done is expected to be completed in the course of the year. The south battery requires little more to be done than to lay the traverse circles, the foundations of which are prepared.

Fort Mifflin, Delaware river, Pennsylvania.—The necessity which existed in December, 1835, of putting some position on the Delaware in a state of defence to protect Philadelphia against the approach of an enemy by water, led to the repair of this fort, as being advantageous for the effectual protection of the river, and susceptible of being fitted up in less time than any other point. The masonry was found to be in good condition; the ramparts and parapets constructed of earth required re-forming, and all the wood-work of the platforms, gateways, sally-ports, magazines, casernes, and barracks, entirely decayed and unfit for use even to the roofs and floors of the quarters; and the ditches were filled up. The ramparts and parapets have been formed, and the ditches excavated and widened. The quarters for officers and soldiers have been repaired, the scarp-walls pointed, and 416 running feet raised 2 feet in height to make it uniform with the other parts of the work, and the walls of the magazine raised and covered with earth and all parts thoroughly repaired. The whole work will probably be completed this fall, except perhaps some painting and the erection of gun-sheds, which may be arrested by unfavorable weather.

Fort Delaware, Delaware river.—In the last annual report it was stated that large supplies of material had been previously collected, and arrangements made for construction whenever funds should be available for that purpose. The work remained suspended until July last, when the appropriation was made for its continuance, but at too late a season to effect any thing advantageously. As soon as a force of laborers could be collected, the excavations for the foundations were commenced, and the earth applied in forming the glacis. Some progress has been made in dri-

ving piles for the foundation of a magazine, and the scarp of the front on the Delaware channel; and a further supply of material has been procured. The impracticability of procuring laborers and mechanics at so late a period of the year, even at the highest rate of wages, is the cause of so little progress; and this cause existed not only at the site of the work, but at all places whence materials were to be drawn.

Fort Monroe, Hampton Roads, Va.—The appropriation granted at the last session of Congress for completing, in a permanent manner, all the parts of this work, and referred to this department for application, remains untouched in the Treasury. After making a distribution of the officers among all the works, and, in nearly every instance, assigning the superintendence of several to the same individual, the services of none could be procured for the one in question.

Fort Calhoun, Hampton Roads, Va.—Operations at this work were resumed about the middle of July last; and, notwithstanding the exertions that were made, a full force could not be assembled before about the middle of September. They have been employed in removing from the walls the stone necessary for the superstructure and mole, and previously accumulated for the compression of the foundation; preparing machinery and buildings. Care has been taken in removing the stone to preserve the equality of pressure as much as possible. It is not anticipated to have the foundations laid open and preparations made for commencing the masonry of the work before March next.

Fort Caswell, Oak island, N. C.—The appropriation for completing and strengthening this work has been applied as far as circumstances would permit. The dike around the ditch has been repaired, and preparations made to commence immediately the permanent lock to regulate the admission of water into the ditches. Arrangements are also in progress for beginning the necessary masonry at an early period of next year, and which could not be commenced sooner for want of brick.

Fortifications in Charleston harbor, S. C.—Nothing has been yet done towards applying the appropriations for the fortifications in this harbor—no officer being available for that purpose. As was stated in my last report, the operations were abruptly arrested in March, 1835, for want of funds; and at this time I am not aware of the condition or state of the works. The difficulty of obtaining the right of site for the new work designed for the protection of the harbor still exists, and furnishes another impediment to resuming operations.

Fort Pulaski, Cockspur island, Georgia.—There has been no progress in the construction of this work for the last year. Since the appropriation became available, all the means at the disposal of the local engineer have been applied to restoring the canal flats, material, machinery, &c., injured by decay, to their former condition. From the preparations, however, now made, it is expected that the masonry will be resumed in a few days. The casualties attendant on this work have added materially to its cost of construction, as will be seen by reference to the estimate to complete it embraced in the tabular statement.

In the original design for this work by the board of engineers, no revetement was contemplated for the sides of the ditches and feeder. Experience has since shown that the mud which constitutes the island, when exposed to the influx and reflux of the sea, will assume, in combination with the water, a demi-fluid state, thereby filling up the ditches, impairing the strength of the fort and health of the garrison. Further, in cases of severe blows and high tides, the water will flow over the dikes, and in case of no revetement-walls, will sweep the earth of the slopes and dikes into the ditches in a few moments. It is believed by the local engineer that, if the revetement of the scarp of the demi-lune be not constructed, in less than one year after the completion of the fort, one-half of its rampart will have fallen into the ditch. An estimate has been made for revetting with masonry the scarp of the demi-lune, counterscarp of main work and demi-lune, and the sides of the feeder, to the ditch between the advanced and remote tide-locks, amounting, in the aggregate, to $150,000; which is in part embraced in the estimate for the next year's operations, and will be so applied unless restricted by the act of appropriation.

Fort Marion, St. Augustine, Florida.—This work is presumed to be in the same condition in which it was reported in 1834. No officer being disposable for the application of the appropriation of the last session of Congress, a civil agent has been appointed to take charge of the operations, who has reached his place of destination, and is now making some preparatory arrangements.

Fort Pickens, Pensacola harbor, Florida.—The appropriation of last year for this fort has been sufficient to pay off the arrearages due on account of giving increased dimensions to the scarp-walls of one of the bastions, as stated in my last report. The small balance remaining on hand will be applied to sundry improvements by which the condition of the work will be benefited.

Fort on Foster's bank, Florida.—The operations at this point have steadily advanced during the year 1835, and for upwards of six months of the present year, notwithstanding the want of funds. The amount of work thus executed upon the individual credit of the superintending engineer and the responsibility of the contractors, and the great loss thereby saved to the United States, were explained in my last report. Some delay in getting the remainder of the bricks required will have prevented the completion of the whole of this work before the end of the year. The fort, in all its parts, has been faithfully constructed, and is in excellent condition. Some alterations from the original plan have been adopted, by increasing the height of the scarp-wall and the thickness of the bomb-proof of casemates, and giving additional dimensions to several parts of the masonry. These alterations and improvements have necessarily involved an additional cost to the works, which, added to other items not embraced in the original estimate, will form the difference between that and the actual cost. This excess of cost will, however, have been beneficially incurred, since it provides for increased strength and permanency to the works.

Fort Morgan, Mobile Point, Alabama.—The casemates intended for officers' quarters, mentioned in my last report, have been completed.

Fort Livingston, Grand Terre, Louisiana.—Nothing has been done at this point during the year, for want of an officer to take charge of the work. A keeper and one laborer have been employed to take care of the premises and materials belonging to the United States, and to improve the lands.

Fort Jackson, Louisiana.—This work is not considered in a state of defence. From the nature of the foundation it was deemed prudent, at the time of its construction, not to put on the earthen parapets until time had imparted to the work a greater solidity. It is also without furnaces for heating shot, and casemates for additional magazines, store-rooms, &c., require to be fitted up. An estimate for these purposes is accordingly submitted.

Contingencies of Fortifications.—Ten thousand dollars were appropriated at the last session of Congress under this head. They have been applied to defraying the expenses for a survey on Lake Champlain, repairs at Fort Morgan, Bienvenue, Dupré, and Forts Wood and Pike.

The appropriation of $100,000 for incidental expenses has been applied to the restoration of Fort Mifflin, purchase of additional land at Fort McHenry, preparing gun-traverses and platforms, furnaces for heating shot, and fitting up magazines, &c. at Boston harbor, Newport, New York,

Fort McHenry, Fort Severn, Fort Washington, Fort Calhoun, Fort Caswell, Fort Pulaski, and forts on the Gulf of Mexico.

HARBORS AND RIVERS.

Chicago harbor, Illinois.—The season had so far advanced when the appropriation for this work became available, that workmen and laborers seeking employment in the country had made permanent engagements elsewhere; and therefore little progress has been made since my last annual report, other than to procure a dredging-machine and materials. Operations have been delayed since they were resumed this year by boisterous and unfavorable weather, which has prevented any extension of the north pier into the lake. The south pier has been extended 150 feet, and should the weather allow, it is contemplated to carry it 280 feet farther this fall, and to endeavor to raise it its whole height, no part of which is now more than one foot above the surface of the lake. This will make both piers of equal length, extending twelve hundred and sixty feet into the lake, and across the crest of the outer bar, into full eleven feet water. It is believed that by means of the dredging-machine, a channel, sixty feet broad and of sufficient depth, will be opened along one of the piers this fall, which will admit vessels from the lower lakes to enter the river and lie up for the winter. Eight hundred cords of stone have been deposited in the piers this year, and it is contemplated the next season to extend the north pier about one hundred yards farther into the lake, which will probably be sufficient to secure a safe entrance and protect the channel from being filled with the moving sands. The great and increasing trade and prosperity of the town of Chicago and adjacent country, urge the importance of a speedy completion of the improvement of this harbor, and, therefore, the full amount of the estimate asked is recommended to be granted.

Harbors on the south shore of Lake Erie.—The progress of these works has been retarded, 1st, by the lateness of the season at which the appropriation for their continuance became available; 2d, from the necessity of changing the general superintendent of the greater number of them, whose services were elsewhere required; and, 3d, from the unprecedented continuous and violent storms, and the rise of the water on that shore of the lake more than 2½ feet higher on an average than has been known for 12 years. Their condition in detail is set forth in the report of the general superintendent, which, from the great interest felt in their prosperity, is annexed, marked A, and to which I beg leave to refer.

Mouth of Oak-orchard creek, Lake Ontario, N. Y.—Five thousand dollars were appropriated at the last session of Congress for the formation of a harbor at this place. The work has been commenced, and the pier extending from the western shore to contract the mouth of the creek has been completed. The piers to be constructed on each side of the channel, and to extend 1,160 feet into the lake to deep water, will be embraced in next year's operations. A sketch of the plan of improvement pursued is appended, marked B.

Mouth of Genesee river, N. Y.—Operations at this point, since the appropriation for 1836 became available, have been confined to repairing those portions of the piers that have been found to subside in the sandy bed of the lake. The local agent reports that they remain firm, and that the channel is open, and as deep as the navigation of the lake requires. The more special object of the last appropriation, viz., the permanent stone-work, has not been and cannot be carried into effect until the waters of the lake sufficiently subside to allow the masonry to be begun at such a point as to ensure its being always covered, even at their lowest stages, thereby securing the preservation of the timber-work below. The unusual height attained by the waters of the lake in June last, forbids the construction above described, and they have not yet subsided. Arrangements have been made for procuring a sufficient quantity of stone, and of a suitable kind.

Big Sodus bay, Lake Ontario, N. Y.—The operation of dredging out the channel between the piers at this place has been satisfactorily advanced since the work was resumed this season; one-half of it having been opened to 16 feet depth of water, and which at the lowest stage of the lake will afford a draught of 14 feet. The work is represented to give evidences of remaining a permanent improvement.

Oswego, Lake Ontario, N. Y.—This work has been much retarded and embarrassed the past year by the extraordinary high water in the lake, which has been about 33 inches above its ordinary level. The labor and expense of preparing the bed of the pavement of the mole and arranging the stones at the base were consequently much augmented, and the process of quarrying large stone for the base of the mole was entirely abandoned in consequence of the quarries being overflowed by the water from the lake. The operations for the year have been limited to removing the temporary construction around the foundation of the light-house, and rebuilding it in a more permanent manner; to laying about 13,500 square feet of pavement, and receiving 2,843 tons of paving stone. The report of the local agent, giving a concise history of the operations since the year 1833, and his views relating to its construction, is appended, marked C, to which I beg leave to refer for more particular information.

Perhaps it would be interesting to observe at this place the effect produced by the works just described upon their immediate vicinity, and what benefit the country at large will derive from their construction.

The four last-named are on Lake Ontario. The improvement at Oak-orchard creek has but just commenced, and is spoken of as one of the points for the debouche of the ship canal around the Falls of Niagara. One railroad has been extended along the margin of the Genesee towards the piers at its mouth, and a second projected and chartered. A canal has been commenced from Sodus bay, by which a communication through Cayuga lake into Pennsylvania, thence through the Susquehannah river canal to Chesapeake bay, will be opened to the commerce of the Northern lakes to the New York and Southern markets. This line of intercourse, uniting the Northern and Southern States by the strong tie of mutual and commercial interests, and furnishing an easy and expeditious route for military transportation from the Northern to the Southern frontier, must be considered a work of a truly national character.

A branch of the New York and Erie canal already extends to Oswego, through which the produce of the shores of Lake Ontario is conveyed, to be distributed through the whole country. From the time of the first commencement of these works, in 1829, the navigation and tonnage on the lake have more than doubled in extent and quality; and the population surrounding these districts has increased in a ratio of one-third.

Monument on Steele's ledge, Maine.—As stated in the last annual report, this structure was then completed, with but a slight exception. The agent, in January last, reported that his operations had been brought to a close, and recommended that the small balance of funds in his hands should be applied in buoying out the channel leading to the mouth of the Penobscot river, the direct course to Prospect harbor, Bucksport, Frankfort, and Bangor, which at present can only be safely navigated at certain stages of the tide. It was estimated that it would cost about $150 to mark out the channel and render it secure at all tides; but, as the appropriation was specific for a monument on the ledge, the department believed it had no authority to sanction this application. It is now recommended that the balance of this appropriation may be applied to the purpose above mentioned, and it is therefore included in the estimate to be re-appropriated for that object.

Breakwater on Stanford ledge, Portland harbor, Maine.—

Ten thousand dollars were appropriated at the last session of Congress for the commencement of this object. The officer under whose general superintendence the work was placed, reports that no permanent agent had yet been appointed to take charge of the operations, but that the gentleman consenting at his request to assist in the preliminary arrangements, had informed him that a contract had been made for constructing the first section of the breakwater, extending on Stanford ledge 400 yards from the shore.

Piers at Kennebunk, Maine.—The sum of $7,500 for continuing this work was appropriated in July. As much of the most favorable season for operations had then passed, the work, if commenced, could not be completed this year, and it was apprehended that, if left in an unfinished state, exposed to the action of the sea during the winter, its safety would be endangered; the agent was therefore instructed to limit his operations to the collection of materials, and to such arrangements as might be necessary for commencing the work next spring.

Deepening the channel of the Cocheco branch of the Piscataqua river, leading into Dover harbor, New Hampshire.—Arrangements have been made by the general superintendent for commencing the necessary operations for this improvement, for which $5,000 were appropriated in July last. No report of the progress of the work has yet been received.

Merrimack river, Massachusetts.—The agent at this place reports that the breakwater under his charge is complete, with the exception, perhaps, of a few tons of stone, for which the available means are sufficient.

Breakwater at Sandy bay, Massachusetts.—Ten thousand dollars were appropriated by Congress at its last session for this object. The work has been commenced, and, up to the 30th of September, 5,635 tons of stone had been deposited on the site of the breakwater. The balance of the funds applicable for this year will be absorbed by contracts which have been made for the delivery of materials during the fall and winter. A liberal appropriation for the prosecution of this important work next year is earnestly recommended.

Preservation of Rainsford island, Massachusetts.—The preservation of this island was first commenced by the State of Massachusetts, whose Legislature, in 1835, granted $4,500 for the purpose. The appropriation of $15,000 by Congress at its last session for the same object, has been applied in continuation of the work thus commenced, and, up to the 30th September, 485 cubic yards of masonry, 128 running feet of coping, and about 380 cubic yards of embankment, have been executed. The wall proposed for the preservation of the island is contemplated to be about 1,200 feet long, averaging about 7 feet thick at the base, and varying in height from 7 to 12 feet. Eight hundred feet of this distance have been worked on. In front will be placed a quantity of ballast stone for its protection, and the space between the wall and the natural bank will be filled in with earth and small stone.

Duxbury, Massachusetts.—Five thousand dollars were appropriated at the last session of Congress "for preserving the point of land leading to the fort and light-house at the Gurnet." The general superintendence of the necessary operations was committed to an officer of the corps of engineers. Agents have been appointed to conduct the work, and such instructions given them as were deemed sufficient. No report of their progress has been received.

Plymouth beach, Massachusetts.—The amount of last year's appropriation, $500, has been applied to repairing the breakwater and brush fence, injured by the storms of last winter. The grass that has been planted to protect the beach and arrest the drifting sand is represented to be increasing, and the estimate asked for by the local agent for next year, he states can be applied to much advantage in extending the wall on the northeast side of the breakwater, planting grass, and repairing fence.

Provincetown harbor, Massachusetts.—The plantation of grass at this place is represented by the local agent to be in a flourishing condition. About 200 acres have been planted this season, and the same quantity is contemplated in the estimate for next year.

Hyannis breakwater, Massachusetts.—The present length of this breakwater is upwards of 1,100 feet. The foundation of the eastern extremity is extended as far as the plan contemplates, but before it is completed on the top it is desirable that all settlement should cease. This end is much exposed to the action of the sea and ice, and requires to be constructed of large stone. It is also on this end that a beacon light, if built, must be placed. The west end requires to be extended, agreeably to the plan, about 200 feet. The completion of this breakwater is represented to be important to commerce and navigation, as it is the best if not only harbor from Cape Cod to Vineyard sound, and affords commodious and safe anchorage for vessels on that coast. Its completion in a permanent manner it is estimated by the agent will cost about $15,000; $5,000 for the completion of the east end and construction of a beacon light, and $10,000 to finish the west end. The working season at this place is stated to be not more than six months in the year, and that the last was particularly unfavorable to the progress of operations.

Mouth of Bass river, Massachusetts.—Ten thousand dollars were appropriated by Congress at its last session for the improvement of the harbor at the mouth of this river. The general superintendence of the proposed works was committed to an officer of this department, who was directed to visit the scene of operations, and give such instructions as the case required. Three individuals, who, it was supposed, would equally represent the interest of the community affected by the contemplated improvement, were selected to take immediate charge of the works. Before the proper arrangements could be made, so much of the working season had elapsed that it was not considered advisable to execute any portion of the work this year. Very little could have been done, and so little that it would probably be of greater harm than good. It is expected that every preparation will be made by the agents the ensuing fall and winter for commencing operations in the spring.

New Bedford, Massachusetts.—The application of the sum appropriated by Congress ($10,000) for the removal of the wreck in this harbor, has been committed to local agents appointed to superintend the work, but from the late period at which the appropriation became available, and the delays attendant on completing the necessary arrangements, the season had so far advanced that it was represented to the department that to commence operations before next spring would be attended with great additional expense, as the principal part of the work lies under water. It was therefore considered more advantageous to make the requisite preparations for beginning at that time.

Breakwater at Church's cove, Rhode Island.—Ten thousand dollars were appropriated in July last, for constructing a breakwater at this place, according to a project of Lieutenant Colonel Anderson, of the topographical engineers. Instructions as to the manner of executing the work have been given to the agent selected to superintend it. It is considered advisable that, before making any actual commencement, there should be purchased a small portion of the ground at the junction of the breakwater with the shore, and so that the United States may possess the fee simple of the land above and below water, on which they build, and, also, it is the right of way to and from it. Measures have been taken to ascertain the practicability of making such purchase, and an estimate will be presented for the purpose, so soon as the terms can be ascertained.

Thames river, Connecticut.—An agent has been appointed to apply the appropriation of $10,000 for deepening the channel of this river. He has been directed to

form in his operations to the project of Major Bache, of the topographical engineers, upon which the appropriation was based, and to bestow all his attention upon the upper pier there spoken of, until the general superintendent could make arrangements to visit Norwich and give more particular instructions. No report of operations has been received.

Saybrook harbor, Connecticut.—Twenty thousand dollars were appropriated for improving this harbor by removing the bar at the mouth of Connecticut river. It was found by Colonel Totten, to whose general care the work was assigned, that no plan of improvement had been made, and that a minute survey was necessary to form such a project as would give reasonable expectation of proving beneficial, which, if possible at all, would be a problem as delicate and difficult as it was important. A requisition has been made for an officer of the topographical engineers to make the necessary survey.

Bridgeport harbor, Connecticut.—Ten thousand dollars were also appropriated for deepening the channel leading into this harbor, and it is proposed—1st. To dredge a channel of eight feet draught and 100 feet wide through the outer bar; 2d. To increase the width of this channel to 150 feet, should there be funds sufficient; 3d. Should the appropriation still hold out, to increase the width to 200 feet; and, 4th. With any remaining funds to open a channel of eight feet depth and 100 feet width through the inner bar, ultimately increasing the dimensions of the channel, as the success of the first operation and the liberality of Congress shall justify or permit. Local agents have been appointed to execute the work, but no report of operations has been received.

Fairweather island, Connecticut.—Measures have been taken to apply the appropriation of ten thousand dollars for constructing a sea-wall for the preservation of this island, according to the project of Mr. Farnham. Agents have been appointed to carry it into effect, but no report of operations has been received.

Southport harbor, Connecticut.—Fifteen hundred dollars were appropriated for securing the public works at this place. A local agent has been appointed to carry out the project on which the appropriation was based. He reports that the contract entered into for the protection of the dike and channel is in a good state of progress; that its completion will absorb the whole appropriation; and that about fifteen thousand cubic feet of the wall will be left unfinished, which will leave that part of the dike constantly exposed to the action of the sea, and in great danger of being swept into the channel. He estimates that about one thousand dollars will be necessary for the continuation of the wall, and to be required for the protection of the channel and harbor.

Harbor of Westport and beach at Cedar point, Connecticut.—Three thousand dollars were appropriated for improving the harbor of Westport, and one thousand dollars for securing the beach at Cedar point. These have reference to the same harbor, and agents have been appointed to carry into effect the wishes of Congress. The particular object of the first-mentioned appropriation is the cutting a canal through the "great marsh," according to the project of Colonel Anderson, of the topographical engineers. And the further protection to be afforded to Cedar point is contemplated to be obtained by a leaning wall of large stones, four feet thick, and four or five feet above high water, extending from the end of the point to the high part of the gravel beach. No report of operations has been received.

Execution island, New York.—Nineteen thousand five hundred dollars were appropriated at the last session of Congress for building an ice breaker on this island. The department was in possession of no plan, report, or other information, by which it could ascertain the manner in which the agents designed to apply these funds. The general superintendence of the necessary operations was assigned to Major J. L. Smith, of the corps of engineers, who learned, through the collector of New York, that the object of the appropriation was to provide a breakwater at the quarantine-ground, to protect the public wharf and buildings from northeast gales.

Upon examining the plan proposed for this object, another presented itself, better adapted to the purpose, which was consequently adopted. Nothing has yet been done towards the construction of the work; nor has the general superintendent found time to make any preliminary arrangements, except to ascertain the practicability of procuring piles. His report, entering into the details of the subject, is annexed, marked D, to which I beg leave to refer you.

New Brunswick harbor, New Jersey.—The application of the sum (seven thousand dollars) appropriated for improving this harbor, by removing the obstructions in the Raritan river, according to the plan reported by Major Bache, of the topographical engineers, was also assigned to the general superintendence of Major Smith. It was not before late in August that he was put in possession of the chart of the river, and a copy of the report and estimate. When upon the point of proceeding to make a personal examination of the obstructions in question, he learned that the soundings of this river were required in connexion with the survey of the coast, the use of which, in carrying on the requisite operations for improving its navigation, was politely offered by the officer in charge of this duty. He therefore has deferred his examination until said officer shall be engaged in these soundings.

Little Egg harbor, New Jersey.—The appropriation of $5,000 for the protection and improvement of this harbor, referred to the preservation of *Tucker's island.*

So soon as the plan and report alluded to in the act of appropriation were received, Major Smith, the general superintendent of the work, met by appointment the owner of the island, on the site of the contemplated operations, when such arrangements were entered into as the case required. It was intended to have commenced the works this fall, with a hope of completing a part of the plan proposed, but some delay having occurred in acquiring the necessary information, they will not now be commenced before next year, which, perhaps, is not to be regretted, as they will acquire a greater stability by being built early in the season, and altogether thereby mutually supporting and sustaining each other.

Hudson river, New York.—The plan adopted for the improvement of the navigation of this river has been stated to be that devised by the special board of engineers constituted for the purpose of investigating the subject. The progress made the past season in advancing the system there proposed, the beneficial alterations suggested by experience, and a detailed account of the operations on each section of the whole embarrassed district of navigation extending between the towns of Waterford and New Baltimore, as well as those contemplated next year, are fully set forth in the report of the local engineer, marked E, to which I refer for more particular information.

Removal of the bar in the Delaware, near Fort Mifflin, Pennsylvania.—Fifteen thousand dollars were appropriated, in July last, for removing this bar, with a view to improve the harbor of Philadelphia. The officer to whom the subject was referred has made an examination of this obstruction, and reports that, in his opinion, no permanent good can be effected in any effort to remove the same. His whole communication on the subject is appended, marked F.

Chester harbor, Pennsylvania.—Three thousand dollars were appropriated for the repairs of this harbor. The amount is now pledged for repairing the timber-work of the five piers and wharves with the three connecting bridges forming the

harbor. The plan adopted has been first to renew the most defective part of the works, and progress with the other parts until the funds should be exhausted. The southern pier, wharf, and connecting bridge, with the mooring-posts, have been completed, and some progress made in cutting away the defective timbers of the northern piers. It is anticipated that the wood-work of these will be completed by the first of December, and filled, as far as the material from the old work will allow, when the available funds will be absorbed, and a small additional sum required to perfect and complete the work. This harbor was the only one last winter in a condition to give even a partial shelter to vessels. The present repairs will make it more secure for some years.

Wilmington harbor, Delaware.—Fifteen thousand dollars were appropriated for improving this harbor, by removing the bar at the mouth of Christiana river, according to the plan recommended by Major Bache, of the topographical engineers. Three of the members of the City Council of Wilmington have been selected to take charge of the necessary operations. It has been thought advisable to omit so much of the "plan of Major Bache" as forms any part of the projected jettee in the Delaware, at the mouth of the river, as it is not now seen that it will be productive of the desired results. The estimate made by the local agents for the completion of this improvement exceeds the original estimate of Major Bache by the sum of $11,165 42, which is explained, 1st, by the greater cost of blasting and removing the rocks below the old ferry; 2d, the difference between the actual cost of the requisite and necessary machinery and that of the estimate; and, 3d, by the additional amount for services in extending the operation of dredging through the year 1838. But, by omitting the construction of the jettee, as above recommended, the excess of the cost of executing the project, as estimated by the local agents, will be $934 24, leaving $15,747 73 to be appropriated next year.

Harbor of Newcastle, Delaware.—The repairs of the harbors on the Delaware river for protecting its commerce against floating ice, owing to the limited appropriations, and being contrary to the plan recommended from year to year, have progressed in a manner to do but little good until this season. The work executed under the appropriation of 1835 consisted in cutting down to low-water mark, and rebuilding, with large masses of granite, one of the old piers at Newcastle, and the removal to low-water mark of the wharf-work connecting it with the shore. This has served to check any further deposite within the harbor, and to remove a portion of what had previously accumulated.

The appropriation of the last session of Congress for the further improvement of this harbor became available at so late a period that timber in the large quantities required for the construction of the two contemplated piers could not be obtained in any of the markets accessible to this place. A sufficiency for one pier up to low-water mark was obtained with some difficulty and at a high price. No wharf-builder being found willing to contract for doing the work this season, it was undertaken by the day. Such progress has been made in its construction, that no doubt remains of its being so far finished as to be sunk in position before operations are suspended for the winter.

Some progress has also been made in preparing and cutting large masses of stone to form all that part of the pier above low water, and the whole is contracted to be delivered by the end of December. A centre "mooring-pier," the wood-work of which was much decayed, has been removed and partially rebuilt with masonry. Contracts will be made this fall for the supply of timber needed next spring for the second pier; the balance of funds on hand being sufficient to authorize this course, upon the supposition that Congress will now grant the sum necessary to complete the work as designed, and calculated to make a safe, permanent, and secure harbor, as required by the compact between Delaware and the United States. Ten per cent. more than the original estimate for this harbor will be necessary, in consequence of the prolonged period of executing the work, the increased prices of materials, and the high advance of wages of mechanics and laborers since it was prepared.

In addition to the above-mentioned harbors, the commerce of the Delaware will find security at six piers at and near Fort Mifflin, repaired as part of the defences of the river. The harbor first used by vessels ascending the bay, Port Penn, remains in a dilapidated state. The officer charged with the superintendence of the works on the Delaware has found no time to examine its condition, or to prepare a statement of the extent of the repair it may require; nor is any fund available for making any temporary repairs or renewing mooring-posts to give partial security to vessels the approaching winter.

Delaware Breakwater.—The further prosecution of this work was assigned to this department the past season. The operations of the year are detailed in the report of the general superintendent, marked G.

The quantity of work done, and the protection at this time afforded, will there be seen, as well as the alterations proposed, and the benefits anticipated. Concurring fully in these views, I recommend them to your favorable consideration, and have embraced in the annual estimates the amount deemed necessary for 1837.

Harbor of Baltimore, Md.—Twenty thousand dollars were appropriated by Congress at their last session for deepening this harbor; the application of which, upon the recommendation of the mayor, was placed in the hands of the portwardens of the city. The plan proposed by them, and acceded to by the department, was, to hire the dredging apparatus belonging to the city of Baltimore, believing that the wishes of Congress and the interest of the city would be complied with more effectually than by any other method, as the season had far advanced. About one-half the amount appropriated had been expended up to the 30th of September.

Dismal-swamp canal, Va.—Fifteen thousand dollars were granted by Congress, at its last session, for improving the debouches of this canal. The department having no officer to place in charge of the work, its execution was offered to the board of directors of the Canal Company, which, after some reluctance on their part, was accepted, as being the only way by which any portion of the appropriation could be applied this season, or the benefits expected be derived.

Ocracoke inlet, N. C.—It was contemplated to apply the appropriation granted by Congress at its last session, according to the project then recommended, in constructing a jettee to throw the current of Wallace's channel over the shoal separating that channel from Beacon-island slue. Owing to the exposed situation of the proposed jettee, it was desirable to enter upon its construction in that season of the year most favorable for the operation, and which experience has shown to be between April and August; after which time violent gales are frequent on that part of the coast. The appropriation not becoming available till late in July, it was considered most prudent to defer the commencement of the work till next year. The price of labor in that section of the country has advanced 25 per cent., which, of course, will increase the cost of the jettee, and $1,800 are asked for in addition to the funds now available. By a register kept by the collector of Ocracoke, it is ascertained that 1,116 vessels have passed out the inlet within the last year, from which it is estimated that the trade passing through this inlet furnishes constant employment for 93 vessels, or for about 9,300 tons.

Pamlico river, N. C.—An appropriation of $5,000 for improving the navigation of this river below the town of Washington, was made at the last session of Congress. Its

object was to cut a channel through a shoal which prevents vessels drawing over seven feet water from coming up to the town. No preliminary surveys or observations having been made, and the other duties of the officer to whom the general direction of the operations was obliged to be committed not allowing him to make the necessary examinations, the dredging-machine employed at Ocracoke inlet was set to work in the present channel-way. The shoal is about 600 yards wide, and 9,636 cubic yards have been excavated and removed. It is expected that a channel 50 yards wide will be opened with the available funds, through which vessels drawing eight feet water may pass. Should a prosecution of this work be determined on, it is recommended that a survey be commenced as soon as possible, and an accurate examination be made of the currents of the river in all its stages.

Beaufort, N. C.—Upon the arrival of the officer at Beaufort, charged with the application of the appropriation of $5,000 for the improvement of this harbor, he had reason to suppose that it was the intention of Congress to appropriate it for the purpose of removing obstructions in Core sound, the only navigable communication leading into the interior of the State, and that a mistake had been made in the caption of the bill. From such data as were in his possession, he was unable to suggest any project for expending $5,000 "for the improvement of the harbor of Beaufort," by which any good or permanent effect might be produced; and the department could not authorize its application to any other.

New river, North Carolina.—An appropriation of $5,000 was also made for removing obstructions at the mouth of this river. The act of appropriation contemplated the application of the dredge-boat belonging to the Cape Fear river to this purpose. Upon examination it was found that the shoalness of the water at the mouth of the river rendered it impracticable to work there either the Cape Fear or Ocracoke boat. The necessity of a survey at this point for the purpose of ascertaining the best mode of improving the navigation of the river, is more apparent than at Pamlico, and is likewise recommended.

Cape Fear river, North Carolina.—The plan which has been pursued for the improvement of this river, both by the State of North Carolina and the United States, is that recommended by Mr. Fulton, civil engineer of North Carolina, with certain modifications. It consists in shutting up all the channels at those points where obstructions are caused by their intersection, except the one selected as the most eligible; and diminishing the width of the river by means of jettees, thereby producing more uniformity in the current, a greater velocity, and a corroding action on the bed of the river. Dredging was also to be used in aid of these works, relying upon the increased velocity of the current to prevent future deposites in the channel. The execution of this plan was commenced by the State of North Carolina in 1823, and acted on until 1829. In 1829, the United States took charge of the operations, which have consisted in the construction of jettees, and in the excavation of the channel up to the present period, with but few interruptions. Five of the jettees recommended have been constructed, and one built by the State repaired. In 1827, nine feet was the greatest draught of water that could be carried to Wilmington. Now, vessels drawing 12½ feet can pass over the shoals, and it is anticipated that, by prosecuting the system, vessels drawing 14 feet will be enabled to reach the wharves of Wilmington; the greatest depth that can be carried over the bar at the mouth of the river. The operations of the past season have been confined to dredging on the middle shoal, securing jettee No. 3, and repairing and securing jettee No. 7. It is contemplated the next year to reconstruct the dike between Campbell's island and the western shore, built by the State of North Carolina, to place in good repair the jettees now constructed, remove the logs and stumps from the channel, and, if necessary, construct the jettees to act on the lower shoal, for which an appropriation is asked of $10,000. The value of these improvements to the State of North Carolina will be seen, when it is recollected that the trade of Wilmington embraces the exports and imports for one-third of the State; that its exports consist in naval stores, sawed lumber, timber, staves, shingles, rice, cotton, tobacco, and flax seed, besides some other articles; that the shipping engaged in its trade amounts to 76,931 tons, besides a large amount of tonnage in coasting vessels carrying domestic produce not included.

The cost of these improvements has exceeded the estimates, which is attributable in fact to the impossibility of predicting with any degree of certainty the effects of hydraulic operations, and the results of injuries and disasters beyond human control.

Savannah river, Georgia.—Operations on this river have been embarrassed by failing to obtain the authority of South Carolina to proceed with the obstruction between Hutchinson and Argyle islands, by the employment in Florida of the steamboat used in towing the loaded flats to a place of deposite, by sickness and desertion among the hands, and the impracticability of procuring another boat to supply the place of the one withdrawn. The report of the local engineer enters into a detail of the subjects here touched on, and will show the efforts that have been made to obtain more favorable results. From these considerations, and a desire to lay before you full information on this subject, the whole report is appended, marked H. At the same time the question is respectfully submitted for your consideration, what steps must now be taken as regards that part of the system of improvement adopted, relating to the proposed obstruction between Hutchinson and Argyle islands.

Brunswick harbor, Georgia.—Ten thousand dollars were appropriated by Congress in July last, for the improvement of this harbor, by removing the Brunswick bar. The officer charged with the superintendence of the work reports that, owing to the late day on which the funds became available, and the pressure of other duties, nothing has yet been done further than to elicit information.

Inland pass between St. Mary's and St. John's, Florida.—During the past year, a dredge-boat, two mud-flats, and one wood-flat, have been completed for the service of this work. From the time the dredge-boat was established at work, which did not take place till late in June, 1,300 cubic yards of mud, &c. have been removed from the channel-way, and is represented to have improved materially the passage. The operation of dredging at this place is necessarily slow, as the boat can only work while afloat and cannot load but two flats at about high water. The officer detailed on this service, and who had commenced a survey for the purpose of ascertaining the best mode of surmounting the difficulties of many short turns in a narrow and shallow channel, had made such little progress when his services were required with his company, that his labor and the expense of preliminary preparations were lost. A complete project of this improvement has not yet been made, for want of an accurate survey.

Appalachicola, Florida.—Ten thousand dollars were appropriated by Congress at its last session for removing a mud-shoal, called Bulkhead, from East pass to this place. It was deemed advisable, upon the recommendation of the mayor of the town, to postpone the commencement of this work until the results of the operations in the *strait channel*, by Mr. Griswold, should be exhibited. In the meantime the officer charged with the general superintendence of the work will cause an examination to be made of the East pass channel, to ascertain the nature and extent of the impediments it contains.

Mobile harbor, Alabama.—It has been stated in the pre-

vious annual reports that the operations for improving the Choctaw pass in this harbor had been carried on by contract. The dredging-machine used by the contractor was so much injured by storms in November last as to be rendered unworthy of repair; up to that time the contractor appeared to have been diligent in the prosecution of his work, and efforts were made to renew the contract, which he declined. Proposals have since been invited for the excavation of the channel, in order to afford it increased depth and width, without success, though the department is given to understand that a gentleman from New Orleans has offered to undertake the work, and it is hoped that an agreement will be made by which this work will no longer be delayed.

Pascagoula river, Mississippi.—Owing to the necessity of making considerable repairs in the dredging-machine, and also to the difficulty and expense of carrying on the work during the severe winds and storms which prevail in the winter and spring months, operations for the improvement of this river were not commenced till late in April. The work has since been prosecuted with great energy by the present contractor, and with as much success as circumstances would admit. But owing to the ruinous state of the machine, and the unusually low tides which have prevailed during the third quarter, as large an amount of earth has not been excavated as might otherwise have been expected. Should the weather prove at all favorable, the work will be completed as far as proposed during the ensuing winter. The examinations made of the work executed the preceding as well as the current year, go to show that the outer extremity of the pass, which is excavated through soft mud, as feared in my last report, fills up nearly as fast as excavated, and that four feet is the greatest depth of water that can be depended on, and it seems doubtful whether even this depth will continue for any length of time. No further appropriation will be necessary.

Red river, Louisiana.—The progress made in removing the great raft on this river will be seen by reference to the report of Captain Shreve, marked I. In accordance with his recommendation, made in former years, and of the necessity of which he is more and more convinced, $15,000 are embraced in the estimate for next year, for working a dredge-boat in order to keep open the channel-way, and $8,000 for building the necessary boat, in addition to the $15,000 appropriated last year for the purpose, and which, from the increased price of materials and labor of all kinds, is not sufficient. $65,000 are besides asked for by Captain Shreve, for his operations this winter. A less sum he thinks will be unavailing, and the importance of its early appropriation he represents in an urgent manner; to which I beg leave to add my earnest recommendation.

Ohio and Mississippi rivers, below the falls of the Ohio.—The report of the operations for the improvement of these rivers, from the falls of the Ohio to the mouth of the Mississippi, is annexed, marked K, from which will be seen the progress made during the year, and their present condition. To this are added the reports of the officers of this department who inspected these works.

Ohio river above the falls.—The report from the officer charged with the improvement of this portion of the river has not yet been received.

Arkansas river, Arkansas.—During the past working season, nine hundred and twenty-eight snags have been removed from the bed of this river, and fourteen hundred and eighty-one trees cut off its sand bars, and under its banks. Although by these means its navigation has been considerably benefited, yet much remains to be done to render it safe. The accumulation of timber in this river is very rapid, owing to the great number of trees deposited in the channel by the caving in of its banks, particularly below Little Rock, and which must continue until the lands on the banks are cleared, or the timber felled from them. This latter plan is considered very essential to the permanency of any improvement that may be made by the removal of snags now in the channel.

Cumberland river.—The wing-dam and embankments at Line island, extending in length 1,687 yards, with a base from 12 to 18 feet, and 6 feet high, have been completed, and are found to answer all the purposes intended, and to give a safe and uniform channel the whole length of the islands. The improvements at Dover shoals, in Tennessee, have been commenced by extending a wing-dam from the left bank, for the purpose of forcing the current down the right shore. Owing to the large quantity of material at hand, the work has advanced rapidly, and 450 yards of the embankment, from 3½ to 4 feet high, have been completed. Two hundred and eighty-three snags and one hundred and eighty-seven logs had been removed by the snag-boat from the channel-way between Nashville island and the Big eddy, when operations were suspended by high water. In consequence of a disaster to the boat in March last, her aid has been lost to the operations of this season. Arrangements have been made to rebuild her this winter. On the 8th of August the river rose at Clarkville 25 feet in 13 hours; all the small streams from Harpeth to Line island overflowed their banks, forcing into the river whole trees, logs, and rocks, and depositing at some places bars of gravel and sand across the river, making its navigation intricate and dangerous. It is estimated by the local agent that to repair the damages of the late freshet will cost from three to four thousand dollars.

For further particulars relating to the improvement of this river, I refer to the report of the officer of engineers who has made an inspection of the works, marked L.

Pier near the city of St. Louis, Missouri.—Fifteen thousand dollars were appropriated by Congress, at its last session, for building a pier to give direction to the current of the Mississippi, near this place. The department having no officer available, the execution of the work was offered to the corporate authorities of St. Louis, who declined its acceptance, by a resolution of the Board of Aldermen. Captain Shreve was afterwards directed to take the first opportunity his duties would allow, to draw up a a project of the proposed pier, and commit its construction to some suitable person. He has informed the department that the season is too far advanced to attempt any thing before next summer, and that the months of June and July next will be as early as the work can be commenced to any advantage. He, at the same time, has suggested the propriety of making a further appropriation, as the sum now available is too small to accomplish any work sufficient to remove the bar from the harbor of St. Louis, or to prevent its encroachment on the landing, and that not less than $50,000, in his opinion, can effect the object in view.

Mississippi river, above the mouth of the Ohio, and the Missouri river.—Forty thousand dollars were appropriated at the last session of Congress for improving the Mississippi river, above the mouth of the Ohio river, and the Missouri river. The report of Captain Shreve, to whom the duty was assigned, is annexed, marked M.

Light-houses and beacon lights.—The condition of the light-houses on the south shore of Lake Erie will be seen from the report of the officer to whom their construction is committed, marked A.

The agent of the department for those of *Genesee* and *Big Sodus* reports that he has not found it necessary to extend his operations beyond the preparation of copper fixtures, frames, lanterns, and lamps, which have not been placed in the beacons, as he has wished to wait for a firm subsidence of the works into the bed of the lake, the only security of their permanency. He also reports that, during a late storm, the beacon at Genesee has subsided and fallen; that from the lateness of the season he shall not rebuild it before spring, and for which he has sufficient funds on hand.

The operations for the *light-house at Oswego* are nearly brought to a close. The tower is completed, the iron, glass, and copper for the lantern and windows procured, and the lantern itself nearly completed. The lamps have been ordered by the superintendent of light-houses, and are expected in a few days. The funds now available are expected will finish the work.

Nothing has been done towards the construction of the light-house on *Goat island* the past season. So soon as the appropriation, granted in fulfilment of the estimate, became available, proposals were invited for the construction of the whole work, or the supplying materials. Only *one* proposal being received upon this invitation, and that for a part of the work, offers were made to persons experienced in such operations, but none were found willing to undertake it for a sum justified by the appropriation. It was then wished to commence the work immediately, by daily labor, which was found impracticable, as materials could not be collected before operations would have to be suspended by the weather. Proposals are advertised for anew, for beginning the work in the spring, which, if unsuccessful, will be commenced by daily labor.

ROADS.

Roads from Detroit to Fort Gratiot, and to the mouth of Grand river, in Michigan.—No appropriations were made for these roads at the last session of Congress, nor has any report from the agent of the department been received, stating their present condition. The first has been completed, as stated in my last report, and the arrearages due, as then explained, have not been liquidated for want of funds.

Roads from Detroit to Chicago, Saginaw road, Territorial road from Sheldon's to the mouth of St. Joseph, Territorial road from Niles to the mouth of the river St. Joseph, Territorial road from Clinton to the rapids of Grand river, road from Port Lawrence to Adrian, road from Vistula (now Toledo) westwardly to the Indiana State line.—For the condition of these roads I must refer you to my last annual report. No appropriations have since been made for their continuance, nor has the department received any report of their present condition. The presence of the officers charged with their superintendence was necessary with their companies, and I have not learned what progress has been made in the application of the balances of former appropriations.

Road from La Plaisance bay to the road leading from Detroit to Chicago.—The progress on this road is not such as was anticipated or could be wished. The whole is under contract for a certain portion of labor, which should have been completed some time since; yet, from the commencement of the season, scarcely a week has elapsed of weather favorable to operations. Constant rains have kept the earth in a state unfit for working, and the enormous price of provisions and labor during the whole season has interfered with the contractors. Such parts as do not seem likely to be finished without this course will be resold.

This importance of completing this road according to the plan commenced by the department in 1833, and which had to be abandoned for a more economical system, is urged in strong terms by the superintendent. He has submitted an estimate for this purpose, amounting to $23,000.

Road from Line creek to the Chattahoochie river, Alabama.—In my last annual report it was stated that all the funds for this road had been expended, and that, from a misapprehension of the agent, there was an arrearage due of $1,514 50, for which no appropriation was made, and which is again inserted in the estimates for next year.

Road from Memphis to the St. Francis river.—The efforts that have been made to advance the construction of this road, and the many causes that have occurred to retard it, together with the progress in the work, are fully set forth in the report of the superintendent, and is hereto appended, marked N, for your information.

Cumberland road in Indiana and Illinois.—No report has been received from the officer charged with this work; it will be laid before you upon its arrival.

Cumberland road in Ohio.—For the condition of that portion of this road yet in the hands of the General Government, as well as for the progress made in its construction, I beg leave to refer to the report of the superintendent, herewith submitted, marked O.

Cumberland road east of the Ohio.—The report of the superintendent of that portion of this road lying in the States of Pennsylvania and Maryland, giving a detailed account of the progress made in its repair, is appended, marked P. It will be perceived that the completion of the bridge over Dunlap's creek, which was anticipated at the date of my last report, has been delayed by the unprecedented wet weather, high water in the river, and scarcity of mechanics. The difficulties interposed by the authorities of Bridgeport to its location caused so much delay in commencing the masonry for the abutments, that the contractors, who had engaged to finish the work before the great rise in the price of labor, provisions, and mechanics' wages took place, not being able to commence their operations early last season, declined to comply this year with the terms of the contract made the last, and thus caused an increase in the cost of its construction. The great rise in the price of iron, of which the bridge is to be constructed, from $35 to $55 per ton, and the withdrawal of all the officers of the army, have made it necessary to employ civil agents, which was not considered in the original estimate, and also materially added to its cost, and now renders necessary for its completion, and to perfect the whole work, $7,183 63, or a fraction less than one per cent. on the original estimate. All the repairs are finished except the execution of the contract for completing the bridge over Will's creek, and that for finishing the masonry, casting the iron-work, and putting it in place for Dunlap's creek bridge.

That portion of the road lying in the State of Virginia having been turned over to the State the last year, I have nothing to communicate concerning it.

Military Academy, West Point.—The state of this institution, as well as its capacity for great usefulness, are exhibited in the annexed report of the last Board of Visiters, marked Q. All the wants of the Academy, respecting the course of tuition, the necessity of larger, more secure, and comfortable buildings, are there detailed; and I beg leave particularly to call your attention to the present inadequate provision for imparting instruction in the studies of chemistry, mineralogy, and geology, the two last of which are now entirely omitted; as well as to the insufficiency of the rooms provided for the professors of natural philosophy and chemistry. The remarks of the Board in relation to the course of religious instruction deserve your serious consideration, and the importance that is attached to a separation of the duties of chaplain from the professorship of ethics. The introduction of cavalry tactics into the school is, under the present organization of the army, so essential, that I have embraced in the estimates for next year a sum for the purchase of horses necessary for its instruction, and for that of light infantry, and which is required by the demands of actual service and the policy of Government more than to complete the military education of the cadets.

In the general estimate of funds required for the current expenses of the Academy, has been included the cost of erecting a building for recitation and military exercises, new barracks for the military detachment stationed at the post, a barn, and public stables. The building first named has been commenced under former appropriations, and will unite under one roof a large hall for military exercises, sixteen recitation-rooms, and quarters for all the assistant professors connected with the institution. The condition of those now used for these purposes has been so fully set forth by the Board of Visiters, that no further recommendation can be wanting to enlist your favorable consideration.

Site for fortifications on Lake Champlain.—The resolution of the Senate of the 18th of April last, referred to this department, has not yet been complied with. A requisition for the survey first necessary was made on the 12th of July, and which, it is believed, has not been completed, from the officer detailed for the purpose being assigned to other duties.

Site for a fort on the Gulf coast of the Mississippi.—A requisition was made, on the 15th of July last, for a brigade of topographical engineers to make the survey in question, in order to comply with the resolution of the Senate of the 20th of April, which was referred to this department. The report of the survey has not yet been received.

Mouth of the Mississippi river.—Seventy-five thousand dollars for increasing the depth of water at the mouth of this river was appropriated by Congress at its last session, which, by the act of appropriation, required a previous survey before it could be applied. A request was made on the 12th of July that a brigade of topographical engineers should report to the engineer officer on the Gulf of Mexico for the purpose. But, having recently learned that no topographical officers could enter on the duty this fall, the whole subject has been committed to that officer.

Office of the Chief Engineer.—The business of the office has been steadily increasing for many years, and is constantly augmented by the reference of new objects provided for at each succeeding session of Congress. An idea of this increase may be gathered from the fact that, in 1823, the whole amount of funds referred for application was $520,150, and which has regularly augmented up to the present time to $3,643,271 76. The duties of the clerks have consequently so increased that a proper record of transactions cannot be kept up, and the salary allowed, while much below that in other departments whose business whether in magnitude or responsibility is believed to be no greater, is not sufficient to remunerate them for their services, or to command such as either the interest or despatch of the public business requires.

It will be seen by the foregoing report of operations, that, in many instances, no provision could be made for applying certain appropriations to the objects intended, while in others the arrangements, though the best within the control of the department, were not such as could have been wished.

The desire to fulfil the wishes of Congress led me to impose upon the officers of the department more duty than they can properly execute, and more, I am aware, than the interests of the separate works would authorize. However frequently and earnestly I have represented the impolicy of this course, I cannot refrain from bringing before you the propriety of adopting some measures, either to reduce the duties now devolved upon the department, or to enlarge its powers of action commensurate with the wants of the service. The reasons for such a step, drawn and substantiated by the annual history of operations, have been so often given that they need not now be repeated; and I will only add that, under the present organization of the corps of engineers, the wishes of Congress, so far as they depend upon this branch of the service, cannot be complied with, the public interest cannot be attended to, nor the defence of the country keep pace with the number of appropriations. Under these circumstances, I must again recommend that the number of clerks in the office be increased to seven, with salaries equal to those in the civil departments, and that the corps of engineers be doubled in its numbers.

All of which is respectfully submitted.

C. GRATIOT,
Chief Engineer.

UNITED STATES MILITARY ACADEMY.

Report of the Board of Visiters invited by the Secretary of War to attend to the general examination of the Cadets of the United States Military Academy.

Hon. LEWIS CASS, *Secretary of War:*

SIR: The undersigned have, in compliance with your request, attended the annual examination of the cadets at this post, and herewith report the result of their investigation.

Having been instructed by their letter of appointment to "make a full and free investigation in regard to the course of instruction, both military and scientific, to the internal police, discipline, and fiscal concerns of the institution," the Board of Visiters entered upon, and have conducted their examinations with the most rigid scrutiny. Every facility for this purpose was afforded by the officers of the institution.

In order most effectually to discharge their duty, the Board committed the different branches of their investigations to committees of their members, whose separate duty it became to examine into, 1st, the fiscal affairs; 2d, the internal police; 3d, the course of instruction; 4th, religious instruction; and, 5th, the military education and discipline of the Academy.

These several committees have submitted to the Board the result of their respective investigations; and their reports, after having been sanctioned by the entire Board, are herewith transmitted to the Secretary of War, for his more particular information upon those several objects.

1st. *The fiscal affairs.*—The quartermaster's and paymaster's departments were carefully examined, and satisfactory evidence furnished that the sums appropriated had been properly disbursed, with strict regard to the objects intended. The particular appropriations necessary for the year are set forth in the estimate marked A, annexed to the report of the committee, and are recommended by this Board.

The Board believed it to be their duty to examine also into the fiscal affairs of the cadets, and they are happy to express their full approval of the discipline and regulations upon this subject. Each cadet receives, in pay and rations, $28 per month, and no more. With this sum he is obliged to pay his board, and to provide all the furniture to his room, all his books, his clothing, and every necessary: the Government providing nothing for him but instruction, arms, and a room to lodge in. By a very salutary regulation, two dollars a month are reserved out of each cadet's pay, until he leaves the institution. Thus, if he is dismissed, he has the means of returning to his family; if he graduates, the means of providing himself a proper uniform. The wisdom of this provision is apparent from the fact (which this Board has satisfactorily ascertained) that the greater part of the cadets are of indigent parentage.* To preserve an entire equality among them in this respect, the regulation which forbids "any cadet to apply for or receive money or any other supply from his parents, or from any person whomsoever, without permission from the Secretary of War," is strictly enforced. Rigid economy therefore is required from the cadets, to enable them with their pay to meet the necessary demands upon their funds. They are obliged to keep accurate accounts of their expenditures, and if any of their pay remains unexpended for necessaries, they are not permitted to receive it, unless for special purposes.

* Thus, in one class, (the only one we inquired of, and that selected accidentally,) we found that out of forty-eight cadets twenty-six were of parentage who were unable to give them a liberal education; and instances are within the knowledge of some of the members of this Board, where individuals from the humblest walks of life have attained the highest honors of the institution.

They are thus with great care taught lessons of order and economy, which become of the utmost value to them in after life, and which have already so distinguished the graduates of the Academy, that the experiment of making them the disbursing agents of the Government on its public works has been eminently successful. And it is, doubtless, from this cause that they present the excellent example of having disbursed millions of the public funds without a dollar's defalcation.

This is considered by the board of visiters as the legitimate result of the course of education at the Academy. And it must be apparent to every one that the strict morality, high sense of honor, and the lessons of order and economy which they are taught, render them invaluable agents of the Government, and will compensate the nation for the very moderate expenditure which is incurred in their education.

2d. *The internal police.*—This comprehended, among other things, an inquiry into the provisions for the comfort and the regulations for the conduct of the cadets while in barracks pursuing their studies.

This meets the entire approval of the board.

The fare of all the cadets is precisely alike. They eat at a common table. The furniture of their rooms and their conveniences are the same. In the barracks they sleep on the floor, and on the ground when in camp. They go through guard duty in succession; and, in fine, such are the regulations and discipline, that the combination of military duties with their scientific studies is well calculated, not only to make them industrious and laborious, but to inure them to the hardships of a soldier's life.

This branch of the inquiry involved an examination into the situation of the public buildings and their fitness for the purposes intended. The accommodation for the cadets, in respect to room, is by no means adequate to their comfort. In rooms of about twelve feet square, three and four, and sometimes a greater number of cadets, are compelled to reside. These rooms are badly constructed. In winter time some of them are very cold, not having sufficient protection from the wind, and in summer some are uncomfortably warm, from an absence of ventilation. The buildings which the cadets occupy are, in fact, in no respect different from the ordinary barracks of the army, except that they are more uncomfortable and built of more unsubstantial materials. The judicious expenditure of a small sum upon this subject would, in the opinion of the board, be very desirable.

The want of accommodations for the professors and their assistants is still more manifest. The crowded state of their laboratory and philosophical rooms adds much to the labor of the instructers, and consumes much of their time. Besides this, is the hazard to which much valuable property is necessarily exposed. The philosophical apparatus and the library, which are very valuable, are now in the same building with the chemical laboratory, and, consequently, very much exposed to danger from fires. Nothing but extraordinary care has preserved them until this time, and it certainly would not excite the wonder of the board, if they should learn at an early day that they were all consumed. The expenditure of $6,000 would, in the opinion of the board, erect a suitable fire-proof building, and thus guard against the unfortunate destruction of property which could not be replaced for less than $100,000.

3d. *The course of instruction.*—By the regulations of the War Department for the government of the Academy, two studies are enumerated, (among those which are to be taught to the cadets,) which are entirely omitted, viz: mineralogy and geology; although among the required and necessary studies, no adequate provision has been made by law for the endowment of a professorship. All the power which the War Department has over the matter, is to detail a lieutenant of the army for duty; but as this officer cannot receive any additional compensation for this duty, he has no inducement to qualify himself for teaching. This is the cause why that branch of education has been abandoned, and it cannot probably be resumed without a special provision by law. The importance of these studies, in a military point of view, is too evident to require from the board any other expression than that of their hope that a reform in this respect will be speedily accomplished.

This, however, is not the only provision which the board deem necessary in order to place the different branches of instruction on a proper footing. The very thorough course of instruction pursued at the Academy necessarily requires a large number of instructers, seventeen of whom receive no other compensation for their services than the pay of a lieutenant in the line. That pay they would receive if with their regiments; and then they would not be subject to the arduous task now imposed on them. Consequently, a situation at this Academy is rather avoided by the officers of the army than sought after, and when once assumed is abandoned as soon as circumstances will permit; and the board has ascertained that, during the three years ending on the 1st inst. twenty-six officers have abandoned their situations at the Point, and that one professor and four assistants will leave before the end of the approaching vacation; making a change of thirty-one instructers in little more than three years. This constant change is a serious evil, and the interests of the institution certainly require a remedy.

It cannot excite the surprise of the Department that, under existing circumstances, these changes should frequently occur. Whatever may have been the education of an officer, it is no slight task to qualify himself to instruct, and properly to instruct; and it cannot be expected that any one would voluntarily assume these extra labors, when no compensation whatever is allowed for them.

Another difficulty is, that an officer, when he becomes duly qualified as an instructer, finds in civil life far greater inducements; and that class of individuals most useful to Government, from their scientific attainments, have frequent offers of three or four times their present compensation to assume the duties of some civil station. Nothing but the strong sense of obligation to the nation for their education which pervades the graduates of this institution, has prevented a more ready acceptance of these offers; and this board does not hesitate to declare its firm conviction, that if Government would allow to these individuals only one-half the remuneration which they can readily obtain in civil life for the same services, the sense of obligation to which we have alluded would retain them in the service of the nation.

The present situation of professorship of chemistry is a fair illustration of the evils of the present system. This professorship is not endowed, and this study can be taught only by detailing an officer of the army for this purpose. The present teacher receives as his entire compensation $767 per annum—not as much as he would receive if on staff duty at some other post; and although by long study and practice he may well qualify himself to teach, he is liable at any moment to be ordered to other posts; and although some of the assistant professors in other branches receive extra compensation, yet he is not allowed any, although at the head of a department and performing duties as laborious and responsible as almost any other professor.

The board of visiters feel these evils so strongly that they beg leave to suggest a representation of them to Congress, in the confident belief that there will be no hesitation among the representatives of the nation in providing the necessary remedies.

Notwithstanding all these difficulties, the course of instruction is very perfect. The cadets are taught the *rationale* of their studies, to think for themselves, and to apply their scientific attainments to actual practice. The periodical examinations of the cadets not only test their proficiency in their studies, but guard against the bestowal of the care of Government upon improper objects. Any

one who is found unwilling or unable to undergo the hardships of his academic life, to submit to the rigid discipline of the institution, or to manifest a suitable proficiency in his studies, is dismissed. This sifting operation, if we may so call it, is productive of admirable results. Those only who are found worthy are permitted to enter the service of the nation: the unworthy are discharged.* The cadets are, in fact, part of our army. They enlist for five years, and, like other branches of the service, are promoted only when their conduct justifies it.

It became a question with this board whether this term of enlistment was long enough, and whether the privilege of resigning at the end of one year after the close of their education had not been so far abused as to deprive the Government of such benefits from the service of the graduates as would afford a just compensation for their education.

But an examination produced this result, that of the total number, 841, who had graduated, only 65 had resigned at the end of their term of enlistment.†

4th. *Religious instruction.*—In this branch, the education is at present necessarily deficient. The same individual is now obliged to officiate as chaplain of the post, and as instructer in rhetoric, moral philosophy, and political science. He has only one assistant; and it is physically impossible for those two individuals adequately to discharge all these duties; some of them must be, and necessarily are, neglected. The religious instruction of the cadets appears to the board to be a matter of too much importance to be neglected. The best remedy for this evil which suggests itself, would be the separation of the duties of the chaplain and professor. Next to this would be the appointment of a clerical gentleman, as an assistant in the duties both of chaplain and professor; and if neither of these is practicable, then, in the opinion of the board, an officer of the army ought to be detailed as second assistant to the professor. This improvement must commend itself to the favorable attention of the Department, by every consideration affecting the permanent welfare of the cadets.

5th. *Military education and discipline.*—Upon this subject, the board cannot do better than to refer to the full report made by the committee on that branch of our investigation, and to express their full concurrence in its views.

The board, however, feel themselves called upon to add their conviction of the importance of adhering strictly to the sound principles laid down by the President of the United States, in his letter of the 8th of December, 1835, in relation to Cadet Hammond. The restoration of cadets to the Academy, after their dismissal for incompetency or misconduct, is not only subversive of the necessary discipline of the post, but must result in the application of the bounty of the Government to unworthy objects. This board believed it to be within the proper range of their inquiries to ascertain how far the regulations of, and mode of education at, West Point conformed to the objects for which the Academy was instituted. They supposed the institution was "designed not only as a school in which the youth of the United States are to be instructed in the art of war, but they are, in all cases of exigence, to serve as an actual defence to the community." This object seems to be kept constantly in view.

The school is strictly military in its character, instructing the young men in the art of war and fitting them to defend our country.

It is believed to be true, as a general rule, that some previous education is necessary to qualify a man to exercise the art of war. (To this, as to every other general rule, there are doubtless brilliant exceptions.) If, in those rude days when every battle was but a series of single combats, and when brute force and physical courage were the only qualifications of a soldier, long and arduous training was an indispensable prerequisite, how much more is it necessary now, when war has become a science, and when the mental more than the physical qualities of man determine the issue of the contest. When this science, unlike all others, shall so change its nature as to be imbibed by intuition, then, and not till then, can a country, extensive as ours is, and almost surrounded by savage and intractable enemies, and in its rapid prosperity coming in collision with the interests of powerful nations, dispense with at least such preparations for war as naturally will flow from the education of a portion of our youth for this special purpose.

This board is free to express its opinion that this Academy is admirably calculated and conducted for the attainment of this end. All its studies and practices are essentially military, involving at once a knowledge of the science, and an habituation to the hardships of the war, so that, in case of actual conflict, we have the nucleus of an army, and a satisfactory guarantee against the misfortunes which visited our arms at the commencement of the last war with Great Britain; and in peace we have a well-trained band of officers devoted to the service of the country, capable of defending our frontiers and extending our fortifications, of carrying on our great system of internal improvement, of guarding us against the impositions of foreign empires; but, above all, of developing and calling into action the undiscovered resources of our new States.

These are advantages which we believe do necessarily flow from this institution. They can be attained only by arduous and indefatigable labor on the part of cadets and teachers. This labor cannot be produced without adequate inducements. To this end, Government must provide for the education. Unless it does, the poorer classes will be deprived of the advantages of such instructions, and the richer will discover no motive for undergoing the hardships necessary to its attainment.

These advantages are happily combined in this institution, and, with the fostering care of the Government, may easily be made to conduce to the permanent welfare of the whole nation.

In conclusion, the board of visiters earnestly recommend this institution to the care and attention of the Government. Their examination affords them ample reason to know that the intention of the nation in regard to it is faithfully executed. "The instructers teach in defiance of obstacles," and the graduates, after a most searching and rigid scrutiny, have evinced a knowledge of their profession which

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* The board examined the effect of this practice upon four classes—

One of which,	begun with	106	members,	graduated	45
One of	do	do	108	do	do	43
One of	do	do	119	do	do	36
One of	do	do	111	do	do	56

So that of - - 444 who entered, only 180 graduated; and the board is informed that 160 of that number are now in the service of the nation.

† This examination further showed that, of 220 cadets who had, from the first organization of the Academy till 1835, either resigned, declined a commission in the army, or been dropped, 20 left the army one year after their graduation, 45 the second year, 28 the third year, 28 the fourth year, 13 the fifth year, 11 the sixth year, 8 the seventh year, 13 the eighth year, 7 the ninth year, 9 the eleventh year, 4 the twelfth year, 8 the thirteenth year, 4 the fourteenth year, 6 the fifteenth year, 5 the sixteenth year, 5 the seventeenth year, 1 in the eighteenth year, 1 in the nineteenth year, 1 in the twenty-first year, and 1 in the twenty-third year. And of the residue of the number of graduates, 403 still remained in the service of the country, 15 had been killed in battle, and 106 had died in the service.

cannot but be valuable to the country whenever its exigencies shall call it into practice.

West Point, *June* 18, 1836.

R. C. FOSTER, *of Tenn., Pres't.*
LOUIS MARSHALL, *Kentucky.*
NATHANIEL GREENE, *Mass.*
JOHN TRAVERS, *N. Jersey.*
ALLAN McDONALD, *N. York.*
JOHN McLEAN, *New York.*
MORGAN L. SMITH, *N. York.*
JOHN MUSHAT, *N. Carolina.*
JAMES PEACOCK, *Penn., Sec'y.*
J. W. EDMONDS, *New York.*
DAVID E. TWIGGS, *U. S. Army.*
J. HENRY DURMONT, *R. Isl'd.*
GUSTAVUS F. DAVIS, *Conn.*
JOHN HENDERSON, *Penn.*
JAMES KINNEAR, *Penn.*
ALFRED JOHNSON, Jr., *Me.*
ALFRED IVERSON, *Georgia.*
B. A. BIDLACK, *Pennsylvania.*
EDWARD HERRICK, *Penn.*
GEORGE M. KEIM, *Penn.*
A. W. CHILDS, *Massachusetts.*
DAVID J. BAKER, *Illinois.*
JAMES RYAN, *New York.*

The undersigned most cordially concurs in the above report, only asking indulgence to express a doubt which he entertains respecting the right of the Federal Government to establish such an institution as the Military Academy at West Point.

JOHN D. PHELAN, *Alabama.*

Fiscal Affairs.

The committee appointed by the board of visiters to inquire into the fiscal concerns of the Military Academy, report:

That they were referred to the quartermaster's department, as the place where the superintendent transacted the moneyed affairs of the institution; that they there examined the books and accounts exhibiting the appropriations made at different times, and the manner in which they had been disbursed; that they viewed the chapel and other works not yet completed; the design, size, and arrangement, were well adapted to the situation and objects intended.

Your committee also proceeded to the paymaster's department; they there discovered that moneys originating from the rents of lots, and from wood, hoop-poles, &c., taken from the land connected with the establishment, making about $700 for the year 1835, was carried to the post fund. The important branch of the paymaster's duties consist in his being treasurer for paying the cadets. Each cadet receives $16 and rations worth $12, making $28 per month; and purchases at the store such articles as the superintendent thinks proper, and at prices fixed by a board of officers. The storekeeper is obliged to furnish each cadet with an account-book, and enter in that book, at the time of delivering, the articles furnished. The cadet keeps this book; settles with the treasurer. This regulation seems to be rigidly enforced. Whilst it protects the cadet from undue advantage, it teaches him system and attention to his own concerns.

There has been appropriated $20,000 for the erection of a building for military exercises in winter. Of this sum a part remains unexpended, and the superintendent estimates that $25,000 more will be necessary for this object for the present year. It is evident that a building of this kind is very necessary for the comfort and health of the cadets, as they must at times neglect their necessary exercises, or take them exposed to the inclemencies of the seasons.

In addition to that, the superintendent has forwarded to the committee an estimate of funds required for the service of the United States Military Academy for the year 1836, (marked A,) and herewith submitted, embracing many objects which are deemed by him, and considered by us, very important. We believe that a small institution like this is necessary in our extended and growing country. When the military system is generally neglected, in case of emergency and necessity (which we cannot expect, whatever we may desire, to be always exempt from) there may be those of our countrymen at hand, and settled through our population, able to impart the required instruction. We take pleasure in stating that our investigations have conducted us to the conclusion that those intrusted with the charge of the instruction here have been faithful and economical, and that nothing is wanted to make the Military Academy of great national advantage but a patronage, the cost of which would be small when compared with other matters perhaps not more indispensable to the welfare and honor of the country.

E. HERRICK, *Chairman.*

A.

General estimate of funds required for the service of the United States Military Academy at West Point, New York, for the year 1836.

For travelling expenses and accommodation of the board of visiters	$2,000 00
For general repairs, fuel, forage, stationary, printing, postage, transportation, and miscellaneous expenses	29,130 00
For the department of philosophy	6,300 00
For the department of engineering	500 00
For the department of mathematics	125 00
For the department of drawing	310 00
For the department of artillery	50 00
For the increase and expenses of the library	800 00
For the department of chemistry	800 00
For the construction of two small wooden buildings (filled in with brick) for quarters for assistant professors, with families	4,000 00
For the construction of a suitable yard and permanent shops for artificers, such as carpenters, blacksmiths, painters, &c., the whole to be substantially built of stone	10,000 00
For the erection of a building for military exercises in winter, in addition to amount already appropriated, as per plan already provided	25,000 00
For the purchase of horses for the school of cavalry and evolutions of light artillery	9,390 00
For completing the chapel	3,500 00
For a drawing-room for the professor of drawing	800 00
For amount overrun in 1834 and 1835, by the board of visiters	382 48
	*$93,087 78

Internal Police.

Mr. President: The committee to whom was referred the subject of police, in pursuance of the duty assigned them, have visited the hospital, barracks, and other buildings designed for the use and accommodation of the cadets at West Point, and beg leave to state the following facts:

The hospital contains eight rooms for the accommodation of the sick, the whole of which, they are happy to state, have never been tenanted: a strong evidence of the healthful situation of the establishment, particularly when accom-

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* This sum was reduced in the Engineer department to $34,004 78, which amount has been asked to be appropriated this year by Congress.

panied by the report of the surgeon, who states that his sick report does not exceed an average of five; and a majority of these ephemeral cases of slight headache, or something of that character. On the subject of the barracks, your committee would beg leave to state the following facts: The rooms of the south building are entirely two small, and the openings have been made without regard to the prevailing winds of winter, and hence the rooms are cold and comfortless during the inclement season. Your committee would also suggest the propriety of making the rooms spoken of single. The rooms in the north building are larger, better adapted for the purpose they were designed. Your committee, however, disapprove of the course pursued in the practice of putting four, and even five, young gentlemen into one room; a practice at once unfavorable to morals and industry, and which nothing but necessity can excuse. The commons or boarding we found highly to be commended.

The room appropriated for the professor of natural philosophy, we found wholly unfit for the purpose. This room is small, and unprovided with seats for the class, or any competent provision for securing the instruments, which are fine. Upon examining this room, our admiration of the extent and accuracy of knowledge exhibited by the class during examination, was much heightened, together with astonishment at the patience and labor the professor must have displayed in communicating such varied knowledge, so confined in point of space as hardly to be able to use any of his instruments with facility.

The professor of chemistry labors under all the inconveniences above described, and nothing but a determination to instruct in defiance of obstacles could have enabled either of these gentlemen to have brought forward pupils so well prepared as the unanimous testimony of the board of visiters justify your committee in reporting them to have been.

One fact your committee lament to have become acquainted with. The professor of chemistry, whose labors have been so profitable to his young pupils, has had no provision made for salary, and has done all his duties without compensation. This surely should not be. Your committee beg, in closing this report, to state that the rooms referred to are under one roof, as is also the library. Thus, public property to a very large amount is in the most unsafe condition imaginable, exposed constantly to destruction by fire; and as the present building is unfit for the use to which it is appropriated, they beg to suggest the propriety of erecting a building fire-proof, and more suitably arranged; the cost of such a building would not exceed $6,000.

LEWIS MARSHALL, *Chairman.*

Course of Instruction.

Although somewhat foreign to, and only indirectly connected with, the part assigned them, the committee on the course of instruction, from a sense of that duty which they owe to the cadets and professors, to themselves and to their country, feel bound to express, not only their satisfaction with the evidence which has in the course of the examination been afforded of the talents, the accuracy, and the progress of those examined, and of the ability and faithfulness of their instructers, but to add that their anticipations have been more than realized. They feel themselves justified in declaring it as their belief that the progress and accuracy of the cadets examined (numbers being equal) cannot be surpassed by the students of any of the literary institutions of our country. This declaration rests upon and proceeds from a knowledge of the subject-matter of the examination, as well as from a comparison of this with similar examinations to which, either for reasons resulting from the nature of their office, or from other relations in society, they have been called to attend. When this committee look into and examine the course of instruction originally designed to be pursued and perfected, they are forcibly struck with the wisdom displayed in the selection and arrangement of the studies therein embraced. Their adaptation, as far as they go, to the exigencies and situation of the Government, must be apparent to all who will take the time and subject themselves to the trouble of even a superficial examination. The importance and even the necessity of an institution to teach those branches of science immediately connected with the military defence of the country was perceived and acknowledged at an early period. To these, other branches were added, and in a few years the course of instruction, to its present extent, was adopted.

The committee regret that more liberal provisions had not been enacted, by which the present plan could have been carried into full and successful operation; but this, like all other institutions, the nature and effects of which can at first be but imperfectly understood, appears to have been placed in a condition to await the success of experiment. The situation of the financial concerns of the Government at the time, might perhaps serve in some degree as an apology for the contracted and uncertain provision made. Were, however, the studies originally selected and designed to be taught in this institution pursued and attended to, prudence might have forbid the utterance of any complaint at this time; but inasmuch as some of the studies are entirely omitted, and inasmuch as those omitted are of vital importance in relation both to the literary character of the institution itself and to the benefical influence anticipated from its establishment and operation, the committee must express their deep regret that such a state of things exists, and at the same time express a hope that it will be changed by the Government, making such appropriations as will warrant the employment of professors qualified to teach and instruct the members of the institution in the different branches of mineralogy and geology. These are the studies omitted, and the committee are sorry to add, omitted for want of funds to support the necessary number of professors. Surely in these days, when improvements of almost every kind are so rapidly advancing onward to perfection, causing the desert to blossom as the rose, and the wilderness to wave with the golden harvest, this committee need not consume their time in illustrating and proving the importance of these branches. Suffice it to say that the farmer, the mechanic, the professional man, yea, every department of society, must feel and acknowledge their importance and utility; and while they are a national advantage, they are also a nation's glory, the splendor of which can never shine with a lustre so pure or so extensive as a Government like ours. Were the committee further to indulge in argument to illustrate and prove their importance and utility, they would especially turn their attention to the vast regions of newly-acquired territory, and to those yet more extensive regions from which the savage must, before long, recede, the profitable exploration of which necessarily demands the aid of those sciences. Besides, it ought to be borne in mind that this institution was designed not merely to make soldiers for the defence of the country, but with this character to unite that of the scholar, the gentleman, and virtuous citizen; and where is the individual who will not acknowledge that, while the present prescribed mode of instruction reflects the highest honor on the wisdom and patriotism of those who laid the plan, it has placed the country in an attitude, in relation to the condition of its armies, which commands not only the respect and approbation of our own citizens, but the admiration of other nations? The committee do not say too much, when they assert that this institution has produced the most salutary effects upon the military department, in point of intelligence, morality, gentlemanly and orderly conduct, as well as upon the skill and discipline, connected with the art of war, which ought with all, and is with every patriot and lover of his country, a subject-matter of national pride and a source of the purest

gratification; for in this way it has been the lot of our Government to prove to the world that it is practicable, with perfect safety to all our political institutions, to establish and carry into successful operation plans of education and improvement by which the physical and intellectual and moral strength of our Government is at the same time increased. From these facts, the committee, before they close, must express their regret at the apparent deficiency that exists in this institution on subjects properly included under the head of rhetoric, which is professed to be taught. The committee refer to the subjects of English grammar, and more especially accuracy in pronouncing and distinctness in enunciation. These defects pervade in a greater or less degree every class and every section of the different classes. Under the head of rhetoric, as given in detail by the professors, these distinct parts are specified; yet when the committee examine the authors or text-books used for the purpose of teaching and explaining all the parts of what is generally known and included under the head of English grammar, they find that Dr. Blair's Lectures stand alone, and alone are used as a text-book. The committee feel very confident that from the mode of teaching rhetoric as systematized by Dr. Blair, and adopted by all who follow his footsteps, but little information can be given or received, without more than common labor, as to those subjects in relation to which they complain of apparent deficiency. In examining into the cause of this state of things, the committee discovered that only a principal and one assistant, owing to the state of the funds, were employed in teaching rhetoric, moral philosophy, and political science, while at the same time the duties of chaplain devolved upon and were discharged by the principal. This explains satisfactorily to the committee the existing cause of the deficiencies complained of, and entirely exempts the professors in this department from the charge of delinquency. These, however, are deficiencies which must be removed. Their existence, more than any others, must tend to affect the literary character of the institution as well as that of the cadet. The reason is obvious. The English language is, and probably will continue to be, the language employed in all the various spheres and departments of life; and, at the same time, the knowledge of its grammatical construction is more widely diffused; consequently an error in giving to a syllable its proper accent or to a vowel its proper sound, strikes the ear, awakens the attention, and even incurs the censure of the tyro himself, whose organs of senses as a guide generally supersede the reasoning faculty, but in these cases are a sure and safe criterion. The committee, therefore, recommend that a distinct professorship of elocution be added to the institution; and that, if practicable, this addition be made at an early period. Should the addition of such a professor be impracticable, the committee would suggest the propriety of separating the duties of chaplain from that of professor of moral philosophy, and that the time thereby acquired be employed in instructing the cadets on the subject of elocution. As handmaids and special helps to the progress and accuracy of the members of the institution in obtaining an understanding of their own language, the committee would not only recommend but urge upon the professors the exercises of writing composition at least once in two weeks, and public speaking as often, leaving the delivery of the speeches, as to their publicity, to the discretion of the various instructers, whether they shall be before a whole class, or one section of said class, or before all the classes collected. This will be best and most profitably arranged by adopting the progress and perfection of the student as the guide.

The committee have made these suggestions in relation to the English language in the mode set forth, because they believe that the one or other of these modes would, with greater facility than any other, be adopted, and more speedily carried into operation. The plan of a preparatory school has been suggested. Such an institution the committee feel convinced would aid much in removing existing difficulties, so far as the time and labor of instructers, consisting only of the present number, are objects of consideration, and in point of economy itself would ultimately best comport with the limited state of the funds set apart for the benefit of the institution. Besides, by this plan, one of the purposes, and by no means the least in importance, to wit: to bring to light and into successful and useful exercise the talents of young men which otherwise poverty would conceal or obstruct, must be answered. And here the committee take the liberty, and embrace this opportunity, to denounce the popular prejudice that this institution is for the benefit of the rich, and in its operations confers its favors exclusively on this class. The philanthropy and patriotism and wisdom of the individuals who devised the plan of instruction, and have aided in raising the institution to its present state of perfection, and existing facts themselves, forbid, and with all intelligent and impartial men will effectually prevent, an opinion so inconsistent with the nature of our institutions from entering the mind. But to return to our subject: granting for a moment, what may be the case, that any or all of the plans suggested by the committee would necessarily increase the expenditures, and consequently require from the Government larger appropriations, at no time will this objection be made by the man who understands the nature and properly appreciates the principles of his Government; for he knows and believes that "intelligence is the life of civil liberty," and he, too, knows and believes that literature and the light of science are necessary to give a proper direction to the physical strength which a nation possesses, and are equally necessary and useful in appointing and fixing the bounds or limits within which the same strength ought to be restrained. More especially ought such an objection at this time, whether we consider the situation of many parts of our country, or the state of the treasury, to have no weight. The truth is, that the objection is only used as a cloak for a principle which, in its operation, must subvert that order and dissolve those relations in society which have long existed, and which, although in some instances they are the result of circumstances in which the individuals have had no agency, yet will generally be found, upon an accurate investigation, to be the result of individual merit and enterprise. In the days of Cromwell it was appropriately called the *levelling system*. In a Government like ours, the great object ought to be to increase its physical and intellectual strength, by the selection of objects whose talents, improved by education, will increase the physical strength of the nation, and shed more extensively the light of science, without regard to the condition of said objects, whether noble or ignoble, high or low, rich or poor. That such is the theory and practice of this institution, its present condition and the circumstances of its members most conclusively prove. If these things then be so, objections on the score of increased expenditures are not even the small dust of the balance. In conclusion, this committee do therefore not only recommend but urge the importance and utility of placing the opportunities of literary attainments and the salaries of the teachers and professors selected to assist and direct the youth to this object, upon an equal footing, as to the branches of education omitted and herein recommended, with the first literary institutions of our country. Independent of the consideration that such a plan might be expected to allay the opposition, and diminish the ground occupied by the enemies of the institution, the committee verily believe that such a plan is the best calculated to promote the prosperity and advance the true interest of the country, while it will necessarily shed an additional lustre on our national character.

All which is respectfully submitted.

JOHN MUSHAT, *Chairman.*

June 17, 1836.

Religious Instruction.

The committee appointed to inquire into the course of religious instruction at the United States Military Academy, have attended to the duty assigned them, and ask leave to report:

That they are impressed with the paramount importance of morality and religion to the young men of this institution. They should go forth to the active duties to which their country may call them, with minds not only stored with useful knowledge, but deeply imbued with Christian principles, to be their *shield* from the fiery darts of temptation, their friendly *aid* through all the warfare of life, and their final *passport* at the gates of heaven.

The utility of such instruction is recognised on the part of the Government by the appointment of a chaplain—an appointment which the friends of these intelligent and interesting youth (now removed from the immediate beneficial influences of parental restraint and counsel, and from the Christian privileges of their childhood) must, with your committee, regard as a salutary and desirable provision.

It must, however, be apparent to every reflecting mind, that the benevolent design of the Government, and the wishes of the friends of the Academy, cannot be fully realized without the frequent inculcation of Divine truth.

But the committee find that there are no daily prayers at the Academy, and that the whole course of religious instruction is confined in one service on the Sabbath. Besides the pulpit exercises, there are other duties which the chaplain might profitably perform, if time and his other duties would permit. But the chaplain is also professor of ethics, and, in this department, is required to teach English grammar, rhetoric, moral philosophy, and the elements of political science, including the law of nations, and the constitutional law of the United States, and his time must necessarily be much engrossed with these various subjects: the committee would therefore unanimously recommend that a respectful suggestion be made to the Secretary of War to separate the chaplaincy from the professorship, or, if this cannot conveniently be done, to appoint an additional assistant in the department of ethics, under the general superintendence of the chaplain, that the time of the latter may not be occupied daily with the sections, but more exclusively devoted to the religious welfare of the cadets.

The committee would not omit, in conclusion, the fact that the conveniences of public worship are increased by the completion of a neat chapel, which has been opened during the session of the board of visiters.

Respectfully submitted.

G. F. DAVIS, *Chairman.*

U. S. Military Academy, *June* 14, 1836.

Military Education and Discipline.

The committee on military affairs, after giving the various subjects under consideration all the attention which the short time given them, arising from the new organization of the committee on the 15th, would permit, have deemed it their duty to confine themselves to the subjects most closely allied to the military departments in the Academy, and have therefore selected from the various military branches which are or should be taught, the following material on which to found their report, viz: civil and military engineering, cavalry, artillery, and infantry tactics, together with some suggestions as to improvements in the ordnance and fixtures. The vast importance of the first-named science, whether as applicable to the "art of war" for permanent defence on our extended frontier and seaboard, or in extending the incalculable benefits of civil engineering to every section of our infant yet boundless country, renders this science, in the estimation of your committee, one of paramount consideration. It will add permanency and architectural beauty to our public works and buildings. It will facilitate the construction of railroads and canals, the formation and improvement of harbors and roadsteads, and removal of obstacles in our otherwise navigable rivers, and in every point in which those branches of science are here taught and disseminated through each State and to every section of our extended and rapidly improving country *can be viewed*, must, in the opinion of your committee, satisfy even the most sceptical that the benefits of this institution, in these points of view alone, are *incalculably great*. Much credit is due Professor Mahan for the standing those branches maintain, and for accomplishing so much with but *one* assistant professor, and a great deficiency of models.

Your committee would strenuously recommend that a permanent additional professor be added to this department; and for the purpose of completing a set of models, which are so indispensable in studying this science, (*as they speak direct to the eye,*) recommend the annual appropriation of $500 for five years.

One of the "three arms of service," your committee deeply regret to perceive, is not taught in the Academy. In any light in which this subject can be reflected, cavalry must be deemed of the highest importance. Our present Indian war tells this in language that cannot be misunderstood. Celerity of movement against such enemies on our almost boundless prairies is so obviously important, that your committee cannot restrain an expression of astonishment that instruction in this important branch of the "art of war" should have been so long withheld from this institution. Can the graduate stand before the world, and have the proud consciousness that he is, in fact, a "soldier," while he is a stranger to an important arm of the service to which he is attached, and which is an indispensable to a staff or dragoon officer, to which place in the service he may be at any moment called? And should the introduction of cavalry tactics in this institution be the incipient step to an entire precedence of the graduate over civilians, (except in very extraordinary cases,) for appointments in the new cavalry regiments, your committee will have accomplished an object which is founded in common justice to the "*thorough-bred soldier*," and which will immediately tend to render the service *more permanent and respectable.*

Your committee, therefore, strongly recommend that forty horses be purchased, and kept at this post, for practising cavalry evolutions, as well as for manœuvring the field battery, which is now performed by the cadets, and which is an extremely arduous duty.

The department of artillery received from your committee the special consideration which its importance demands. The graduating class evinced great proficiency, not only in the examination-hall, but also in the laboratory, as well as the manœuvres of the battery in the field, mortar-practice, and target-firing. Great credit is due to Lieutenant Anderson, the instructer in this department, for conducting the graduates so creditably through this complicated science, and in the absolute want of several fixtures essentially requisite to the successful prosecution of it. To put this department on a proper footing, your committee unite in recommending the appointment of a permanent assistant instructer. The aid now given Lieutenant Anderson is that of a temporary detail from the army. Such aid is deemed by your committee wholly inadequate in this important branch of instruction.

The following munitions and fixtures are deemed absolutely necessary in this department, and are strongly urged by your committee for immediate adoption, viz:

1. A light field battery of four or six pound brass guns, and two howitzers.
2. A light battery of twelve-pound iron guns and a twenty-four pound howitzer.
3. Four siege mortars, mounted on iron beds.
4. One new eprouvette.
5. Two barbette twenty-four pound guns.
6. A quantity of good projectiles, solid and hollow.

7. A ballistic pendulum.
8. Models of congreve rockets, tools, &c.
9. The erection of a target at the foot of the "Crow's-nest," or elsewhere, for target-firing.
10. A casemate defence.
11. Barbette and mortar batteries and platform.

The whole will cost an inconsiderable sum in comparison with the advantages to be derived.

Your committee do not feel themselves competent to make a correct estimate of the cost, and leave, with great confidence, this matter in the hands of the superintendent.

In infantry tactics, the most desirable result was developed, both in the examination-hall and in the field. Each cadet of the first class was thoroughly examined in evolutions of the line and battalion in the hall; and with a view to ascertain correctly whether a corresponding field practice had been given to the students, a battalion drill was ordered, the direction of which was promptly tendered to your committee, who proceeded to call from the lines to take command of the battalion as instructers. A number of the cadet officers, of various rank, (without previous notice) received directions from your committee as to the evolutions to be performed. The result gave the most unqualified satisfaction. Your committee would here take occasion to recommend to the instructer of infantry tactics to throw each cadet of the first class occasionally in command, with a view to qualify him for that station which each graduate must assume on entering the army. This department is successfully conducted by Major Fowle, who requires an additional assistant instructer of tactics, for the following important reason: The necessary division of the battalion into four companies renders four instructers (one to each company) necessary. There being but three, your committee strongly recommend such an appointment with as little delay as possible, as his services will be immediately required, and are very important during the encampment.

In conclusion, your committee would do injustice to themselves, the superintendent, professors, and instructers generally, did they not express their unqualified satisfaction at the manner in which each department which came under their supervision is managed. From the superintendent down, all vie with each other to surmount obstacles, and to maintain that high standing for the institution which it truly merits. Some of the obstacles would be removed if the recommendations and improvements suggested by your committee are carried into effect; and in submitting this report, they are bound to say they have been cautious to recommend nothing not absolutely necessary to a perfectly successful prosecution of the various branches of science submitted to their consideration.

All of which is respectfully submitted.

MORGAN L. SMITH, *Chairman.*

Letter of the President of the United States in relation to Cadet Hammond's restoration to the Military Academy.

WASHINGTON, *December* 8, 1835.

Cadet Hammond will be restored to the Military Academy after the 1st day of January next, if he shall then be found competent to enter the class he left.

In directing this restoration, however, I am influenced more by a regard to the remission of punishments which has recently taken place at the Military Academy, and which may have induced Cadet Hammond to think lightly of the offence he committed, than to any extenuating circumstances in his case. He has been guilty of a serious military offence. A proper subordination is essential in all the departments of the army. As it is the duty, so should it be the pride, of the young gentlemen at the Military Academy, to obey the laws, regulations, and orders for the government of that institution.

The very improper proceedings which took place, and which led to the conviction of Cadet Hammond, are highly censurable. If the cadets experience injuries from any person at the Military Academy, whether in authority or not, the regulations point out the mode in which redress shall be obtained. This must be pursued, and it will always be found effectual. But, if they undertake to decide in their own cases, and tumultuously to seek their own remedy, it is obvious that the discipline of the Academy, and the institution itself, would be destroyed. This will never be suffered. In this case, the proceedings were marked with another extraordinary feature. A claim seems to have been interposed, and in fact practically asserted, to carry from the commons certain victuals, which, if not consumed at the table, belonged to the contractor, and the resolutions passed in support of this claim appear to be as grave as if some unalienated principle of human nature were to be wrested from these young gentlemen. All this is in very bad taste, and, what is still worse, it is wrong in itself. I need not point out the error of the pretensions set up by these young gentlemen. I am sure they will perceive it at once in their moments of reflection.

I had hoped that a lenient system of administration would be found sufficient for the government of the Military Academy. But I have been disappointed, and it is now time to be more rigorous in enforcing its discipline. If the young gentlemen who are sent and educated there by their country will not demean themselves as they are required to do by the regulations, they must suffer the prescribed punishments. Hereafter, therefore, the sentences of courts martial will, when legal and regular, be confirmed; and the punishment will be remitted only in cases recommended by them, or where the circumstances may appear so very favorable as to justify such a measure.

But the members of the institution must make no calculations on a favorable result. Let them look to their obligations and fulfil them faithfully. Unless they do, they must expect to be visited by adequate punishments.

That these views may be known, the Secretary of War will communicate this order to the superintendent of the Military Academy, who will cause the same to be promulgated there.

ANDREW JACKSON.

REPORT FROM THE TOPOGRAPHICAL BUREAU.

TOPOGRAPHICAL BUREAU,
Washington, November 15, 1836.

The Hon. B. F. BUTLER, *Secretary of War:*

SIR: In obedience to your orders of the 9th of September last, I have the honor of submitting to you the following statements and report:

1. Statement A, exhibiting the amount required for the current expenses of the topographical engineer service for surveys for the year 1837.

This statement embraces estimates for two objects—one for military surveys on the coast and frontier, $15,000; the other for surveys under the act passed 30th of April, 1824, $30,000.

2. Statement B, exhibiting the amount required for the Topographical bureau for the same period.

This statement embraces the pay for clerks, the pay for a messenger, and the sum required for the contingent expenses of the office, amounting to $4,335.

With this statement are two submitted items—one in reference to the compensation to be paid to the first clerk. At present his compensation is fixed at $1,000, but it is entirely disproportioned to the intelligence required, the labor which has to be performed, or to the amount paid to other clerks similarly situated in other offices. From these considerations, an increase in his salary of $400 per year is respectfully recommended. The other is in reference to

the messenger. His compensation, at present, is $500 per year. The general compensation to messengers in the various offices, is $700. Now, in this office there is but one messenger, who, in addition to his general out-door duties, has to attend to three rooms. Viewing his situation, then, in reference to his labors, the estimate of similar services in the public offices generally, and the great increase in the prices of all the necessaries of life, his present compensation is entirely inadequate; and it is respectfully recommended that the same should be raised to $700.

3. Statement C is an exhibit of the amount transmitted to the disbursing officers of this bureau from the 1st day of October, 1835, to the 30th day of September, 1836, and of the amount for which accounts have been received for the same period.

4. Statement D is an exhibit of the expenditure of the contingent fund.

5. I am also directed by your letter to exhibit statements of the manner in which the appropriations of the last session of Congress for objects under the direction of this bureau have been applied, the present condition of these objects, and also to exhibit a general view of the operations of the bureau since the last annual report.

6. That part of this direction which relates to the manner in which appropriations have been applied, will be found exhibited in the statement C; and that which relates to the present condition of those objects, and to a general view of the operations of this bureau, will be found in the subsequent remarks.

7. The duties of the bureau consist in all surveys required to be made for the Government, or by its orders; and also in the superintending of such constructions as the War Department shall assign to it.

8. *Surveys.*—These have been somewhat limited during the last year, in consequence of the want of an enlargement of the corps, the lateness of the period at which the appropriation bills were passed, and the great want of officers with the troops in the field on the frontiers. Early in the season, the necessities of the army were such, that it was found proper to withdraw from topographical duty the greater part of the officers of the army who were then assigned to that duty; and lately, from the same cause, all those who had been previously left, have been withdrawn and ordered to join their respective companies.

In addition to this, eight of the officers of the corps of topographical engineers (the whole corps consists of but ten) have been ordered to join the troops in the South and Northwestern frontier. From which it will be readily perceived that the means of this bureau, for the execution of its duties, have been greatly limited, and, of consequence, its operations.

9. These operations have been as follows:

10. A partial survey of a line for a railroad on the Eastern Shore of Maryland, on an application and at the expense of that State.—The officer in charge of this duty being ordered to the frontier, it is doubtful if he can be ready with his report, plan, and estimate, before he will have to leave. Every exertion will, however, be made to accomplish the work in time to prevent the disappointment which would otherwise result.

11. The survey, plan, and estimate of a route for a railroad from Belfast, in the State of Maine, to unite with a railroad from the Canada line to Quebec.

12. The survey of the Androscoggin river from the falls at Brunswick to the Kennebec.

13. The survey of the ledge of rocks at Owl's-head harbor.

14. The survey of the passage into Cobscook bay.

Nos. 11, 12, 13, and 14, are under the superintendence of the same officer. The first two are made on the application and at the expense of the authorities of the State of Maine; the last two in pursuance of laws of the last session of Congress. The whole are incomplete. The service required of the officer superintending these surveys, as well as of his assistants, with the troops on the frontier, rendered it necessary that they should be ordered there.

15. The survey of Crow shoal, Delaware bay, with a view to the construction of a breakwater and artificial harbor, in pursuance of a law of the last session of Congress.—This survey is incomplete. The officer in charge of the same, with his assistants, being required with the troops on the frontier.

16. The survey, plans, and estimates, and the construction of various routes for railroads in the States of New York, Connecticut, Massachusetts, Rhode Island, and North Carolina.—These duties are on the application and at the expense of the authorities and parties interested, and are under the superintendence of one officer; but his services being required with the troops on the frontier, he has been ordered to join them.

17. The survey, plan, and estimate of a route for a railroad from Pensacola, Florida, to Columbus, Georgia, on the application and at the expense of the authorities of Florida and of parties interested.

18. The survey of the coast of the State of Mississippi, in compliance with a resolution of the Senate.

These two surveys were under the same officer, but his services being required with the troops in the field in Florida, he has been ordered to join them.

19. The survey of the coast.—The officer of the corps heretofore on that duty is still retained upon it.

20. The survey, plan, and estimate of the route for a railroad from Charleston, South Carolina, to Cincinnati, Ohio.—This survey has been partially made, and is on the application and at the expense of the authorities and parties interested, but, as the services of the officer superintending the same, and his military assistants, were required with the troops on the frontier, he and his assistants have been ordered to join them.

21. The survey of a part of Lake Champlain, with a view to its military defences, in consequence of a resolution of the Senate.—This survey is partially made, but as the officer and his assistants were required with the troops on the frontier, they have been ordered to join them.

22. The survey of the mouth of the Mississippi, with a view to an improvement of the entrance of that river, by direction of a law of the last session of Congress.—No order has yet been taken on this subject. As the season approached in which field operations in that quarter became practicable, the wants of the troops in the field left this bureau without an officer to assign to that duty.

By reference to the reports on plans for improving the entrance of this river, it will be seen that it is a subject replete with difficulties, and which could be intrusted only to an experienced and highly-informed engineer.

23. The survey of the bar and harbor of Georgetown, S. C., by virtue of the law of the last session of Congress.—No order has yet been taken on this survey; the reason, there is no officer whatever to assign to it. This perhaps may not be considered so much a matter of regret, as the amount appropriated for the survey is entirely inadequate to its execution, or even to a judicious commencement.

The amount appropriated in the law is one thousand dollars. This bureau is not aware by whom or on what authority the estimate for this amount was made; but being well satisfied of its inadequacy to the object contemplated, and with a view of determining this point, the question of an estimate was referred, in September last, to an officer of great experience in hydrographic surveys, as well as in the particular locality of this survey, having some years since been employed on, and partially completed, a survey of Georgetown harbor.

His estimate for the survey of the bar, and for as much as is yet requisite to complete the survey of the harbor, amounts to the sum of $4,384.

24. The survey of the mouth of the river Connecticut with a view to its improvement.—The officer of this corps who is on a survey of the coast, has also had this survey assigned to him; and the plan, report, and estimate, are expected to be completed in time to be laid before Congress at an early period.

25. The survey, plan, estimate, and location of the route of a canal from Georgetown, D. C., to Annapolis, in Maryland, on the application and at the expense of the authorities of that State.—This will be completed during the present season.

26. The survey of the head-waters of Chesapeake bay, directed by a law of the last session of Congress.—This survey will be completed in time to be laid before Congress at an early period during the ensuing session.

27. The survey, plan, and estimate of the route for a railroad in the State of Missouri, on the application and at the expense of the parties interested in the same.—This survey will be completed this season.

28. The survey of the St. Francis, Black, and White rivers, in Missouri and Arkansas, by virtue of a law of the last session of Congress, and with a view to the removal of the rafts on said rivers.—This duty is now in execution, but it is doubted if the appropriation will prove adequate to the survey of the three rivers.

29. The survey of the harbor of Richmond, Virginia, with a view to its improvement.—The plan, report, and estimate of this survey will be done in time to be laid before Congress at an early period.

30. The geological investigations authorized in the Territories, public lands, and in the Indian country, are being made with the vigor and intelligence which have always characterized the labors of Mr. Featherstonhaugh; and interesting reports are anticipated from him during the course of the ensuing winter, in reference to the country now occupied by the Cherokees.

The report of the investigations of the past year has been received since the last annual report, and duly submitted to Congress. It has been printed by order of the Senate, and will show the advantages and extent of such examinations.

Its value is much enhanced by interesting maps of a part of the country which had been hitherto but little explored.

31. *Constructions.*—The various works of construction assigned to this bureau being placed, (with two exceptions,) in consequence of the want of officers, under civil agents, they will not, on that account, be exposed to the interruptions consequent upon the necessity of sending the officers to the troops in the field.

These works are—

32. The opening of a road from the State line of Alabama, through Marianna, to Appalachicola.—This road was authorized by a law of Congress of 30th of June, 1834; but as the survey and plan had first to be made and approved, some time had to be necessarily occupied in these preliminary operations. It is, however, in a state of active progress. The officer in charge of this work has been lately ordered to join the troops in Florida, but as he will be at times in the vicinity of the work, he can still bestow his attention upon it; it will not therefore be suspended. The amount required to complete this road is estimated at $20,313.

33. All the constructions under this bureau, except No. 31, are the result of laws of the last session. But the lateness of the period when the appropriation bills were passed, and the time lost before civil agents having some knowledge of these matters could be obtained, have of necessity limited the operations to the mere beginning of the works and to the procuring of materials.

34. The building of a breakwater or pier at the harbor of Burlington, Vermont.—Arrangements for the collecting of materials have been made; and it has been already ascertained that the increase in the prices of materials and labor, over those which were relied upon when the estimate was made upon which the appropriation was founded, will occasion a proportional and considerable increase in the cost of the work. The original estimate was made upon the prices of 1833, and amounts to $28,727.

The estimate of the present year has not yet been received from the agent; but, on consulting with the officer who had been placed in the position of inspector of the works on that lake, reasoning from analogy in reference to the increase in the prices of labor and materials and from the necessity of making a stronger work than appears to have been contemplated in the first instance, it is doubted if the improvement can be accomplished at a less cost than fifty thousand dollars. The amount appropriated was $10,000; leaving yet to be provided the sum of $10,000.

35. The deepening of the channel between the North and South Hero islands, Lake Champlain, State of Vermont.—Several large isolated rocks have been removed from this channel, but the general operations requiring the use of a dredging-machine, of which there is none on the lake, it became necessary to have one constructed. It is now being made, and will be ready for use early the next spring.

The appropriation for this work was founded upon an estimate of prices collected in 1834. It is not improbable that it will also be affected by the late and general increase in the prices of labor and materials. The estimate was for $25,669; the amount appropriated was $15,000, leaving a balance required for the next season of $10,669, which is probably as much as can be judiciously expended during the next season.

36. The building of a breakwater or pier at the harbor of Plattsburg, Lake Champlain, State of New York.—Materials for this work are now being collected. The estimate upon which the appropriation is founded was made in 1833, and amounted to $24,003. That upon present prices of labor and materials has not yet been received; but, from reasons similar to those stated in No. 34, it is doubted if the ultimate cost of the work for this harbor can be placed at a less sum than $45,000. The appropriation was for $10,000, leaving a deficiency to be provided amounting to $35,000.

37. The improvement of the harbor of White Hall, Lake Champlain, State of New York.—There was no plan for this improvement, and no previous survey having been made, it was difficult to ascertain the precise object of the law. Eight thousand dollars was appropriated.

Having had a survey made, and it being ascertained that a dredging-machine would be necessary whatever plan for the improvement might ultimately be adopted, the construction of one has been directed, and will be ready for use by the spring. This machine will also be used at the channel between the two Heroes; that is, but one is to be constructed for both places. Its operation at White Hall will be to deepen and widen the present channel of the harbor. But one of the greatest difficulties experienced at this harbor is a want of space. It is not sufficiently large for its commerce, and the improvement most desired is an enlargement of the present harbor. The best plan which has been presented for this object is to cut an additional passage through the flat lands, on the side opposite the present site of the town. Should this be adopted, it will require an additional appropriation of $22,000.

38. The improvement of the harbor of Black river, Jefferson county, State of New York.—As there was neither regular survey of this harbor, or plan for its improvement, the first action under the appropriation has been to have a survey made and a plan and estimate for the improvement; but being without any officer for the duty, and it being very difficult to obtain a civil agent suitably qualified, it was not till 8th September that orders for the duty could be given.

The survey has been made and the estimate for the improvement amounts to $26,998 71; the appropriation was for $5,000, leaving a deficiency to be supplied amounting to $21,998 77.

39. The improvement of the harbor at the mouth of Salmon river, Lake Ontario, State of New York.—The operations for this work have as yet been limited to the collecting of materials, and to the constructing of the requisite machinery.

Five thousand dollars was appropriated for this improvement. I am not aware by whom the estimate was made, and although the plan appears to have been obtained from the War Department, yet no survey, plan, estimate, or report, was ever made under its direction. But being well satisfied that the appropriation was entirely inadequate to the object, and that the plan which appears to have been under the consideration of the committee was not the most judicious or the most economical, an officer of much intelligence and much experience in these kinds of improvements was directed to repair to the locality, and after a careful personal examination, to revise both the plan and estimate. His examination has resulted in a modification of the plan, and in an estimate amounting to $72,081. The improvement is highly important to the navigation of that lake.

40. The improvement of the harbor at the mouth of Cattaraugus creek, Lake Erie, State of New York.—The work has been commenced and materials for its continuation during the next season are being collected.

The amount estimated for the whole work is $102,000; the appropriation was for $15,000, leaving a balance to be provided for of $87,000.

41. The improvement of the harbor of Portland, Lake Erie, State of New York.—The work has been commenced, and materials are being collected for its continuation.

The estimate for completing this work amounts to $60,000; the appropriation was for $10,000, leaving a balance to be provided of $50,000.

Should it be found necessary hereafter to add an eastern breakwater for the more complete security of the harbor, it will require an additional appropriation of $23,500.

42. The constructing of two piers and the improving of the harbor of Vermilion, Huron county, Lake Erie, State of Ohio.—A suitable agent for this work could not be obtained before the 4th day of August; he was immediately ordered there, has commenced the work, and is collecting materials for its continuation.

The original estimate was made in 1832, and is affected by the late general increase in the prices of materials and labor. The plan is also somewhat modified, the piers being made larger than at first contemplated, experience having proved that the smaller pier, being insufficient to withstand the shock from the surf of the lake, was soon destroyed.

The estimate for the work amounts to $61,563; the appropriation was for $10,000, leaving a deficiency to be provided of $51,563.

43. The constructing of a pier or breakwater at the mouth of the St. Joseph's, Michigan.—Later surveys, and a more elaborate investigation have occasioned a modification in the plan at first proposed, but not involving any increase of cost. The estimate made upon prices of September, 1836, amounts to $67,559; the appropriation was for $20,000, leaving a deficiency to be provided of $47,559. The least amount estimated for the next year is $44,617.

44. The constructing a breakwater and harbor at Michigan city, State of Illinois.—In this, as well as in No. 42, the requisite machinery is being made, and arrangements have been entered into for the delivery of materials preparatory to the active operation anticipated for the next season.

The original estimate for this work has likewise felt the effect of the increased value of materials and labor. It was made in February, 1835, and amounted to $84,240; the revised estimate upon prices of September, 1836, amounts to $95,609; the appropriation for the last year was for $20,000; and the least amount which will be required for the next year is estimated at $58,217.

Statement E is a connected exhibit of the estimates for the various harbor improvements under the direction of this bureau, and herein referred to.

45. In conclusion, allow me again to call your attention to the organization and increase of the corps of topographical engineers.

The subject has so frequently been brought to the notice of the Department and of Congress, and explanations of its advantage and necessity are stated in so much detail in communications from this bureau, as well as in a report from the Military Committee of the House of Representatives, that they leave nothing further to be said, or only in addition to refer to the facts detailed in this report, which prove the utter inability of the bureau to execute the duties assigned to it under the various laws of Congress without further aid. It may also be well to add, that the aid heretofore received from the army is now no longer to be obtained.

The extreme inconvenience to which the army has been exposed from the system of military details for duties out of the line, not only during the Indian disturbances on our frontier, but for years before—a system, the parent of extravagance, confusion, and discontent, and which, even in its partial action, has (as events have proved) to be abandoned on every slight emergency—has induced the President to check it by a positive limitation of the number which can in any event be detailed for detached duty.

Under the foregoing circumstances it will be seen that there is no remedy but in a better organization of the corps.

In relation to that organization, I will merely submit a copy of the bill which met with the approbation of Congress in its last session, having passed the Senate twice, and having been three times reported to the House, and passed through a second reading there—once as a bill from its own Military Committee, and twice in bills from the Senate.

Respectfully submitted.

J. J. ABERT,
Lieut. Col. Top. Eng.

A bill for the better organization of the corps of Topographical Engineers.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the corps of topographical engineers shall be organized and increased by regular promotions in the same, so that the said corps shall consist of one colonel, one lieutenant colonel, four majors, ten captains, ten first lieutenants, and ten second lieutenants.

Sec. 2. *And be it further enacted*, That vacancies created by said organization, over and above those which can be filled by the present corps, shall be taken from the army, and from such as it may be deemed advisable of the civil engineers employed under the act of the 30th April, 1824; and that the pay and emoluments to the officers of the said corps shall be the same as are allowed to officers of simila rank in the cavalry of the United States.

Sec. 3. *And be it further enacted*, That the authority to employ civil engineers in the act of the 30th April, 1824, and the authority by law for the present corps of topographical engineers be, and the same are hereby, repealed, after the passage of this act, and that all letters and packages on public business to and from the chief of the corps now authorized, be free from postage.

Sec. 4. *And be it further enacted*, That the officers of said corps shall be subject to the rules and articles of war, and to such regulations in relation to their duties, as the President may think proper to adopt.

REPORT FROM THE ORDNANCE DEPARTMENT.

ORDNANCE DEPARTMENT,
Washington, November 12, 1836.

SIR: In obedience to your order of the 9th of September last, I have the honor to transmit a report of the general result of the proceedings and operations of this department between the 1st October, 1835, and the 30th September, 1836.

The papers marked A and B present a general view of these concerns during the last-mentioned period, as well in regard to the amounts of expenditures under the several heads of appropriations, as in reference to their objects and to the various ordnance stations where they have been made.

The first of these (A) shows the whole amount of funds remitted from the Treasury to disbursing officers and contractors in this department during the year 1835, to have been - - - - - - $934,588 73

That the portion of that sum which was expended and accounted for during the same period amounted to - - - 840,550 69

And that, at the close of the year, there remained unexpended, and in the hands of disbursing officers, the sum of - - 94,038 04

Statement B exhibits the total amount of funds remaining in the hands of disbursing officers at the close of the year 1835, and which have been remitted to them and to contractors during the first, second, and third quarters of the year 1836. This amount will be seen to have been— $1,053,324 67

And the portion of this sum expended, and for which accounts have been rendered, during the same period, will be seen in the same statement to have amounted to 857,570 45

The unexpended balance exhibited in the same statement as being in the hands of the disbursing officers at the close of the third quarter of 1835 having been - 195,754 22

Statement C presents a view of the general result of the operations at the several arsenals and armories of the United States in the manufacture, repair, and purchase of the principal articles of ordnance, ordnance stores, and building materials. It exhibits the result of these operations to the extent to which they have been completed during the year between the 1st October, 1835, and 30th September, 1836, indicating, among other articles of ordnance and ordnance stores which have been fabricated or procured, the following, viz: Of artillery, 33 42-pounder, 57 32-pounder, 50 24-pounder, and 77 6-pounder iron cannon; 110 32-pounder casemate carriages, 86 32-pounder casemate chassis, 21 24-pounder casemate carriages, 55 24-pounder casemate chassis, 37 32-pounder barbette carriages, 123 24-pounder barbette carriages, 92 field-carriages, 68 caissons, and three travelling forges.

Of small-arms manufactured and procured, viz: 22,650 muskets complete, 3,039 Hall's rifles, made at the national armories; and at the private factories, 8,600 muskets complete, 701 Hall's rifles, 301 carbines, 801 artillery swords, and 3,260 cavalry sabres.

Of accoutrements for small-arms, 20,168 sets for infantry, 7,100 sets rifle accoutrements, 1,607 sets for cavalry, and 2,699 sabre belts.

Statement D shows the extent of the operations during the year between the 1st of October, 1835, and the 30th of September, 1836, which have occurred in procuring ordnance and ordnance stores under the act of 1808, for arming and equipping the militia of the States and Territories. This statement presents also a view of the expenditures under the act which have resulted during the same period in procuring the stores, amounting, for all objects, to $221,813 38. It exhibits, among other articles of ordnance stores procured, 2 12-pounder brass howitzers, with their carriages and equipments complete; 77 6-pounder iron cannon; 51 6-pounder field and 31 24-pounder howitzer carriages and equipments complete; 67 caissons, 8,300 muskets, 701 Hall's rifles, 301 carbines, 801 artillery swords, 3,260 cavalry sabres, and 4,250 sets of infantry, rifle, and cavalry accoutrements.

Statement E exhibits the amount of ordnance and ordnance stores which have been apportioned for the year 1835 to the several States and Territories, under the act of 1808, for arming and equipping the militia; this apportionment being founded on the recent returns of the strength of the militia, as made by the Adjutant Generals of the militia of the several States to the Adjutant General of the army.

Statement F shows the several articles of ordnance and ordnance stores which have been distributed to the militia of the States and Territories during the year between the 1st of October, 1835, and the 30th of September, 1836.

Statement G presents a view of the munitions of war issued by this department during the year between the 1st of October, 1835, and the 30th of September, 1836, to the army. In this it will appear that 158 32-pounder, 153 24-pounder, and 35 6-pounder iron cannon; 2 4-pounder brass cannon; 2 24-pounder brass howitzers; 86 32-pounder and 10 24-pounder casemate carriages; 26 32-pounder, and 102 24-pounder barbette carriages; 1 12-pounder and 35 6-pounder carriages; 10 24-pounder howitzer carriages; 8 caissons; 21,279 muskets; 3,281 rifles; 380 pistols; 303 cavalry sabres; 19,908 sets infantry and 1,303 sets of rifle accoutrements, are among the principal articles issued.

Statement H exhibits the amount of lead made at the United States lead mines from the year 1821, when their superintendence was transferred from the Treasury to the War Department, to 30th of September, 1835, and the amount accruing to the United States for rents for that period, viz:

Total amount of lead made from 1821 to 30th September, 1835 - 75,571,609 lbs.

Total amount of rent lead accruing for the above period - - - 5,909,216 do.

Amount of rent lead due the United States and yet to be collected, as far as returns have been made to the superintendent - 493,313 do.

No returns of lead have been made to the superintendent during the year ending 30th September, 1836.

In the annual communication from this to the War Department, dated 20th November, 1835, the difficulty which existed respecting the collection of rents was particularly stated.

A considerable number of the persons engaged in smelting under licenses obtained for that purpose from the Government, had refused to make returns of the lead made by them, or to pay their stipulated rents. The delinquency has since become general. The smelters contend that the act of March 3, 1807, "contains no authority for collecting rent lead, under a license for *smelting* lead ore; and that any law authorizing the *leasing* of public lands, within the limits of a State, is unconstitutional."

Suits have been ordered against several of the delinquents, to test the validity of the foregoing objections; the result of which is not yet known at this department.

The licenses for smelting will all shortly expire, and no more will be issued, unless the most confident assurance be given that no further objections will be made to a compliance with the conditions of the license bonds.

From the great extent of the mineral lands, and the conflicting interests which have arisen between the purchasers and occupants, as well as the probability that the United States may derive no benefit, for a long time, by a contin-

uance of the present system, the expediency of selling the mineral lands in that region is forcibly presented.

Such a measure has been repeatedly urged by this department, and is again recommended as the most effectual mode of reconciling all difficulties and securing the interests of the United States in that quarter.

Diligent and strenuous efforts have been made to accomplish the various objects set forth in the laws of appropriation, passed during the last session of Congress, for the service of this department; but, for want of officers to aid in conducting its operations, the works at Liberty, Missouri; Memphis, Tennessee; Little Rock, Arkansas; Baton Rouge, Louisiana; Fayetteville, North Carolina; Charleston, South Carolina; the magazine at the arsenal in Washington city; and the erection of the shot-furnaces along the seacoast, have all been unavoidably delayed, and some of them suspended. A like inconvenience has been felt at the principal arsenals of Watervliet, Pittsburg, Washington city, and Watertown, where extensive operations are progressing, and unavoidably impeded by the want of the necessary and usual assistance of officers. The departments for the inspection of cannon and small-arms and accoutrements are subject to the same inconvenience; the former being entirely suspended, and the latter progressing with difficulty, for the want of additional force.

There is another and very serious inconvenience, which extends to every post of the department where there is but one officer; and more especially to those commanded by the chiefs of inspections. These officers, with other commanders of posts who are unaided by assistant officers, are frequently and unavoidably absent on business connected with the posts, or the inspection of cannon or small-arms; and during these absences are obliged to leave their posts sometimes for many days without an officer, and in charge of irresponsible persons, wholly unacquainted with the various points (many of them matters of military science) connected with the business of the posts, and which require daily and hourly decision. Such inexperienced persons, from want of the proper authority under the laws and regulations, are, in many cases, wholly incapable of acting; and where their delegated authority from the officer is sufficient, they must either decide as the cases arise, and most probably erroneously, or postpone action to the arrival of an officer; and in this manner the public business is either encumbered with inconvenient and expensive delays, or perhaps with the still greater expense of a wrong decision, which cannot be remedied.

It cannot be disguised that, unless the service of this department be relieved by the proper authority from these disadvantages, its immense materiel of war and extensive buildings and machinery in all parts of the country, are liable to sustain the most serious losses, from fire, defective preservation, and other causes, while its system of service may be deranged by irregularity in the current business of the arsenals, and by complexity and confusion in its business transactions with the chief of the department.

I had the honor to submit for your decision on the 28th ultimo, a communication from the lieutenant colonel of ordnance, inspector of armories and arsenals, urging the difficulty of his proceeding with the inspections in his department, with the present inadequate allowance of transportation, and requesting to be relieved from the more distant inspections, in consequence of the heavy expenses in which they involve him. It is proper here to remark, that the same complaints have been repeatedly made by the other officers employed in the inspections of this department.

I have the honor to be, sir, respectfully, your obedient servant,

G. BOMFORD,
Col. of Ordnance.

Hon. B. F. Butler,
Secretary of War ad interim.

REPORT FROM THE OFFICE OF INDIAN AFFAIRS.

War Department,
Office of Indian Affairs, December 1, 1836.

Sir: I have the honor to lay before you, in compliance with the direction of the Department of the 9th of September, the following report:

1. "*Of the amount of funds remitted, and of those for which accounts have been rendered for settlement by the disbursing officers, during the three first quarters of the present year.*"

This information is imbodied in the accompanying statement marked A. It is necessarily incomplete. In addition to the causes that usually prevent the transmission of accounts within the period required by law, the state of the military branch of the service has been such during the past year, as to call disbursing officers from the stations at which the expenditures were to be made, and in other instances, to render frequent changes of them necessary.

2. "*Of the number of Indians removed since the date of the last report of the Commissary General of Subsistence, the number who have entered into treaty stipulations to remove, and the general circumstances connected with the emigration and settlement of the Indians.*"

This branch of the Indian business having been transferred from the Commissary General of Subsistence to this office by your direction, the information respecting it properly makes a part of this communication. Respectfully referring you to the appended tabular statement, marked B, I proceed to submit a general view of the operations of the past year. This will be disconnected, as far as practicable, from the military movements, the report of which will more appropriately be made from another bureau.

The message of the President of the 9th of February, 1836, transmitting a report from this department, in answer to a resolution of the Senate of the 3d of February, respecting the causes of the hostilities in Florida, and the measures taken to suppress them, communicated a succinct narrative of the events in that quarter up to that date. From that time the removal of the Seminole Indians was committed to the military authorities, as a military measure, and its completion depends upon the success of the military movements. The friendly Indians who, as stated in that report, had fled to Tampa bay for protection, amounted to about 450 in number. While preparations were making for their removal, they gave the most convincing proofs of their fidelity and attachment to the United States. It is represented by Lieutenant Harris, in a communication dated February 15, 1836, that, upon their learning that the foe was in force in the neighborhood, committing depredations, "of their own accord they sallied out from their camp, with a few citizen settlers, and maintained an obstinate combat with the enemy for several hours; retreating only before vastly superior numbers, and gaining the fort not until night was setting in." On another occasion, when General Gaines was ready to take the field, "they urged that they might be permitted to go out also, and were permitted to do so, after having been repeatedly told that this proof of their friendship was not required of them." These warriors, to the number of 68, were absent on this expedition until the beginning of April. On the 10th of that month the whole party was mustered, preparatory to their going on board the transports, and their number was ascertained to be 407, which was reduced by deaths to 382. These arrived at Little Rock on the 5th of May, and settled upon the reservation provided for them in the treaty of the 28th of March, 1833.

The removal of those now in Florida, has been intrusted to General Jesup, under instructions similar to those given for the removal of the hostile Creeks.

By the terms of the treaty with the Seminoles of May 9,

1832, the annuity granted in 1823 will be increased to $7,000, which is to be added to the annuities of the Creeks, amounting to $36,900, and the aggregate sum is to be so divided that they will receive their equitable proportion as members of the Creek confederation. Under the authority given to the President in the 4th section of the act of July 2, 1836, "*making further appropriations to carry into effect certain Indian treaties*," the whole of the annuity for this year has been paid to these emigrants. And to remove all doubt, I would suggest that this authority be extended, by legislative enactment, to the payment of the sum of $15,400, which, it is stipulated in the 2d article of the treaty of 1832, "shall be divided among the chiefs and warriors of the several towns, on account of their abandoned improvements, in a ratio proportioned to their population; the respective proportions of each to be paid upon their arrival in the country they consent to remove to." In addition to the considerations, that they have been unwavering in their faith, and have periled their lives for the defence of our country, a strong reason is presented for the course suggested, in the fact that they have sustained the loss of their ponies, cattle, hogs, and provisions, amounting, according to the estimate of the disbursing agent to $3,000. They would then be relieved from their present state of want, and being furnished with suitable means, might increase their knowledge of agriculture, for which some of them have shown an inclination, and gradually acquire the power of maintaining themselves.

The removal of the Creek Indians, like that of the Seminoles, was made a military operation, on the commission by them of hostile acts. The causes of these, and the measures adopted to repress and prevent them, as far as they were then ascertained, were communicated to Congress in the answer from this department to the resolution of the House of Representatives of the 3d of June, 1836. The operations of the army since that time have effected the subjugation of the Creeks. Under a contract, a copy of which is submitted, marked C, all of them have been removed, with the exception of the families of a band of 700 warriors, who have been mustered into service, to act in concert with the troops of the United States in Florida against the Seminoles. The first party that was removed, consisting of 2,300, encamped on the Verdigris on the 7th of September. Their approach was viewed by the resident Creeks with jealousy and distrust, and the commanding officer at Fort Gibson, thinking it probable that serious difficulties might take place in consequence, if not prevented by the presence of a suitable military force, made a requisition upon the Governor of Arkansas for ten companies of volunteers. This unfriendly feeling was ascribed by the acting superintendent of the Western territory to an apprehension, on the part of the chiefs of the Western Creeks, that they might be superseded, or their authority be abridged. They alleged, that having, after encountering privations and dangers, established themselves in comfort, and framed a system of government and laws for themselves, their situation ought not to be rendered worse by the coming in among them of those who, by their hostile acts, had reduced themselves to beggary and want. At a council held at Fort Gibson, at which the commanding officer and the acting superintendent were present, these views were freely expressed; and in behalf of the Western Creeks, it was added, by direction of Roley McIntosh, "that they were willing to meet the new emigrants as friends, provided they would submit to the laws now in force." To this proposition Ne a-Mathla, the principal chief of the other party, replied, "that the laws they (the Western Creeks) had passed, were made for their good, and as they had prospered under them, they (the emigrants) were willing to unite under them, and try to live together peaceably." It is the impression of the acting superintendent, that if a similar policy be pursued by the chief McIntosh towards other emigrating parties as they arrive, no hostilities or difficulties are to be apprehended. Whether this impression be correct will be soon known, as advices have been received of the arrival at Fort Gibson of another band, amounting to 165 in number; of a third, amounting to 1,300, at Little Rock, and of the remaining parties at Memphis. It is certainly to be desired that peace among these people should be preserved. A different state of things would subvert the present prosperity of the McIntosh party, effectually preclude the improvement of the other, and put in peril the lives of all. With their large annuity, amounting to $36,900, with liberal provision for education and agricultural assistance, the opportunity and the means for advancement are theirs, and nothing but unfriendly relations among themselves can prevent their onward progress.

The number of Cherokees residing in the States of Georgia, North Carolina, Alabama, and Tennessee, according to the census taken in 1835, was 16,542. For the removal of these, as stipulated in the treaty of December 29, 1835, a superintendent of emigration and assistant conductors and agents have been appointed; but active operations have been delayed for the execution of other provisions of that treaty, the measures taken in regard to which are stated in another part of this report.

The sum of $40,000 was appropriated at the last session of Congress "to defray the expense of removing the Winnebago Indians, who reside south of the Wisconsin, to the 'Neutral ground,' or such other place as may be assigned by treaty." The "Neutral ground" is a tract of country on the west side of the Mississippi, a part of which was granted to the Winnebagoes by the second article of the treaty with them of September 15, 1832. The Sioux Indians, residing upon the borders of this tract, asserted that, by the terms of the treaty of July 15, 1830, with themselves and other Indians, as explained to them by one of the commissioners, it was to be held in trust for each of the tribes parties to that treaty, and could not, therefore, be granted to another. But the right to make such disposition of it was clearly given in the first article of the treaty, which authorized the President to locate upon it any other tribe, "for hunting and other purposes." If any declaration of a contrary import was made to the Indians, it was never communicated by the commissioners to this department. The opposition of the Sioux, which they signified by prohibiting the entry of the Winnebagoes upon it, although unfounded, excited the apprehensions of the latter, and they have hitherto been reluctant to remove to this tract, notwithstanding its great fertility and value. It was for these reasons, it is presumed, that the clause in the appropriation act was so framed as to authorize an expenditure for their removal to this land, or to the country south of the Missouri. The duty of negotiating with them to effect the latter object, and of directing the arrangements for their emigration, should it not be accomplished, has been committed to the Governor of the Wisconsin Territory, from whom no report has been received. It is understood, however, that his efforts have been unsuccessful.

General Jesup was instructed, on the 20th of July, 1836, to select an officer to conduct the removal of the Choctaws remaining in Mississippi, for which an appropriation was made at the last session of $30,000, which, with a balance of a former appropriation of $26,800, made a fund applicable to this object of $56,800. When it is accomplished, the whole number of the Choctaws west of the Mississippi will be 18,300.

This large augmentation of their numbers, and the consequent changes in their condition and circumstances, appear to me to give new importance to the establishment of a government for the Indian tribes west of the Mississippi river. I beg leave, therefore, to invite your attention to a narration of former proceedings in relation to this object.

The act of Congress of May 28th, 1830, provided for an

exchange of lands with the Indians residing in any of the States or Territories east of the Mississippi, and for their removal beyond that river. It authorized the President "solemnly to assure the tribe or nation with which the exchange is made, that the United States will forever secure and guaranty to them, their heirs or successors, the country so exchanged with them." It further authorized him "to cause such tribe or nation to be protected at their new residence, against all interruption or disturbance from any other tribe or nation of Indians, or from any other person or persons whatever." It also empowered him to exercise over them "the same superintendence and care" that he had extended to them before their removal.

Anterior to the passage of this act, which devolved upon the Executive these high duties to the Indian tribes, the necessity of some form of government had been distinctly recognised. Stipulations were made in treaties with the Cherokees and Choctaws, for their removal and settlement west of the Mississippi, in 1817 and 1820. In 1824, Mr. Monroe, in his message at the opening of the session, pointed to the vast extent of country "between the limits of our present States and Territories, and the Rocky mountains and Mexico," as a region to which the Indians "might be invited, with inducements which might be successful. It is thought," he observed, "if that territory should be divided into districts, by previous agreement with the tribes now residing there, and civil governments be established in each, with schools for every branch of instruction in literature and in the arts of civilized life, that all the tribes now within our limits might gradually be drawn there." On the 16th of December, 1824, the Committee on Indian Affairs was instructed, by a resolution of the House of Representatives, "to inquire into the expediency of organizing all the territory of the United States lying west of the State of Missouri and Territories of Arkansas and Michigan, into a seperate Territory, to be occupied exclusively by the Indians; and of authorizing the President of the United States to adopt such measures as he may think best, to colonize all the Indians of the present States and Territories permanently within the same." On the 27th of January, 1825, Mr. Monroe again presented this subject to the House of Representatives, in a special message. "The great object to be accomplished," he said, "is the removal of these tribes to the territory designated, on conditions which shall be satisfactory to themselves and honorable to the United States. This can be done only by conveying to each tribe a good title to an adequate portion of land, to which it may consent to remove, and by providing for it there a system of internal government, which shall protect their property from invasion, and by the regular progress of improvement and civilization, prevent that degeneracy which has generally marked the transition from the one to the other state." "The digest of such a government, with the consent of the Indians, which should be endowed with sufficient powers to meet all the objects contemplated: to connect the several tribes together in a bond of amity, and preserve order in each; to prevent intrusions on their property; to teach them, by regular instruction, the arts of civilized life, and make them a civilized people, is an object of very high importance. It is the powerful consideration which we have to offer to these tribes, as an inducement to relinquish the lands on which they now reside, and to remove to those which are designated." "To the United States, the proposed arrangement offers many important advantages, in addition to those which have been already enumerated. By the establishment of such a government over these tribes, with their consent, we become in reality their benefactors. The relation of conflicting interests, which has heretofore existed between them and our frontier settlements, will cease. There will be no more wars between them and the United States. Adopting such a government, their movement will be in harmony with us, and its good effects be felt through the whole extent of our territory to the Pacific. It may fairly be presumed that, throught the agency of such a government, the condition of all the tribes inhabiting that vast region may be essentially improved; that permanent peace may be preserved with them, and our commerce be much extended."

Accompany this message was a report of Mr. Calhoun, then Secretary of War, in which he stated the obligation of the United States to protect the Indians who should emigrate; to continue to them the means of education and improvement, and to give them "the strongest and most solemn assurance" that the country assigned them should be theirs, "as a permanent home for themselves and their posterity." "To such assurance," he proceeded to observe, "if there should be added a system by which the Government, without destroying their independence, would gradually unite the several tribes under a simple but enlightened system of government and laws, formed on the principles of our own, and for which, as their own people would partake in it, they would, under the influence of the contemplated improvement, at no distant day, become prepared, the arrangements which have been proprosed would prove to the Indians and their posterity a permanent blessing."

On the 1st of February, 1825, "a bill for the preservation and civilization of the Indian tribes within the United States," was reported to the Senate by the Committee on Indian Affairs, which finally passed that body, but did not receive the concurrence of the House of Representatives. On the 27th of December, 1825, a resolution was agreed to in the House of Representatives, instructing the Committee on Indian Affairs to inquire into the expediency of establishing some mode for the removal of the Indians; for allotting to each tribe a sufficiency of land, "with the sovereignty or right of soil, in the same manner that the right of domain is secured to the respective States of the Union;" and for establishing there a territorial government over them of the same kind, and regulated by the same rules that the Territories of the United States are now governed."

In January, 1826, the bill, which passed the Senate at the preceding session, was amended by the Committee on Indian Affairs of the House of Representatives, and transmitted to the Secretary of War, with a request that he would "afford the committee all such information as is consistent, and in the manner you think proper." In compliance with this request, Governor Barbour transmitted to the committee, on the 3d of February, a bill, accompanied by an elaborate report, explanatory of its principles.

"The third object of the bill," it is stated, "is the establishment of a territorial government by the United States, for their protection and their civilization. The bill proposes a governor, three judges, and a secretary, to be appointed by the President, with the advice and consent of the Senate, and such modifications, in detail, as the President shall ordain, subject to the approbation of Congress." "I have already intimated, in a former part of this report, the consequences of sending the Indians to the country destined for their final abode, without some controlling authority. Without this, they will be disposed to endless mischiefs. It is not necessary to prescribe particularly in the bill their government. Its organization may safely be deposited in the hands of the President, subject to the control of Congress. I will, nevertheless, suggest, that as soon as the civilization of the Indians would admit of it, I would give them a legislative body, composed of Indians, to be selected in the early stages by the President, and eventually to be elected by themselves, as well for the purpose of enacting such laws as would be agreeable to themselves, as for the purpose of exciting their ambition."

All these official papers agree in their main features. They look to the removal, permanent settlement and protection of the Indians, and the establishment of a Territorial Government, as measures of vital importance to them, and

demanded by a just regard to the obligations of the United States. The treaty with the Cherokees of May 6, 1828, may be considered as the first formal recognition of, and action upon these pinciples, as it secured to them a permanent home, under the most solemn guaranty of the United States that it should remain theirs forever, and stipulated that the United States would give them a set of plain laws, and cause their lands to be laid off, whenever they wished to own them individually.

In the message at the opening of the 1st session of the 21st Congress, President Jackson suggested "the propriety of setting apart an ample district west of the Mississippi, and without the limits of any State or Territory now formed, to be guarantied to the Indian tribes, as long as they shall occupy it; each tribe having a distinct control over the portion designated for its use." "There," he observed, "they may be secured in the enjoyment of governments of their own choice, subject to no other control from the United States than such as may be necessary to preserve peace on the frontier and between the several tribes." In the report of the Department of War, which accompanied this message, Mr. Eaton remarked: "No better plan can be thought of, than that the United States shall put in operation such a system of Indian protection and government, west of the Mississippi, as that a confidence may be reposed that they are indeed our fostered children, and the Government not only so disposed to consider, but practically to evince their good feelings towards them. At present an objection arises with the weaker tribes. They are indisposed to emigrate, from an apprehension that powerful and stronger neighbors may oppress them, and that no surer protection can be obtained from the United States in the West, than is posessed already where they reside. To remove such apprehension will be of importance.

"I beg leave to suggest for your consideration, if an Indian territory, without the range of Western States and Territories, might not be advantageously created; and to give efficiency and to inspire confidence, military posts, under some able and discreet officer of the army, to be designated at some central and convenient point. Intrusions from the whites might thus be restrained, and the Indians maintained in quiet with each other. Laws for their general government and to preserve peace amongst the tribes, to be the act of the United States, with a right to the Indians in council to make their own municipal regulations."

The act of Congress of May 28, 1830, was the authoritative sanction of both branches of the National Legislature to the suggestion of the President. Numerous treaties for the cession and exchange of lands have since been made with Indian tribes; and the entire number of many of them, and portions of others, have been removed. From a want of exact knowledge of the topography of the country, errors were made in defining the boundaries of the lands intended to be assigned to them, and questions arose which remained long unsettled, and proved to be of difficult adjustment. The relations between the indigenous and emigrated tribes were of novel character, and the establishment of them upon an amicable basis was evidently of great importance to them and to our own citizens. These considerations were presented to Congress in a report from this department to the President, dated February 16, 1832, which was transmitted to that body on the same day. Approving the measure recommended at the close of that report, Congress passed the act of July 14, 1832, providing "for the appointment of three commissioners to treat with the Indians, and for other purposes." In addition to the subjects above referred to, with which these commissioners were charged, was the formation of some plan "for the encouragement, security, and government of the Indian tribes west of the State of Missouri and the Territory of Arkansas." They were accordingly instructed to report in detail all the information they could procure concerning their present and probable future condition, with their own views upon the whole subject. "Its importance," they were told, "is apparent, as on its decision may rest the future fate of all these tribes. And in the great change we are now urging them to make, it is desirable that all their political relations, as well among themselves as with us, should be established upon a permanent basis, beyond the necessity of any future alteration." The result of the investigations of these gentlemen was imbodied in a communication addressed to this department, dated Fort Gibson, February 10, 1834, which was appended to the report of the Committee on Indian Affairs of the House of Representatives of the 20th of May, 1834, in which it was mentioned in terms of commendation. The two leading measures recommended by the commissioners, were the establishment of two lines of military posts, and the organization of an Indian territory: the first line of posts to be on the border of the Indian country, the State of Missouri, and the Territory of Arkansas; the other in the interior, on the western line of the agricultural district, extending from Red river to the Upper Missouri. Assuming that the proposed territory would include all the tribes west of the Mississippi, the commissioners suggested, as the basis of its organization, the appointment of "a governor, a secretary, a marshal, a prosecuting attorney, and a judiciary, with the adequate clerks, and an annual council of the Indians, the number of the delegation from each tribe to be designated by the President." They appear to have considered that the proper enforcement of the laws of the United States, as far as they are applicable to the Indian country, was a sufficient motive for this organization. It should be observed that they did not propose to confer upon the annual council any legislative power, the objects to be attained by it being the establishment of friendly relations, and the advancement of civilization. It was, however, considered by them "not improbable that the tribes may ere long adopt some general articles of confederation for their own republic, not inconsistent with the wishes of Government." The report of the Committee on Indian Affairs, already referred to, after reciting the provisions in the laws and treaties bearing upon this subject, deduced from them "the rights, the duties, and the powers of the parties. The rights of the Indians are, to be secured in the possession of their lands, and in the exercise of self-government. The obligations of the United States are correlative: to secure them in the title and possession of their lands, in the exercise of self-government, and to defend them from domestic strife and foreign enemies; and powers adequate to the fulfilment of these obligations are necessarily reserved." "Under the power to dispose of the territory of the United States, the Western territory is now to be dedicated to the use of the Indians, and right of self-government secured to the tribes."

The bill (attached to this report) designated the south banks of the Missouri and the Platte rivers as the northern boundary of the proposed territory, which, it was estimated, would contain an area of 132,295,680 acres. It pledged the faith of the country to the Indians for its perpetual possession; it gave to each of the tribes the right to maintain a government for the regulation of its own internal concerns; it provided for the appointment by the President, with the concurrence of the Senate, of a governor and secretary; it directed that a council should be assembled by the governor, of the chiefs of the various tribes, to which should be submitted a proposition, to assent "to such of the provisions of this act as require the co-operation of the authorities of the respective tribes;" and that the contemplated confederation should not take effect until the Choctaw, Creek, and Cherokee tribes gave their assent thereto.

According to its provisions, a general council of the tribes joining the confederacy, elected by the tribes, or selected by the chiefs, as the governor might determine, was to be held annually, whose duty it should be to make all necessary reg-

ulations respecting the intercourse among the various tribes; to preserve peace; to put a stop to hostilities; to settle any questions of dispute respecting boundaries; to arrest and punish all Indians who may commit offences within the district of one tribe, and who may flee to another, and generally, to take such measures as may be necessary to give effect to the provisions of this act." But no laws or regulations made by the council were to have any force unless approved by the governor. It was made "competent for the general council to furnish such force as from time to time may be necessary towards the support of such government; and the troops of the United States may, under the direction of the President, be employed on the same duty," and to give effect to the regulations of the council. The House of Representatives proceeded to the consideration of this bill on the 25th of June, 1834. It met with opposition, and was eventually postponed to the next session of Congress, at which the consideration of it was resumed, but no definite action was had upon it.

In February, 1836, a new bill was introduced, "to provide for the security and protection of the emigrant and other Indians west of the State of Missouri and of the Territory of Arkansas." This bill reserved the lands described in the preceding one, for the use of the various tribes who have or may have a right to the same. It was to be called "the Indian Territory," and to be secured to the tribes forever. A superintendent of Indian affairs and a secretary were to be appointed by the President, with the advice and consent of the Senate. Each tribe might establish such government and laws for the regulation of its internal concerns, as it thought proper. Any three or more tribes might form a confederation with each other, for the purpose of regulating the intercourse and preserving peace among such tribes, and of defending themselves from the aggressions of other tribes.

It provided further, that the Choctaw, Creek, and Cherokee tribes should be invited by the superintendent to unite in a general council to form such confederation; and that any other of the tribes might become parties to it. After its formation a general council should be held annually, the members to be chosen in the manner that might be pointed out in the articles of confederation. The powers of this council were to be the same with those indicated in the former bill, with the important exceptions that it was not authorized itself to raise a force to support the government, nor could the troops of the United States be employed to give effect to its regulations and laws. Only in the event of "an aggression having been or being about to be committed by a foreign tribe, or by one of the tribes in said territory on a tribe therein," might the superintendent call upon the other tribes of the troops of the United States for military aid. This bill likewise failed to become a law.

By the bill of 1834 it was "made competent for the council of confederated tribes to elect, in such manner as the general council may prescribe, a delegate to Congress, who shall have the same power, privileges, and compensation as are possessed by the delegates of the respective Territories." In the bill of 1836, the phraseology in reference to this subject was changed, so as to provide for the residence of a delegate "at the seat of Government during the session of Congress, who shall entitled to the same compensation as that of a delegate from a Territory." The terms of the first bill conform most nearly to the views of the Indians themselves, so far as they have at any time been made known. The Choctaws, in the 22d article of the treaty of September 27, 1830, and the Cherokees, in the 7th article of the treaty of December 29, 1835, expressed a solicitude that they might have the privilege of a delegate on the floor of the House of Representatives. These treaties having been ratified without any exception being taken to these articles, may it not be assumed that Congress intended, whenever it was determined that this measure was proper, to accede to the requests of these tribes, to the extent and in the manner they themselves desired.

It is worthy of remark, that the proposition to admit a delegate from the Indians to a seat in the national council was first made to them by the United States during the war of the Revolution. In the 6th article of the treaty with the Delawares of September 17, 1778, "it is further agreed on between the contracting parties, (should it for the future be found conducive for the mutual interest of both parties,) to invite any other tribes, who have been friends to the interest of the United States, to join the present confederation, and to form a State, whereof the Delaware nation shall be the head, and have a representation in Congress." It is apparent from the preceding part of the section, that the object was to obviate the false suggestions of the enemies of the United States, who had "endeavored, by every artifice in their power, to possess the Indians in general with an opinion that it was the design of the States to extirpate the Indians, and take possession of their country." In addition to the conciliatory influence of the measure, it has, at the present day, additional importance from the increased extent of our Indian relations, and the increased capacity of the Indians themselves to afford information that will be useful in the preparation of the laws affecting them.

On the 4th of March, 1836, a bill was introduced into the Senate by a Senator from Indiana, purporting to be supplementary to the act of May 28, 1830, providing for an exchange of lands. This bill designated the Puncah and Missouri rivers as the northern and eastern boundary lines; the other lines, described in the bills before the House of Representatives, were not changed. By this extension of the northern boundary, the Pawnees and Omahas were included in the country to be set apart for the Indians. It provided for the conveyance to the respective tribes of the lands held by them, by patent; and for the appointment of a superintendent, "to execute such duties as shall be enjoined by the President." It required him to convene a sufficient number of the chiefs of the various tribes, and endeavor to procure their assent to articles of agreement and friendship. These articles were to contain a stipulation for the assembling, annually or oftener, of a council of delegates, each member of which should have equal privileges; the number of members and the manner of their election to be determined by the President. This council, it was provided, should be competent "to enact such laws and make such regulations as shall be designed for general utility, without infringing the rights of the tribes severally to manage their own internal concerns;" but that no laws and regulations should take effect until approved by the President. If the superintendent should disagree with the council in regard to any particular law or regulation, a full report should be made to the President for his decision. Upon this bill it is not known that any proceedings were had.

Having completed a review of the action of the executive and legislative branches of the Government upon this subject, noticing only the prominent provisions in the bills that have been before Congress, I beg leave to observe that the aspects under which it now presents itself, differ materially from those in which it was submitted to Congress in 1825 and 1826. The plan of removing the Indian tribes from the States and Territories was then, comparatively, in its infancy. Districts of country, west of the Mississippi, had been assigned by treaties to the Choctaws and Cherokees, but only a small number of either tribe had emigrated; and the views of the Executive seem to have been directed to the subject of a government for those who had gone or might go, more as an inducement to them to remove, than as a measure immediately demanded for their protection, peace, and prosperity, by any existing relations. But the act of May 28, 1830, gave to this matter a new character. It distinctly authorized treaties for the exchange and cession of lands, the conveyance in fee of equivalent tracts to the In-

dians, and the extension to them, at all times, of adequate protection. Since its passage, the current of emigration has been constantly flowing, with different degrees of rapidity at different times. More liberal arrangements have been made, in treaties, for the supply of the wants of the Indians, and the promotion of their comfort. The stipulations made with the Choctaws in 1830, provided reservations of lands, large annuities, means for education, churches, agricultural and mechanical establishments, and ample donations of blankets, rifles, and agricultural implements. The stipulations in subsequent treaties with other tribes have conformed to these, the amounts and quantities being, of course, proportioned to the number of the Indians with whom they were made. As a natural result, the emigrated tribes, having these advantages and facilities, have acquired property, and with property a feeling of independence and self-respect, and a desire to advance in civilization. This has been especially the case with the Choctaws, Creeks, and Cherokees, the three largest tribes within the limits of the proposed territory, as these were described in the two bills reported to the House of Representatives. The acting superintendent of Indian affairs, in compliance with a circular from this office, has made a very valuable and sensible report, abounding in facts illustrative of the prosperous condition of these people. I have collated some of them, as the happy condition of things which they exhibit forms one of the arguments upon which the expediency of establishing a government competent to afford security and protection may be rested.

"It is a source of serious gratitude," he observes, (speaking of the Choctaws,) "to witness their gradual improvement." They are governed by a written constitution, and have an annual general council, to which twenty-seven members are elected, who are paid out of the annuity, and who pass such laws as they think proper. The three chiefs of the nation meet with the council; any two of whom can exercise the veto power; but if a bill be again passed by two-thirds of the council, it becomes a law. Their laws are reduced to writing, and copies of them and of the constitution are left with the agent. A new council-house and houses for the chiefs are in process of construction. The middle country, between the Arkansas and the Red rivers, Blue Boggy and the Canadian, is particularly fitted for raising stock. The Red river part is destined soon to be a fine cotton-growing country; the native traders have erected cotton-gins, and they purchase all the cotton that is raised by the common Indians and half-breeds. It is estimated that about five hundred bales will go down Red river, from the Choctaws, this year. There is one good grist and saw-mill near Red river, and another is building on the Poteau, from which large quantities of lumber will go down the Arkansas. To a great extent the trade with these Indians is carried on by the natives. "I can state, from my own knowledge, that two native Choctaws on Red river have this year brought into the country $20,000 worth of goods; and there are others engaged in smaller trade of from $2,000 to $10,000. They make their purchases in New Orleans, and, I understand, are in good credit." The assistants in the three public smith-shops are natives, who, in a year or two, will be able to take charge of them. Besides these shops, they have five others of their own, that are used in the farming season. "The chase, for a living, is now nearly abandoned; many take a fall hunt, but it is more an excursion of pleasure than a pursuit of gain."

Of the Cherokees, he says: "They are gradually progressing in civilization and the cultivation of the soil, and amongst them are many intelligent men. They raise corn, beef, pork, sheep, &c., to a considerable extent, and in travelling through their country you are quite comfortably entertained. Many of them are engaged in trade with their own people; they are, however, not located advantageously for the cultivation of cotton. They have some mills erected amongst them; and with a wide extent of country, a portion of it finely watered, they bid fair, with frugality and temperance, to become a leading tribe." A similar account of these Indians was given by the commissioners in 1834, and they stated, besides, that a government had been organized by them, laws ordained, and enforced by a body of sheriffs termed light-horse.

"The Creeks," continues the acting superintendent, "have a rich country, and those of them that emigrated with McIntosh have been engaged busily in making corn; they usually have a large surplus, as high some years as thirty thousand bushels, besides stock of every description. As there is now a large emigration coming to the country, they will find a sale for all they may have to sell. They have not yet engaged in trade."

In another communication, he mentions that there are seventeen churches within the limits of these three tribes—ten in the Choctaw, four in the Cherokee, and three in the Creek country.

The other tribes in this superintendency are the Seminoles, Osages, Quapaws, Senecas, and Senecas and Shawnees. Of these, he thus speaks: "It is but lately the Seminoles have come on; they have been much afflicted by disease, and have lost a great many of their small party; they have one of the finest sections of the Indian country, and with their advantages could soon prosper.

"The Osages are engaged in the chase, and they generally hunt for subsistence, and lay up buffalo meat for a support; they raise no corn except what their women cultivate, and have no stock of any consequence; they may, therefore, be fairly considered as living upon their annuity and the chase.

"The Quapaws, Senecas, and the united bands of Senecas and Shawnees, are situated adjoining the bands of Osages and Cherokees; their lands have been surveyed, and separately marked out—one hundred and fifty sections for the Quapaws, sixty thousand acres for the Senecas and Shawnees, and sixty-seven thousand acres for the Senecas of Sandusky. These lands are good and well watered. The Senecas are cultivating the soil, and signs of improvement are manifested; their mill is in full operation, and great benefit is derived from it. The Quapaws were not properly located, and will probably have to remove some two or three miles."

There are eight other tribes, which are located within the limits of the proposed territory, but which are not under the charge of the acting superintendent, whose jurisdiction, as prescribed by the President in 1834, does not extend beyond the northern boundary of the Osage reservation. The eight tribes referred to are attached to the northern agency of the Western territory, under the care of Major Cummins, whose report, though less minute than Captain Armstrong's, is hardly less favorable, when the difference in the means of the several tribes is considered. They are the Shawnees, Delawares, Kickapoos, Kanzas, Weas, Piankeshaws, Peorias, Kaskaskias, and Ottawas, having an aggregate population of 4,467. The Shawnees and Delawares are an agricultural people; they have a fertile country, schools, churches, and smiths' shops. The Kickapoos, in 1835, began to turn their attention to agriculture, "the men as well as the women laboring astonishingly." The Kanzas live by the chase, and are the only one of these bands of whom it can be said "they are poor." The remaining small bands above named cultivate the soil, which is generally of good quality, with sufficient water-power for their purposes, and they all have the means of education and the aid of mechanics.

The great increase in the number of Indians west of the Mississippi is another element connected with the question of government, entitled to serious consideration. The Indian population in the territory on the 1st of October last, was estimated at 37,748. To this number is to be added the Creeks, amounting to 16,500, who have removed this

year, and about 4,000 who are yet to go, and the Cherokees, amounting to 16,000, who are under treaty stipulations to emigrate. There will be a further addition to be made of 5,400, should the Chickasaws procure a residence in that region. And if the Ottawas, Chippewas, and Pottawatamies of Illinois, shall assent to take land south of the Missouri for that assigned to them north by the treaty of Chicago of 1833, and the Pottawatamies of Indiana shall settle there with them, there will be another increase of numbers, amounting to 9,400. The entire Indian population in the territory will then be 90,148; and upon the borders of it there will be the Sioux and Iowas, with the Camanches, Kiowas, and other wild tribes, whose numbers are estimated at 143,750.

The annexed table, marked D, shows the number of every tribe, east and west of the Mississippi, concerning whom we have any information.

The obligations which the United States have assumed in their negotiations with some of these Indians, and in their legislation in regard to them, have no inconsiderable bearing upon this matter of protection and government. With the largest of the emigated tribes, the Choctaws, Creeks, and Cherokees, the United States have made treaties containing stipulations which bind them to secure to these Indians "the jurisdiction and government of all the persons and property that may be within their limits west." This language is quoted from the fourth article of the treaty with the Choctaws of September 27, 1830. The fourteenth article of the treaty with the Creeks of March 24, 1832, and the fifth article of the treaty with the Cherokees of December 29, 1835, secure to those tribes similar powers. By the twenty-fifth section of the intercourse act of 1834, it is prescribed, "that so much of the laws of the United States as provides for the punishment of crimes committed within any place within the sole and exclusive jurisdiction of the United States, shall be in force in the Indian country: *Provided*, The same shall not extend to crimes committed by one Indian against the person and property of another Indian." Thus the right to form and administer all laws is solemnly guarantied to these Indians. And it is stated by General Stokes, the agent for the Cherokees, that they "are in the habit of making written wills, deeds of gift, bills of sale, written judgments of their courts, written judgments of arbitration, and written settlements of the estates of deceased persons." The relations of debtor and creditor between the native and the native trader, and between the latter and our own citizens, now becoming important in extent and amount, are also to be regulated and guarded by them.

I would respectfully ask whether, in their present state of civilization, advanced as it is represented and admitted to be, it is not expedient for them, and especially for our own citizens, that a supervisory power over this extensive legislation should be lodged in some person or persons, acting under the authority of the United States. Our own citizens will hereafter be more intimately connected with the Indians in commerce, and their rights will of course be materially affected by this legislation. But under the treaties and the law which have been referred to, no supervision can be exercised over the laws of a separate tribe. This view of the subject seems to me to present a strong argument in favor of the confederation and government contemplated in the bills that have been submitted to Congress. All laws and regulations of an international character, operating on the rights of property as well as of person, of our own citizens, adopted by a single tribe, might then be properly subjected to the action of the general council and the governor. A yet stronger argument may be found in the importance of establishing, upon just principles, the relations between the several tribes within the new territory, with particular reference to the security of the rights and property of the weaker tribes. Whether in or out of the confederation, these might be injuriously affected by the legislation of the general council, unless it were restricted by an independent branch of the government.

With this exposition of the views entertained of this subject, I would request your favorable attention to it, and that, if you think proper, it may be recommended to that of Congress.

The preservation of peace among these tribes, and between them and those who live upon their borders, is another subject of great moment, and which may properly be considered in this connexion. It is true, that a treaty was made between the Camanche and Witchetaw nations and their associated bands, the principal of the wild tribes, and the Cherokees, Creeks, Choctaws, Osages, and Quapaws, in August, 1835, and the amicable relations, then formed, have not since been materially disturbed. But there are other lawless bands, and there is great force in the cautionary remarks in the report of the commissioners which has been frequently referred to.

"The commissioners would be wanting in justice to the Government, to allow it to anticipate security to our own tribes from any pacific arrangement that can be made with the Indians of Mexico. Presents may soothe for a moment the savage disposition; but while the principal residence of the wild tribes is within a foreign state, and subject of course to foreign influence, we cannot limit *our* guaranty of soil and personal protection, (upon which the emigrant has chosen his new home,) by depending on stipulations with the Indians beyond our control. Nor will our occasional show of force remove the fear of invasion. Savages may be temporarily driven from the buffalo trail, but like water displaced by a fording army, they will seek immediate return when the force is removed. A few outposts to enclose the agricultural districts can alone ensure personal safety, and give that security to property, without which man, either white or red, cannot be stimulated to its possession."

The establishment of some military posts was authorized by the act of Congress of July 2, 1836, entitled "*An act to provide for the better protection of the Western frontier.*" Instructions were given soon after its passage, to procure the assent of the tribes through whose territory the military road, authorized by the same act, and upon the line of which these posts are to be constructed, must pass, to the measure. This has been accomplished with the Shawnees, Delawares, Weas, Piankeshaws, Kaskaskias, and Peorias, and instructions given to effect it with the other tribes. The proposition of the commissioners is, that other posts be erected in the interior, and it is explained in another part of their report, which has been alluded to in this communication. The importance of these works to the tranquillity of our Indian relations, and even to the right fulfilment of the obligations of the country to the Indians, cannot easily be overestimated, and I therefore commend the measure to your favorable notice. The number of Indians of indigenous tribes, who will be within striking distance of the frontier, amounts, as stated in the table before referred to, to 143,000. The names of many of many of them will suggest at once the reasons for the fears that may be entertained, and for the precautions that should be employed. When the road is completed, and the posts upon the line of it, and in the interior, are garrisoned by a competent force of infantry and mounted men, the causes for apprehending any interruption of the general peace will be greatly diminished.

3. "*Of the operations of the commissioners appointed to hold Indian treaties under acts of the last session of Congress.*"

Of these I am able to present only a brief statement; but few communications have been received from the gentlemen to whom they have been intrusted.

The sum of $22,000 was appropriated, (by the act of Congress of June 14, 1836, providing "*for the payment of Indian annuities and other purposes,*") "*to defray the expenses of holding treaties with Indians in the vicini-*

ty of Green Bay; Indians within the State of New York; the Winnebagoes north and south of the Wisconsin, and with the Sacs and Foxes north of the Missouri." These negotiations, with the exception of that with the tribes in New York, were confided to Governor Dodge, but no official report of his proceedings has been received. I have learned from other sources, that he has made an arrangement with the Sacs and Foxes for a cession of the reservation on the Iowa river, assigned to them by the treaty of September 21, 1832.

The duty of negotiating with the Indians in New York was committed to Mr. Schermerhorn. He has concluded a treaty with the Stockbridge and Munsee tribes, for the relinquishment of their lands on the Winnebago lake; and another with the New York Indians, for the lands granted them in the treaty with the Menomonies of February 8, 1831. To the last those who emigrated from New York to Green Bay have assented, and he has appointed a time to hold a council with those residing in that State, at which it will be submitted to them with a view to procure their concurrence.

An appropriation was made in the act above referred to of $2,000, "for the purpose of extinguishing the Indian title between the State of Missouri and the Missouri river." The general direction of this matter was given to General Clark. The tract of country referred to, was ceded by the tribes who were parties to the treaty of Prairie du Chien of the 15th of July, 1830, and it was stipulated in the first article, that it should be assigned to the tribes then living upon it, or to such others as the President might locate thereon "for hunting, and other purposes." It is a long, narrow belt of land, separated from the Indian country west of it by the Missouri river. Its annexation to the State of Missouri was suggested by the Committee of the House of Representatives on Indian Affairs, in their report dated May 20, 1834, as a measure of obvious convenience and necessity, and it was deemed, by the citizens of that State important to its interests. Early in the last session of Congress a representation was made to the Department, of the willingness of some of the tribes to relinquish their rights to it; and a negotiation with them to effect that object was strongly urged. To this the President was unwilling to assent, as it would have been in disregard of the guaranty given to the Indians in the treaty of Prairie du Chien, and might be considered by them as the first step in a series of efforts to obtain possession of their new country. Appreciating, however, the force of the considerations that prompted the application, he consented that the subject of a cession should be submitted to the Indians, with an explanation of the reasons that rendered it a question of interest to the State of Missouri; but no change was to be urged upon, or required of them; if they preferred to retain the land, their possession of it would not be disturbed. In accordance with these views, a negotiation was opened by General Clark with the Iowas and the Sacs of Missouri, who, sensible, as they stated, that "from the local position of the lands in question, they can never be made available for Indian purposes," relinquished their rights therein. Advices have also been received, that the respective agents for the Sacs and Foxes, the Yancton and Santie Sioux, Omahas, Ottoes, and Missourias, have obtained the assent of those Indians to this measure. The agent for the Sioux of the Mississippi has not yet reported.

The treaty made with the Chippewas of Saginaw during the last winter not having received the sanction of the Senate, the acting superintendent of Indian affairs in Michigan, who reported that there was a prospect of a favorable result, has been authorized to effect a new arrangement with them, upon principles that will obviate the objections to the former one.

A treaty has been concluded with four bands of the Pottawatamies residing in the State of Indiana, extinguishing their title to twenty-two sections of land, reserved for them in the treaties of October, 1832, but it has not yet been received. The agent has reported that similar purchases from other bands will probably be effected.

Measures have been taken, with a view to opening a negotiation with the Miamies for the relinquishment of their lands in Indiana, in accordance with a resolution of the Senate at its last session.

Another resolution of the Senate requested the President to propose to the Indians, parties to the treaty of Chicago of 1833, an exchange of the lands north of the Missouri river, assigned to them by that treaty, for lands south of it. As no appropriation was made for this object, and a part of the Indians had emigrated, a part were removing and a part were in Illinois, the instructions to the sub-agent merely directed him to seek interviews with them, and to ascertain their dispositions in respect to it, and to report them in season for the action of Congress, should it become necessary.

The resolution of the House of Representatives of July 1st, 1836, requesting the President of the United States "to cause such measures to be taken for investigating alleged frauds in the purchase of the reservations of the Creek Indians, and the causes of their present hostilities," received his immediate attention. The honorable Thomas H. Crawford, of Pennsylvania, and Alfred Balch, Esq., of Tennessee, were selected for the performance of this duty, and they were authorized to call for the professional services of the United States district attorneys in Georgia and Alabama, whenever they required them. They were furnished with copies of the papers on file or on record in this office connected with the subject, and with ample instructions and discretionary power. They met at Columbus in September, and have since been engaged in the active prosecution of their labors. From advices received from them, dated October 14th, it is presumed that their report on the causes of the hostilities will be transmitted at an early day in the approaching session. It will be immediately laid before you, upon its reception. The other subjects committed to them will necessarily occupy more time. The high characters of these gentlemen will ensure to their reports the confidence of the country.

The reservations provided for the Creek Indians in the treaty with them of March 24, 1832, have all been located. Contracts for the sale of a number of them, equal in quantity to 1,231 sections, have been approved by the President. The approval of these conveyances was suspended by his direction in April, 1835, when allegations of fraud were made, and it will not be resumed until the present investigation of these charges and the causes of the hostilities, is terminated. The number of contracts certified and transmitted to this office, upon which he has not acted, is 2,627. Subsequent to the above date, the certifying agents were authorized to proceed in the discharge of their duties. General Jesup was also empowered to appoint agents for this purpose, and to permit an arrangement to be made with the chiefs, for the disposal of the lands that had not been sold, or the sale of which had been contested, provided, that in the latter case, no title previously acquired by purchase, and which should not be impeached, should be injuriously affected. Under this authority, an agreement has been entered into for the sale of a large number of sections, the previous contracts for which had been disputed. Upon this agreement the President has not yet acted, further information being deemed necessary preparatory to his decision. The commissioners, now in the Creek country, have likewise been authorized to employ certifying agents. The object of all these measures has been to obviate, by every practicable means, the objections of the Creeks to remove, founded upon their wish to dispose first of their lands. The hostilities that commenced in May last, resulted in the removal of nearly the whole nation before this

object could be accomplished, and it is now more difficult to effect it in any satisfactory manner. But the efforts of the commissioners and of the Executive will be directed to it, with an earnest solicitude to adopt that course which will most certainly secure to the Indians who have remained peaceable, the full value of their lands, and the advantages of every beneficial stipulation of the treaty. Twelve of the sections reserved for the orphans have been sold, and the remainder of them will be disposed of under the direction of the commissioners, and the proceeds of the whole invested in public stocks.

A special commissioner has been appointed to certify contracts for the sale of reservations under the treaty with the Choctaw Indians of September 27th, 1830, and to receive the proof of residence for five years, which, by the terms of the 14th article of the treaty, is necessary to entitle the reservees to patents. This subject has become of a difficult and complex character, in consequence of circumstances to which I will briefly advert.

Immediately after the ratification of the treaty, the Choctaws who were desirous to emigrate, were anxious to dispose of their lands. As the reserves provided for them had not been located, they sold their rights. A few of the conveyances made by them were certified by the Indian agent; but when he declined continuing the practice, in consequence of the want of authority from the proper department, they were certified by citizens. The Indians removed, and their reservations were subsequently located upon the applications of the purchasers. The existence of these instruments was not known here until the last session of Congress. No certain evidence could then be discovered that conveyances had ever been directed, or the mode of executing them prescribed by the Executive. Some of them were at that time presented, and the department was called upon to adopt some measures by which the title of the purchaser could be perfected. It was obvious that the subject could be acted upon properly only in the Indian country. There only could the identity of the vendor, his right to the land sold, the adequacy of the consideration, its payment in good faith, and the fairness of the transaction, be ascertained. The commissioner who has been appointed (A. V. Brown, Esq., of Tennessee) has been fully instructed upon all points connected with his duties, and requested to execute them with all the despatch consistent with correctness, as their early completion was important to the holders of these Indian conveyances, who, meantime, would not be able to obtain patents, and might be disturbed in their possession by legal process.

The location of reservations under this treaty has not been completed, principally in consequence of the difficulty the agents experienced in procuring plats of the surveys, the dilatory manner in which the Indians or their assignees applied to have them made, and the obstacles in the way of identifying the tracts to which the Indian had entitled himself under the nineteenth article, by cultivating them. Instructions have been given for the vigorous prosecution of this business, which it is hoped will ensure its early fulfilment.

The execution of those provisions of the treaties of October 20, 1832, and May 24, 1834, with the Chickasaws, which are to be carried into effect prior to their removal, is nearly completed. Two efforts have been made, unsuccessfully, by these Indians, to procure a part of the Choctaw country west of the Mississippi for their permanent residence; a third has recently been sanctioned by the President, from which a more favorable result is anticipated. The lands ceded by them have been surveyed, and the reservations provided for the different classes of Indians have been located. At the date of the latest advices the sales of the lands amounted to $1,080,118 61, and of the reservations, to $2,919,508 50. Of the first amount, $315,000 have been invested in Alabama State bonds, and $215,000 in Tennessee State bonds, the interest upon which, at five per cent, is payable in New York and Philadelphia semi-annually. Of the second amount, arrangements have been made for the investment of $385,000 at the same rate. It may be safely estimated that the whole proceeds of the lands will give the Chickasaws a national fund, not much less than three millions of dollars, the income from which will enable them to place themselves in a state of enviable prosperity. And in addition, there will be a large amount of individual wealth, derived from the sale of the reservations.

Immediately after the adjournment of the last session of Congress, measures were taken to carry into effect the treaty with the Cherokees residing east of the Mississippi, of December 29, 1835. Major Benjamin F. Currey, superintendent of emigration, was authorized to select as many persons to appraise the improvements of the Indians as might be necessary, and to direct their operations. He has divided the ceded country into seven districts, and has appointed the requisite number of agents and interpreters. Many of the gentlemen selected by him as agents, have been heretofore placed in stations of responsibility by the suffrages of their fellow-citizens; they are now actively engaged in bringing to a close the business confided to them. Governor Lumpkin, of Georgia, and General Carroll, of Tennessee, were, with the sanction of the Senate, commissioned to examine the various classes of claims for which provision was made in the treaty. General Carroll having declined this appointment, in consequent of the duty devolved upon him under the treaty with the Chickasaws of 1834, and of ill health, John Kennedy, Esq., of Tennessee, has been commissioned in his place. In the absence of General Carroll, Governor Lumpkin proceeded to make all practicable arrangements for commencing and completing the duties intrusted to them; and he has reported that he had made such progress that the execution of them can be promptly completed after the arrival of his associate. Indications of a disposition, on the part of a portion of the Cherokees, to prevail upon a majority of the nation to consider the treaty as not binding upon them, induced the President, at an early day, to direct that a requisition should be made upon the State of Tennessee, under the volunteer act of the last session, for a military force, to be employed in the Cherokee country, and Bt. Brig. Gen. Wool was assigned to the command. A general supervisory authority over the execution of all the provisions of the treaty, and all agents employed therein, as ample as was consistent with the constitutional duty of the President, was confided to the commissioners. General Wool was instructed to procure, and cause to be issued, the provisions and clothing stipulated in the eighteenth article to be delivered to the Indians, as an advance of the annuity of the nation for two years. In the execution of their several duties, the commissioners and the commanding general were directed to invite the co-operation of the twelve persons designated in the twelfth article of the treaty to act as the agents of the Cherokees, in relation to every measure connected with its fulfilment. Of these, a part only have accepted this trust; the others, who are represented to be personally attached to Mr. John Ross, and subject to his influence, have declined. The conduct of Mr. Ross, in other respects, has been equally calculated, if not designed, to prevent the execution of the treaty. A council has been called by him, at which (it has been made known to this department) resolutions were offered and adopted, declaring the treaty to be a fraud upon the Government, the people of the United States, and the Cherokees themselves; an instrument, concluded by persons not possessed of competent authority, and null and void from its inception. To give effect to these resolutions, a deputation was appointed, with Mr. Ross at its head, to visit this city during the approaching session of Congress, with a view to obtain some modification of the existing treaty, or a new

one. The same deputation was empowered to proceed to the country west of the Mississippi, to invite a co-operation of the western Cherokees in accomplishing these objects. Recognising the treaty as binding upon both parties, and its execution, after its ratification by the Senate, as imperative upon himself, the President directed that his determination to carry into effect all its provisions promptly, and to the fullest extent, should be made known to the Cherokees in the strongest and most explicit terms. He also directed them to be informed that no communication would be held, either orally or in writing, with any deputation that might come to this place with a view to delay or prevent its fulfilment; that if such deputation should go to the West, to obtain the assistance of the western Cherokees, they would be arrested and tried under that article of the act regulating trade and intercourse with the Indian tribes, which imposes a penalty upon "any person who shall deliver any speech, message, or letter to any Indian nation, tribe, chief, or individual, with an intent to produce a contravention or infraction of any treaty or law of the United States, or to disturb the peace and tranquillity of the United States." Regarding the discussion of the validity of the treaty as precluded by the signatures of the representatives of the Cherokees, the ratification of the Senate, and his own proclamation, he further directed that no council of the Indians should be permitted to assemble, or continue in session for the purpose of such discussion. Earnestly solicitous that all the beneficial provisions of the treaty should be enjoyed by the Cherokees, without any interruption of harmony and peace, he directed the most vigorous movements on the part of the several agents; and that, in no event, should force be employed, unless the measures of the Cherokees should indicate a disposition to prevent its execution, even at the hazard of actual hostilities.

The assent, in writing, of the Ottawas and Chippewas to the modifications in the treaty with them of March 28th, 1836, required by the terms of the ratification of the Senate, has been received and transmitted to the Department of State. Accompanying this paper was a memorial of the chiefs, explanatory of their views respecting the amendment in the 8th article, and expressing their desire that an arrangement might be made for their permanent settlement on the head-waters of the Mississippi. To accomplish this object, they request that a negotiation may be opened with the Chippewas west of Lake Superior and north of Rum river.

Before information of the assent having been given was received, measures were taken to procure the goods and provisions stipulated to be furnished these Indians in the 4th article of the treaty. Proposals to deliver them upon contracts at Michilimackinac were invited, in the event of the amendment in the ratification being agreed to. One hundred and thirty-nine thousand dollars were invested in goods in New York, which were distributed to the Indians under the supervision of the agent, the quartermaster at Detroit, and the commissioner appointed to investigate claims. The most satisfactory assurances have been received that in quantity, quality, and adaptation to the wants and tastes of the Indians, they were such as the Government ought to have purchased, and that the Indians were well pleased with them. Provisions, to the amount of eight thousand dollars, were procured in Detroit, and issued under the direction of the same gentlemen.

The examination of the claims of the half-breeds was committed to John W. Edmonds, Esq., of New York; that of the debts of the Indians to the agent, in conformity with the treaty, and Mr. Edmonds and Major Whiting were requested to co-operate with him. This duty was completed on the 29th September, but the official reports have not been received. Most of the payments, in lieu of reservations, provided for in the 9th article, have been made here, upon the drafts of the individuals designated. Arrangements will be made for giving effect to the beneficial stipulations in the treaty relating to education, missions, agricultural assistance, and mechanical establishments, as soon as the requisite information can be procured.

The execution of those provisions of the treaty with the Swan-creek and Black-river bands of Chippewas, of the 9th of May, 1836, which relate to the survey and sale of the lands ceded, and the investment of the proceeds, has been referred to the Secretary of the Treasury, by direction of the President.

A similar course has been adopted in regard to the survey and sale of the land ceded by the treaty with the Wyandots of April 23, 1836. The survey has been completed, and a proclamation will soon be issued for the sale.

4th. "*Of the number of schools established in the Indian country.*"

This information, which is embraced in the statement marked E, together with that in statements F and G, respecting kindred subjects, is necessarily very imperfect. This arises, in part, from the remissness of the societies and persons in charge of these institutions, in transmitting the statements annually required of them; a remissness which measures will be taken to check, and as far as practicable, to prevent. The communications that have been received upon this subject show the existence of a strong desire among the tribes generally for the education of their children. The Chippewas and Ottawas in the Northwest desired that a very liberal provision should be made for this object, in the last treaty concluded with them. The united nation of Chippewas, Ottawas, and Pottawatamies, who are emigrating from Illinois, have preferred an earnest request, that the interest of seventy thousand dollars, appropriated for education under the treaty with them of September 26, 1833, may be applied to the support of schools in the country to which they are removing. Even more ample means were set apart for this purpose in the treaty with the Cherokees of December 29, 1835. The schools among the Choctaws are favorite institutions with them; and, under the teaching of competent men, and the supervision of a vigilant agent, have produced and are producing essential benefits. The Shawnees and Delawares have been improved by the labors of the instructers who for many years have lived with them. The western Creeks have recently manifested a disinclination to the residence of missionaries among them; and the acting superintendent having confirmed the facts alleged as the cause of this feeling, they have been desired to leave the nation. Minor institutions exist among the Ottoes, Omahas, and Sioux, which are yet in their infancy, but are favorably regarded by those tribes. The civilization fund is distributed principally with a view to the improvement of those Indians residing upon the remote frontier, and those for whom no provision has been made by treaty. The sums allowed have been expended under the direction of the various societies by whom teachers have been employed.

In all these establishments, instruction in mechanical arts and in agriculture is combined with intellectual cultivation. There is an increasing disposition among the Indians to have them located in their own country, where they become objects of common feeling and interest, and the ties of family and kindred are not separated or weakened.

My recent connexion with this office has not permitted me to make myself acquainted with the operation of all the provisions of the laws relating to Indian affairs; but some changes that are desirable, and some evils for which a remedy is required, are of so obvious a character that I beg leave to present them.

The 2d section of the act of 30th June, 1834, for the organization of the department of Indian affairs, provides that there shall be a superintendency for all the Indian country not within the bounds of any State or Territory west of the river Mississippi, and that the superintendent shall reside at

St. Louis. I would respectfully suggest for your consideration the expediency of removing the site of this superintendency to Fort Leavenworth, or some other point on the Missouri river. One principal reason for its continuance at St. Louis has been the necessity of having a competent officer at the point to which most of the tribes emigrating to the west side of the Mississippi would proceed and at which means for their transportation and subsistence could be conveniently procured. This reason now hardly exists, a majority of those tribes having removed, and the system of removal being so organized, that each party of those who are yet to emigrate will be attended by persons able to make every necessary arrangement for it. The employment of the quartermaster at St. Louis, as the disbursing officer in that section of the Indian department, has relieved the superintendency of one considerable branch of its business; and the creation of the Territory of Wisconsin has greatly reduced its limits. This arrangement would enable the superintendent to inform himself of the conduct of the agents, the condition of the agencies and of the Indians, and when necessary, to visit them in person. The department would then have the benefit of his opinions, founded upon his own observation and knowledge, upon all measures recommended by the agents or sub-agents, and upon all requests preferred by the Indians.

The 4th section of the same act designated the tribes for which full agents should be appointed. The western Creeks, western Cherokees, and Osages were not included, and sub-agents were appointed for them, under the authority given to the President in the 5th section; and subsequently the Senecas and the Senecas and Shawnees were placed under General Stokes, the sub-agent for the Cherokees. He has transmitted a strong statement, which is concurred in by General Arbuckle, of the inconveniences of this arrangement and of the onerous nature of his duties. Upon further examination it may be found expedient to establish a new sub-agency, to include the Senecas, the united bands of Senecas and Shawnees, and the Quapaws, who are at present attached to the sub-agency for the Osages. These bands have an aggregate population of about 1,000 persons; they occupy adjoining reservations upon the Arkansas river, and are about ninety miles from the site of the sub-agency. They have millers and smiths and stock, which require the personal care and inspection of some officer of the Government. This measure seems to be called for also by the approaching emigration of the Cherokees residing east of the Mississippi. There are 5,800 Cherokees now west of that river, and preparations have been made, as stated in a preceding part of this report, for the removal of those east of it. The duties connected with the settlement of these emigrants, the execution of the provisions of the late and former treaties, involving the examination of a vast amount of claims for spoliations, removal, &c., will be sufficiently arduous for one person. The difficult character of these duties, and the responsibilities they impose, seem, in my judgment, to render it proper to appoint a full agent for this tribe. I respectfully submit this proposition for your consideration.

I would make a similar recommendation in regard to the Creeks. The considerations in this case are even stronger than in the preceding. The Creeks, like the Cherokees, have claims to a large amount to be adjusted, and large establishments to be inspected and maintained in operation. But the conclusive reason for the measure is the vast accession to their numbers occasioned by the removal of the friendly Seminoles and of the eastern Creeks. It will be a laborious work to carry into effect the treaties with those tribes. It will be a task of greater delicacy and difficulty to allay the irritated feelings of those so recently engaged in active hostilities, and to establish and preserve amicable relations between them and the Creeks who emigrated in former years.

The duties of the sub-agent for the Osages, even if the Quapaws shall be withdrawn from his charge, will be sufficiently arduous to warrant the substitution of a full agency. This tribe, unlike the others in the Western superintendency, live by the chase; they commit depredations to supply the wants attendant upon this uncertain mode of existence, and hostilities between themselves and other Indians are the consequence. These collisions require constant vigilance on the part of the agent, and impose upon him no ordinary responsibility. I therefore ask your favorable consideration of this suggestion.

The agent for the Choctaws is the acting superintendent for all the Indians residing south of the northern line of the Osage reservation. He has been assigned to this duty under the authority given to the President in the thirtieth section of the act of June 30, 1834, for regulating trade and intercourse with the Indian tribes. The business thus devolved upon him is extensive and complicated. The full extracts made from his reports for this year in this communication, prove that it is ably and faithfully executed. It will be greatly augmented by the settlement within his limits of the Creeks who have emigrated, and of the Cherkees, who are under treaty stipulations to emigrate. If no territorial government be created, this increase of duties will render proper, in my judgment, an increase of compensation, and I respectfully request your approval of this measure.

The proviso to the act "*making additional appropriations for the Delaware breakwater*," &c., approved March 3, 1835, operates harshly upon the military officers employed in the Indian department, and will continue so to operate, so long as it shall be determined to adhere to the present system of disbursement. Under the regulations prescribed by the President in the summer of 1832, for the removal of Indians, and those for the payment of annuities, of July, 1834, all disbursements have been made by military men. The amount of these may be gathered from the amount of the appropriations, which, for the last five years, has averaged more than three millions of dollars. Those for the present year amounted to $8,431,000.

There are three principal points to which remittances are made: Detroit, St. Louis, and Little Rock.

To the first are sent the funds for the agencies in Michigan, Illinois, and part of those in the Territory of Wisconsin. From that place they are forwarded by the quartermaster stationed there to the several points of disbursement. The duties required of this officer, since the close of the last session of Congress, have been peculiarly laborious. In addition to the charge of the usual annual appropriations, he has purchased and issued the provisions, and assisted in the distribution of the goods stipulated to be furnished to the Ottawa and Chippewa Indians, under the treaty with them of March 28, 1836; been associated with the Indian agent and the special commissioner in the adjustment of claims and debts, and made most of the payments called for by the treaty, the remittances on account of which amounted to $482,000.

The remittances at St. Louis include the funds for the agencies in that superintendency, and those in that of Wisconsin, located east of the Missouri and upon the line of the Mississippi rivers. These funds are forwarded to the quartermaster at that place, and transmitted by him to the assistant quartermasters at the several military posts. To these he gives instructions, and from them he receives their accounts, which he examines before transmitting them to this office. The amount sent to him in 1835 and 1836 was $322,000.

The remittances to Little Rock include the funds for the agencies in the Western territory. These are procured by the principal disbursing agent upon Treasury warrants, payable at New Orleans. A large amount of specie is annually required to pay the annuities of the Indians. Two

journeys in each year are always necessary, and in some instances a greater number. These must sometimes be made through a country unexplored and but thinly settled, and the money constantly guarded. When it reaches Little Rock, there is no bank in which it can be deposited, and the officer must secure it in the best way he can, until the period of disbursing it. This disbursement is made to the Indians by military officers, acting under his direction, for whose doings he is responsible, and whose accounts are rendered through, and examined by him. Besides the ordinary Indian expenditures, he is charged with a large part of those for the removal and subsistence of emigrating Indians, and for the purchase of various articles stipulated to be furnished them. The amount sent to this point, in the last and present years, for these objects, was more than $600,000. A reference to document 512, of the first session of the twenty-third Congress, printed by order of the Senate, which embraces the correspondence with him between the 30th November, 1831, and the 27th December, 1833, will give some idea of the laborious and responsible character of his duties, and of the ability with which they have been performed.

The attention of the department was called to this subject by the Commissary General of Subsistence, in his report dated November 12, 1835, with more especial reference to the compensation of officers engaged in the removal of Indians. It is therein stated, that prior to the passage of the proviso, there had been allowed to a principal disbursing agent the pay and emoluments of a quartermaster, and to disbursing agents those of an assistant quartermaster. Captain Brown, the disbursing officer at Little Rock, was the only principal disbursing agent to whom this compensation had been paid. These allowances had all been cut off by the proviso, and the officers selected to accompany large parties of Indians through a difficult country, and to provide for their wants, had not since received any remuneration for these arduous services, beyond their ordinary emoluments. The case is the same with the assistant quartermasters at military posts who are required to pay annuities, &c. to the Indians; to do which, they are often obliged to take with them into the Indian country large amounts in specie, for the safety of which they are accountable.

There is a strong analogy between the duties required of military officers in this branch of the service (particularly of the one at Little Rock) and those of some of the persons employed in the sale of the public domain, which, it seems to me, should ensure to this subject a favorable action. The receivers of public moneys are allowed by the law of May 20, 1828, a salary of $500, and one per cent. on the amount received—the whole not to exceed $3,000 per annum. The act of May 22, 1836, provided "that a reasonable compensation might be made for transporting and depositing the money received by them, to be regulated according to the actual labor, expense, and risk of such transportation and deposite." Under this law, one-tenth of one per cent. is paid them for every ten miles' travel. In a large majority of instances, the positions of the receivers are attended with fewer risks and liabilities than that of the disbursing agent at Little Rock; and their duties (being homogeneous in their character) are less difficult to be performed. Yet, under the most favorable circumstances, the pay and emoluments of this agent cannot exceed $1,600. After a careful examination of the matter, in all its aspects, I beg leave to recommend that a commission be allowed to all military officers making disbursements in the Indian department, and that the requisite change of the law be requested.

The committee of the House of Representatives, in the report of May, 1834, say they "have reason to believe abuses have existed, in relation to the supply of goods for presents at the making of treaties, or to fulfil treaty stipulations." In accordance with the spirit of the 13th section of the act of 1834, which was framed to prevent these abuses, the general appropriations for presents and provisions are invested, whenever it is practicable, in the mode therein prescribed, and the articles themselves, instead of money, are transported to the several agencies, to be distributed to the Indians.

The 4th section of the act of June 30, 1834, "*to regulate trade and intercourse with the Indian tribes*," provides that any person who shall introduce goods into the Indian country, without a license, "shall forfeit all merchandise offered for sale to the Indians, or found in his possession." A seizure was made under this law in 1835, and prosecution commenced in the United States district court in the State of Missouri. The department was advised by the district attorney in December last, that "on argument, the court decided that the 4th section gave no authority to the agent to seize the goods taken within his boundary in violation of law; that the words 'shall forfeit,' did not, by implication, empower him 'to take possession thereof;" and and ordered the goods to be returned to the owner. Whether this decision be according to the spirit of the 23d and 28th sections of the same act, and the general authority given in the 7th and 17th sections of the act organizing the Indian department, or not, it is respectfully suggested that, to avoid litigation, it may be expedient to procure the passage of an amendatory clause. If the decision of the court be correct, the provisions of the law are nugatory.

It has been found that the legal proceedings under the the 20th section of the intercourse act, providing penalties for the introduction and sale of ardent spirits and wine in the Indian country, are dilatory and expensive. The desirableness of a process susceptible of more prompt and less costly application and enforcement, is presented for your consideration. The establishment of a tribunal in the Indian country, a measure recommended by the late acting superintendent in 1835, might obviate the necessity, with the attendant inconvenience and expense of having recourse to the court at Little Rock, and the delay occasioned by the intervals of its sessions. The latter clause of this section makes it lawful "for any person in the service of the United States, or for any Indian, to take and destroy any ardent spirit or wine found in the Indian country." This provision appears to have been considered by the committee of the House of Representatives, in their report of May, 1834, to be sufficient. In practice, however, it has been, in a great degree, useless. Reluctance to incur the odium or revenge of individuals has probably deterred white persons from exerting this power. And the authority, in the hands of the Indian, is dangerous to him and to others. To him, if exercised, because it would jeopardise his life; and to others, because it exposes all their property to any attacks his ignorance or passion may prompt. Besides, legal process, if it could be effectual, would be more in consonance with the general spirit of our legislation.

An application was made to this department during the last session of Congress, to direct the agents of the Government to apprehend and deliver to the owner certain slaves which had fled from him and taken refuge in the Indian country. The authority of the department to give such direction, it was determined upon full consideration, could not be maintained under the existing intercourse law. The case seems to me to call for some legislative provision.

The 7th section of that law imposes a penalty upon any person who shall, within the Indian country, purchase or receive of any Indian "a gun, trap, or other article commonly used in hunting, any instrument of husbandry, or cooking utensils." I would suggest the expediency of extending this provision, so as to prohibit the purchase of other species of property. Among those Indians who own slaves, there is a jealous feeling upon this subject.

The attention of the Committee on Invalid Pensions of the House of Representatives was requested, on the 4th of

June, 1836, to the stipulation in the 14th article of the treaty with the Cherokees of December 29th, 1835, for the payment of pensions to "such warriors of the Cherokee nation as were engaged in the late war with Great Britain and the Southern tribes of Indians, and who were wounded in such service;" but no law was passed. It is desirable that the subject should be acted upon at an early day.

The 2d section of the act of May 1st, 1820, entitled "*An act in relation to the several acts for the establishment and regulation of the Treasury, War, and Navy Departments,*" provides that any money appropriated for this department, which "shall remain unexpended for more than two years after the expiration of the calender year in which the act of appropriation shall have been passed," "shall be carried to the surplus fund." This provision operates with great inconvenience, in the execution of the branch of public business committed to this office. From the character of the objects for which appropriations are obtained, the necessary preliminary investigations, the habits of the Indians, and the remoteness of the points at which the expenditures are to be made, it is frequently embarrassing to comply with this requisition of the law. For these reasons an extension of the term at the end of which balances shall be carried to the surplus fund, is desirable.

During the last session of Congress this department was called upon to state the quantity of land acquired by treaties with Indian tribes, and the amount stipulated to be paid for it, since the 4th of March, 1829. With the data in its possession, neither branch of this inquiry could be answered correctly. The information which has been subsequently procured, is imbodied in tabular statement H, appended to this report. From the nature of the case perfect accuracy cannot be ensured, in estimating the amount of the consideration for which the lands were ceded. It is made up of permanent annuities, lands, reservations for individuals, expenses of removal and subsistence, merchandise, mechanical and agricultural establishments and implements. The permanent annuities have been commuted at five per cent.; lands and reservations, valued at one dollar and a quarter per acre; expenses of removal and subsistence, and merchandise, put down at the amounts appropriated for them, and the mechanical and agricultural establishments, at the rates fixed in the act of June 30th, 1834, organizing the Indian department; where the provision for these last is permanent, they have been commuted in the same way with the annuities.

The general result is, that within the last eight years, 93,401,637 acres of land have been ceded by the Indians, for which the United States have stipulated to give them 26,982,068 dollars and 32,381,000 acres of land, valued at 40,476,250 dollars, making the whole consideration 67,458,318 dollars.

The obvious reflection suggested by these facts, is the increased liberality and kindness of the United States in its intercourse with the aboriginal people. In 1789, General Knox, in a communication addressed to the President of the United States, remarked, that as the settlements shall approach near to the Indian boundaries established by treaties, "they will be willing to sell further tracts for small considerations." An examination of the earlier treaties will show how little proportion the sums paid bore to the quantity and value of the land acquired. Ten, twenty, or thirty cents per acre were seldom exceeded. The average sum, paid in the period embraced in the annexed statement, is seventy-two cents per acre. In the late treaties with the Chickasaws and some other tribes, the provisions have been even munificent, the United States having given to them the whole nett proceeds of their lands.

Very respectfully, your obedient servant,

C. A. HARRIS,
Commissioner of Indian Affairs.

Hon. B. F. Butler, *Secretary of War ad interim.*

REPORT OF THE SECRETARY OF THE NAVY.

Navy Department,
December 3, 1836.

To the President *of the United States:*

Sir: In presenting for your consideration at this time, the condition of our navy for the past year, I am enabled to assure you that, since my report of the 5th of December last, there has been an increased activity in the construction and equipment of vessels at our navy yards, and in the movements of our ships and squadrons at sea and on foreign stations.

The Columbia, a frigate of the first class, has been finished, launched, and nearly completed for sea.

The brigs Dolphin and Porpoise have been built, launched, and fitted for sea.

The frigate Macedonian, of the second class, has been finished, launched, and equipped for sea, and she is now receiving her crew as the ship of the commanding officer of the South-sea exploring expedition.

The two barks Pioneer and Consort, and schooner Pilot, have been built, launched, and so far equipped as to be ready for receiving their crews.

The store-ship Relief has been finished, launched, and equipped, and is now receiving her stores.

The repairs of the ship of the line North Carolina have been completed, and she is equipped and fitted for sea, and is now under sailing orders for the Pacific station.

The repairs of the razee Independence have been completed, and she is now nearly equipped for sea.

The ship of the line Delaware has been placed in dry-dock, and her repairs commenced.

The ship of the line Columbus has also been put into dry-dock, and her repairs commenced.

The repairs of the ship of the line Ohio have been commenced and considerably advanced.

The repairing of the sloops of war Falmouth and Fairfield has been completed.

The sloop of war Natchez and schooner Grampus have been repaired and equipped for sea.

The labor upon the ship of the line Pennsylvana has been resumed with a view to her completion, and she will probably be ready for launching in the early part of next summer.

The steam vessel building at New York is so far completed as to be ready for the reception of her engines and machinery; in procuring which there has been some unavoidable delay. It was desirable to secure the services of the most able engineer in the United States to superintend the construction of the engines and machinery of this as well as other steam vessels proposed to be built for the service of the United States. Efforts have been made to secure the services of such an engineer, but without success. The first attempt to procure the requisite engines and machinery by contract, by advertising for proposals, proved abortive, as the lowest offers for boilers and for the engines were made by different persons, and the person offering for the engines declined the contract because he could not also have the contract for the boilers. Arrangements, however, have been since made for procuring the engines and boilers wanted; and the vessel will probably be ready for service in the course of next summer.

For a detailed statement of the condition of our vessels on the stocks, as well as those afloat at our navy yards, and the means of completion as well as repair, I beg leave to refer to the reports of the Commissioners of the Navy Board, herewith submitted, marked H and I; and for the amount of timber, iron, and other materials procured for the gradual improvement of the navy, I refer to their report marked L.

Much has been done in advancing the works and improvements hitherto authorized at the different navy yards, except at that of Pensacola. The works and improvements

for which appropriations have been made at that yard, have been delayed until a permanent plan for the same, after a due examination of a board appointed for that purpose, could be adopted.

Since my last annual report the following vessels have been employed in the Mediterranean: the frigates Constitution, United States, and Potomac, the sloop of war John Adams, and schooner Shark; the ship of the line Delaware having been withdrawn from that squadron and the frigate United States added to it within the present year.

The frigate Potomac having been employed on that station for upwards of two years, has been ordered home, with instructions to run down the coast of Africa and visit the settlements at Cape Mesurado, Cape Palmas, and Bassa Cove, thence proceed to Rio de Janeiro, and after communicating with the commander of our squadron there, to return to Norfolk.

In the West Indies, the frigate Constellation, the sloops of war Vandalia, St. Louis, Concord, Warren, Boston, and Natchez, and the schooner Grampus, have been actively employed. The Warren sailed for that station the latter part of December last, and has returned within a few days to Norfolk for repairs, and when these shall be completed she will rejoin the squadron.

The Concord sailed from Portsmouth, New Hampshire, the 27th of February last; the Boston on the 10th of July last, from Boston; the Natchez from New York on the 4th of August, and the schooner Grampus on the 10th of April last. All these vessels, except the Warren, are now on that station.

The brig Porpoise has been employed in conveying the commissioners appointed under a resolution of the Senate directing an examination of the harbors south of the Chesapeake bay, with a view to their fitness for the purposes of a navy yard. She is daily expected at Norfolk, after which it is intended that she shall sail as soon as conveniently may be, to join the West India squadron.

On the coast of Brazil, the sloops of war Erie and Ontario have been employed. The Ontario returned to the United States in June last, has been undergoing repairs at Norfolk, and she is reported to be in readiness for a crew.

The brig Dolphin sailed in September last from New York, with instructions to proceed to the coast of Africa, and visit the settlements at Gambia, Bissan, Nunez, Cape Mesurado, Bassa Cove, and Cape Palmas, thence to proceed to Rio de Janeiro, to form a part of the Brazilian squadron.

In the Pacific, the frigate Brandywine, the sloop Vincennes, and the schooner Boxer have been employed. The sloop Vincennes, which previously to my last report was ordered to return to the United States by the way of the East Indies, arrived at Norfolk on the 6th of June last.

The frigate Brandywine has been ordered home, and she is probably on her way at this time: her place will be supplied by the ship of the line North Carolina, now under sailing orders.

In the East Indies, the sloop Peacock and schooner Enterprise have been engaged in protecting as well as extending our commerce. They are now on their return to the United States, with orders to visit the settlements of the American Colonization Society on the coast of Africa, near Cape Palmas, Bassa Cove, and Monrovia.

Our squadrons at sea and on foreign stations have afforded to our commerce all the aid and protection that their means would permit.

It was believed that our commerce in the Gulf of Mexico and in the West Indies would be more exposed than in any other quarter. To meet the apprehended danger an unusually large force has been placed at the disposal of Commodore Dallas, the commander of the West India station. In addition to the vessels already stated as forming his squadron, three revenue cutters and three steamboats have been placed under his command; and he has been charged with the complicated duties of protecting our commerce, of preventing the importation of slaves into Texas or the United States, and of co-operating with the officers of the army and militia in prosecuting the war against the Creek and Seminole Indians; in the performance of all which duties his squadron has rendered the most essential services to the country.

In maintaining so large a force on the West India station, which ought to be still increased, it has not been in the power of this Department to send to other stations the number of vessels which the safety of our commerce required; and serious apprehensions have been justly entertained that our merchants might sustain heavy losses from the want of an adequate force in the Pacific and on the Brazilian station, especially on the latter. Although these apprehensions have not been realized, yet a due regard to the interests of commerce and the honor of our country requires that a more respectable force should be sent to those stations as soon as practicable. There is no serious difficulty in sending out such a force but that arising from the want of seamen, and this difficulty will be in some degree obviated on the arrival of the vessels now on their return to the United States.

When, at the commencement of the last and preceding sessions of Congress, it was recommended that a considerable addition should be made to the number of our ships in commission, to meet the exigencies of the rapidly-increasing commerce of our country, it was perceived that, should the measure be adopted, as it has been by the liberal appropriations of Congress, it would be necessary to adopt, at the same time, measures for increasing the number of our seamen. The most obvious means of accomplishing this object was the one recommended of enlisting into the service of our navy boys over the age of thirteen and under the age of eighteen, until they shall arrive at the age of twenty-one years. A bill for this purpose has been before the Senate for the last two sessions, which it is confidently hoped will become a law during the approaching session of Congress. In the mean time, as a larger number of seamen is required for the merchant service than usual, and as there is at present actually in the naval service of the United States one-fifth more seamen than were employed three years ago, and a greater number than has been employed at any time within the last fifteen years, some difficulty must necessarily exist in recruiting seamen required for immediate service.

The terms of service of the seamen on the Pacific and Brazilian stations are about to expire. Those on the Pacific station have been ordered home, but will not probably arrive before the middle of January next. In the mean time, the North Carolina is ordered to that station, requiring immediately a large number of seamen; and Captain John B. Nicolson has been selected to sail in the razee Independence, to relieve the commander on the coast of Brazil, who, when relieved, will return with the seamen belonging to his station. The Independence will require a large number of seamen to complete her crew; besides, it is important that each of these ships should be attended with one or two smaller vessels; but this is impracticable in the present state of the service.

It will be easily perceived, therefore, that the force wanted for the protection of commerce exceeds the means of supply which this Department can immediately bring into operation. When, therefore, on the 18th of May last, it was provided by an amendment to the general naval appropriation bill that the President of the United States should be authorized to send out a surveying and exploring expedition to the Pacific ocean and South seas, I considered it impracticable to fit out this expedition in a manner to meet the views of Congress, under eight or nine months, without a serious injury to other branches of the naval service.

The only insurmountable difficulty, however, in my opin-

ion, was, the recruiting the requisite number of seamen in three or four months, without interfering with arrangements already made for sending ships to the Pacific and Brazilian stations, and for sending an additional force to the West Indies.

As, however, it was your earnest wish that the intentions of Congress in authorizing this measure should be carried into effect with the least possible delay, and that the expedition should be fitted out upon the extensive and liberal scale which the indications of public opinion seemed to require, and as the officer (Captain Thomas Ap Catesby Jones) selected for the command of the expedition gave assurances that the difficulty of obtaining seamen could be obviated by giving him power to have them recruited under his immediate superintendence, and for this particular service, it was determined to make an extraordinary effort to accomplish these objects.

Every facility consistent with the rules and regulations of the navy was afforded Captain Jones for recruiting seamen in the manner he proposed; and measures were immediately adopted to have one frigate of the second class, one store-ship, two barks, and one schooner, all which he considered as indispensably necessary to the success of the enterprise, prepared without delay. The frigate and store-ship, which were on the stocks when this measure was adopted, have been finished and equipped, and are now receiving their crews; and the other three vessels have been entirely built and equipped for sea. The whole have been finished in the most substantial manner, and adapted to the particular service for which they are destined. These vessels will sail to Norfolk to complete their crews, take in their stores, and to await further orders.

To prevent any delay that might arise from the want of mathematical, astronomical, and philosophical instruments, books, maps, charts, &c. required for the expedition, Lieutenant Wilkes of the navy was sent to Europe, and sailed from New York on the 8th of August last, to make the necessary purchases; in which he has been successful as to the greater part of the articles wanted. For some instruments, however, he has been under the necessity of waiting until they can be manufactured. His return is expected about the middle of this month.

It is believed that every proper exertion has been made to recruit men for this service, but without the anticipated success; no more than about two hundred, according to the returns received, being as yet recruited; and as Captain Jones requires five hundred and eighteen petty officers, seamen, ordinary seamen, boys, and marines, together with eighty-five commissioned and warrant officers, for his squadron, it is evident that a considerable time must yet elapse before the expedition can be ready for sea.

Recruiting seamen for a particular service may be attended with great inconvenience, and should not be adopted but upon the most urgent occasion, such as that of the exploring expedition was conceived to be. If the exigencies of the Government should require of such recruits services different from that for which they were enlisted, discontent, and even mutiny, may be apprehended. Besides, this mode of recruiting cannot but interfere with the recruiting for the general service, and in the present case, the order to recruit for the exploring expedition has made it necessary to adopt the same mode of recruiting for the crews of the vessels about to sail for the Pacific and Brazilian stations.

Recruiting for three distinct objects of service at the same time, while the usual recruiting for the general service is continued, cannot but retard the whole, and compel us to keep in receiving vessels a much larger number of recruits, constantly disposed to desert, than would be required if recruited for the general service alone.

Although the number of recruits is small for any one of these objects, yet, in the aggregate, the number is quite as great as should be expected when we consider the unusually great number of seamen now in the naval service of the United States, and the great demand for them in the merchant service.

Although the return of the public vessels now ordered to the United States will, to a considerable extent, furnish men for future service, yet, sending out so large a force as that required for the exploring expedition, to be detained for the term of three years, cannot but be felt as a serious inconvenience in fitting out the number of vessels wanted for the immediate protection of commerce.

As it has been evident for the last three months that this exploring squadron could not be ready for sea before the commencement of the approaching session of Congress, nor indeed until a late period of the session, I have not yet attempted to organize a scientific corps for the expedition. But, from inquiries made, I am happy to say that, in most of the departments of science, we have gentlemen ready and willing to embark in this enterprise, whose labors will reflect honor upon themselves and upon the country.

From several learned and philosophical societies, as well as from distinguished individuals, I have received the most ample and satisfactory communications, embracing all the various subjects which it will be necessary to give in charge to the gentlemen who are to conduct the scientific researches, which form the most important objects of the expedition.

These communications, so promptly and liberally furnished, are in the highest degree creditable to their authors.

The scientific corps may be organized as soon as accommodations can be afforded them in the vessels of the exploring squadron; and those vessels may leave their place of rendezvous at any season of the year, when prepared for sea.

Under the acts concerning naval pensions, and the navy pension fund, there are—

Of widow pensioners, - - -	158
Of invalid pensioners, - - -	308
Total, - - -	466

The annual amount to pay widows is -	$34,185 00
Do. do. do. invalids is -	23,824 00
Total, - - -	58,009 00

The nominal value of stocks of every description belonging to the fund is $1,143,638 84; of which, $641,600 is, by direction of Congress, vested in the stock of the United States Bank; and until the law which directs such investment shall be repealed or altered, this Department will have no authority to withdraw the money or make any different investment of it. If permitted to continue in United States Bank stock, it is very probable that many months will elapse before any income can be derived from this part of the capital; and in the mean time the pension fund may sustain a loss, by the necessity of selling other stocks to meet the necessary disbursements.

Of widows on the pension-list, eighty-nine have been paid from the day of their husbands' deaths, respectively; and sixty-nine have been paid only from the 30th day of June, 1834, as required by the act of Congress of that date.

Under the privateer pension fund, the number of pensioners is 35.

The annual amount to be paid them is $2,766. The amount of stock (Maryland five per cent.) belonging to the fund is $4,667 05.

From this statement it is evident that legislative provision must be made for the payment of these pensioners when the fund shall be exhausted, which will probably occur before the 1st of January, 1838.

I would, therefore, respectfully suggest the propriety of

making a permanent provision for the payment of these pensioners, which, by law, are granted "during disability or during life."

Of the navy hospital fund, the balance on the 1st of October, 1835, was - - - -	$52,878 79
Payments to the fund from the 1st of October, 1835, to the 1st of October, 1836 -	25,340 73
	$78,219 52
Disbursements during the same period, -	2,502 16
Balance on the 1st of October, 1836, -	$75,717 36

The necessary disbursements of the fund, it will be seen, bear but a small proportion to the amount of its receipts; and I therefore repeat a recommendation heretofore offered, that provision be made by law for investing this surplus in some safe stock for the benefit of the fund. The documents hereunto annexed, marked and numbered O No. 1 to O No. 5, P No. 1 to P. No. 4, and Q, furnish all the information respecting those funds required by the third section of the act of Congress of the 10th of June, 1832.

I must beg leave to repeat what I have heretofore stated, that, under the act of June 30, 1834, the widows of officers, seamen, and marines, who have died in the naval service since the 1st of January, 1824, or who may die in the said service by reason of disease contracted, or by casualties by drowning or otherwise, or of injuries received while in the line of duty, are entitled to pensions equal to half the amount of the pay to which their husbands respectively were entitled at the time of their deaths.

The act of the 3d of March, 1835, "to regulate the pay of the navy of the United States," and which increased the pay of many of the officers, is silent as to pensions. A difficulty arises in ascertaining the proper amount of pension to be allowed to the widows of naval officers whose pay has been increased by this act.

The pay of a captain in command of a squadron on a foreign station was increased to four thousand dollars a year; when on other duty, to three thousand five hundred dollars a year; and when off duty, to two thousand five hundred dollars. A corresponding increase of pay is made to other officers.

In the case, for instance, of a captain dying when in command of a foreign station, a question arises whether his widow shall receive a pension to the amount of six hundred dollars a year, to which she would be entitled if the act increasing the pay had not passed, or whether she shall receive the half of the amount to which her husband was entitled as commander on a foreign station, as a captain on other duty, or as a captain off duty. Like difficulties occur with respect to the widows of other officers. The necessity of an explanatory act to obviate these difficulties was respectfully suggested. The subject received the attention of both Houses of Congress, but no final action was had upon it. The question remaining unsettled, creates much embarrassment in this Department.

That the widow of a captain who for years has commanded on foreign stations but has returned to his country, and not on duty at the time of his death, shall receive but little more than half the pension she would be entitled to had her husband died a few weeks or days sooner, is evidently unjust. Nor is it just that the widows of captains who died of wounds received in battle or otherwise, in the late war, should receive pensions of but a little more than half what might be awarded to the widows of captains dying since the 3d of March, 1835.

The rank of the officer, it is respectfully suggested, should regulate the amount of pension to the widow, rather than the accidental circumstance of service at the time of his death.

In my last annual report I stated that, previously to the passing of the act of the 30th June, 1834, for the better organization of the United States marine corps, double rations had been allowed to the commandant of the corps, and to the officers of the same commanding at the navy yards at Portsmouth, Boston, New York, Philadelphia, Washington, Norfolk, and Pensacola, and to the senior marine officers in the squadrons in the Mediterranean, the West Indies, the Brazilian coast, and the Pacific ocean, all receiving the sanction of Congress by their appropriations. By this act the officers of the marine corps are to receive the same pay, emoluments, and allowances as are given to officers of similar grades in the infantry of the army.

The act of the 16th of March, 1802, fixing the military peace establishment of the United States, authorizes allowances to the commanding officers of each separate post, of such additional number of rations as the President of the United States shall from time to time direct. These provisions of this last act were there continued by an act of the 3d of March, 1815, fixing the military peace establishment.

The paymaster of the marine corps made payments for double rations to officers heretofore receiving the same, from the 1st of July to the 30th of September, 1834; but the accounting officers of the Treasury did not think proper to allow the same, inasmuch as the commands of these officers had never been designated as separate stations, agreeably to the rule prescribed for the army.

This is a case of difficulty which, it is respectfully suggested, requires legislative interposition. This subject received the favorable consideration, but not the final action, of Congress, at their last session. It is confidently hoped that the claims of this corps will receive the early attention which their necessities require, and to which they are entitled by their merits: merits which are much strengthened by their patriotic conduct in volunteering their services in a campaign against the Creek Indians, in which they have distinguished themselves by their zeal and perseverance in the duties assigned to them. As, however, they have been attached to the army while on this campaign, their merits will more appropriately receive the notice of the War than of the Navy Department.

In obedience to the resolution of the House of Representatives of the 3d of March last, requiring a course of experiments to be instituted for the purpose of ascertaining the efficiency, and testing the safety, of the medium or light guns of the navy, and of comparing their effects with the guns for which they were proposed to be substituted, a board of commissioners has been appointed, consisting of Commodore Charles Morris, Commodore Daniel T. Patterson, Commodore Thomas Ap Catesby Jones, Captain William Shubrick, and Captain Lawrence Kearney, to make the course of experiments required. Several officers have been detailed to co-operate with them, and very extensive preparations have been made near Old Point Comfort to have the experiments made in the most complete and satisfactory manner. As soon as the proper experiments can be made, the results will be reported to the House of Representatives.

By your directions, given under a resolution of the Senate of the United States of the 24th of May last, that the Executive be requested to cause to be made the necessary examinations and surveys of the several harbors south of the mouth of the Chesapeake bay, and a report of the comparative facilities and advantages of the same for the establishment of a navy yard, a board has been constituted, consisting of Commodore M. T. Woolsey, Captain Alexander Claxton, and Master Commandant E. R. Shubrick, who were sent out in the brig Porpoise, under the command of Lieutenant William Ramsay, to make the required examinations and surveys. After having made those examinations and surveys, the commissioners have returned to New York. Their report, as soon as received, will be communicated, as required by the resolution. By your directions, also, a board

has been constituted, consisting of Commodore Charles Stewart, Commodore Alexander J. Dallas, and Captain W. C. Bolton, aided by a competent engineer, to examine the navy yard at Pensacola, and to prepare plans for the improvement of the same. These commissioners have completed their examinations and plans, the result of which will be submitted to you in a separate report, for your consideration and approval.

Under the act of the 30th of June, 1834, authorizing the Secretary of the Navy to make experiments for the safety of the steam engine, and appropriating five thousand dollars for that purpose, the memorial of John C. F. Salomons, presenting a plan of a steam boiler composed of inverted arches, which he has invented, and which he considers as superior to the common cylindrical boiler, was referred to me by the House of Representatives.

On the assurance of Mr. Salomons that the sum of four hundred dollars would be amply sufficient for making all the experiments necessary for testing the value of his alleged improvement, I directed that sum to be expended in making and preparing two boilers under his immediate superintendence: one a common cylindrical boiler, the other upon his plan of inverted arches. Experiments were made upon these boilers in February last, near the eastern front of the Capitol, in the presence of a large number of the members of Congress and others; but without any satisfactory result.

Mr. Salomons requested me to make further experiments upon these boilers, which I declined, but permitted him to have the use of the boilers for making such experiments as he might think proper, so that if there is any value in his alleged improvement, he has the means of showing it at the public expense.

The sum of $519 75 was heretofore expended under this act in testing Mr. Phillips's supposed improvement in steam boilers, as stated in my last report, which, added to the sum expended on Mr. Salomons's supposed improvement, amounts to $919 75, leaving an unexpended balance of the appropriation of $4,080 25.

By the statement marked U, hereto annexed, it will appear that of the appropriations heretofore made for the suppression of the slave trade there remains in the Treasury a balance of $11,413 58.

All of which is respectfully submitted.

MAHLON DICKERSON.

REPORT OF THE POSTMASTER GENERAL.

POST OFFICE DEPARTMENT,
December 5, 1836.

To the PRESIDENT *of the United States:*

SIR: In his report of last year, the undersigned stated the post roads of the United States to be about 112,774 miles in extent, and the annual transportation of the mails upon them equal to about 25,869,486 miles.

On the 1st July last, the post roads were about 118,264 miles in extent, and the annual transportation of the mails was at the rate of 27,578,620 miles, viz:

On horses and in sulkies, -	8,291,504
In stages, - - -	17,408,820
In steamboats and railroad cars,	1,878,296

Within the quarter ending 30th September last, improvements were ordered on old mail routes, increasing the rate of annual transportation 375,824 miles—306,592 miles of which was in stages. Of the routes established at the last session of Congress, 912 miles have been put under contract, adding 140,000 miles of annual transportation.

An express mail has been started within the last month from Philadelphia to Mobile, a distance of 1,230 miles, adding to the rate of annual transportation 895,440.

The rate of annual transportation at this time is little short of 29,000,000 miles.

Of the new routes, 30,557 miles remain to be put in operation, which will add to the annual service 3,487,788 miles.

The accompanying report of the First Assistant Postmaster General, marked (1,) will give this information more in detail.

The number of post offices in the United States on the 1st July, 1835, was 10,770; on the 1st July, 1836, it was 11,091; and on the 1st instant, 11,100.

During the year ending 30th June last, 666 post offices were established, 345 discontinued, and there were 1,844 changes of postmasters.

The number of post offices will be greatly increased in the coming year, in consequence of the great extension of mail routes.

The accruing revenue of the Department, for the year ending 30th June last, according to statements from the Auditor's office, was as follows, viz:

From letter postages, - - -	$3,010,249 43
From newspapers and pamphlets, -	376,217 13
From fines, - - - -	3,054 63
Estimated for deficient returns, - -	8,934 00
Total - - - -	$3,398,455 19

The engagements and liabilities of the Department for the same year, were as follows, viz:

For transportation of the mails, - -	$1,638,051 76	
Compensation of post masters, - -	812,802 67	
Ship, steamboat, and way letters, -	26,470 76	
Wrapping-paper, -	15,013 82	
Office furniture, -	3,508 35	
Advertising, -	22,596 43	
Mail bags, - -	24,837 44	
Blanks, - -	27,029 06	
Mail locks and keys and stamps, -	5,887 07	
Mail depredations and special agents	5,113 12	
Clerks for offices, -	122,933 35	
Miscellaneous, -	31,389 93	
Estimated for claims not presented, -	20,000 00	
		2,755,623 76
Excess of revenue over engagements and liabilities, - - - -		$642,831 43

In the report of last year the excess was estimated at $476,227; but the revenue was $105,763 19 more than the estimate, and the expenditure $60,841 24 less, which accounts for the difference.

The revenue of the last exceeds that of the preceding year, $404,878 53, equal to 13½ per cent increase.

The general condition of the Department on the 1st July last, is shown by statements from the Auditor's office, to have been as follows, viz:

Due to the Department prior to 1st July, 1835, -	$602,482 40	
Deduct for bad and doubtful debts, - - -	131,327 36	
		$471,155 04
Due to the Department for the year ending June 30, 1836, - - -		590,111 51
Cash in bank 1st July, 1836, - -		192,005 46
Due from the Treasury for extra clerk-hire,		22,419 81
Estimated for deficient returns, - -		8,934 00
Total available means, - - -		1,284,625 82

Total available means,		$1,284,625 82
Due from the Department—		
accruing prior to 1st July, 1835, - - -	$76,542 93	
Accruing within the year ending 30th June last, -	546,240 88	
Estimate of claims not presented, say - -	20,000 00	
		642,783 81
Balance in favor of Department, -		$641,842 01

The suspended claims, a part of which has been paid, are not included in these statements.

Of the old debts, there was paid out of the revenue of the year ending 30th June last, the sum of $466,376.

As anticipated in the last report, the bank debt was paid off in April last. The cash in bank has since rapidly accumulated, and on the 1st of November last was $550,000. Deducting all outstanding warrants it was $503,721 11. The sum of $83,278 has since been paid to Messrs. Stockton and Stokes, on the award of the Solicitor of the Treasury; but notwithstanding this payment, and a great extension of mail service, it is estimated that the cash in bank will exceed $600,000 before the 1st day of May next.

The accounts of postmasters are rendered, and the quarterly balances paid by them with admirable promptitude. There are 1,010 post offices, yielding about $382,000, after deducting the compensation of postmasters and other charges paid by them, which deposite their nett income in bank weekly or monthly during each quarter or within fifteen days after its close. There are 9,388 offices, yielding a nett revenue of $222,000 quarterly, which are directed to pay their proceeds to contractors immediately after the close of each quarter. The number of offices directed to retain their funds until drawn upon is 141, yielding about $8,600 quarterly. The balances of the offices are special, and pay directly to those who carry the mails to them for the proceeds, except a few new offices and others which are not yet arranged under either denomination. From an examination of actual results, the undersigned is warranted in saying that more than *ninety-five per cent.* of the revenue of this Department is collected within thirty days after the close of the quarters in which it accrues, without any expense therefor whatsoever.

By an examination of a portion of the quarterly accounts, it appears that the increase of revenue for the quarter ending on the 30th September last, over the corresponding quarter of last year, was about sixteen per cent. The ratio will probably be as large during the whole year, especially as the improvements, the express mail, and the new routes, will produce a considerable augmentation. For safety, however, it may be estimated at fifteen per cent.; yielding a revenue for the year ending 30th June, 1837, amounting to $3,908,222.

During the year ending 30th June, 1838, the new routes and other improvements in the mail service will doubtless produce a decided effect on the income of the Department, and it may be reasonably anticipated that there will be an advance of at least fifteen per cent. over that of the current year. If this anticipation be realized, the revenue of that year, at the present rates of postage, will be about $4,494,000, exceeding the estimated current rate of expenditure at its commencement, about $688,000; and it is expected that the Department will have a surplus of cash in bank before the 1st of August next, exceeding $700,000.

In view of these facts and estimates, the undersigned does not hesitate to recommend a revision of the present rates of postage, to take effect on the 1st of July next, with a view to a reduction of about *twenty per cent.* To this end he suggests the following scale of letter postages, in lieu of the present, viz:

75 miles and under, - - -	5 cents,
150 miles and over 75, - - -	10 do.
300 miles and over 150, - - -	15 do.
600 miles and over 300, - - -	20 do.
Over 600 miles, - - - -	25 do.

No better plan than the present suggests itself in relation to charges of double, triple, and quadruple postage, and postage by weight.

From its simplicity this scale will be easily remembered. It proposes to introduce the Federal currency, renders copper coins unnecessary in making change, and saves the loss to the people arising from fractions. It will reduce the labor now required in making up and examining postmasters' accounts about one-fourth.

If the proposed scale of letter postages shall be adopted, it will be necessary to raise the lowest rate of commissions, to enable the postmasters at the large offices to carry on their business.

The propriety of placing gold coins sent by mail on the same footing as bank notes, is suggested.

Great changes have taken place in the newspaper business of the country since the present rates of postage were established. Newspapers have not only increased in number, but many of them have grown to an inordinate size. Postage, however, is the same, whether the newspaper be great or small. If not carried over 100 miles and out of the State where printed, it is one cent; if out of the State and over 100 miles, 1½ cent. The policy of reducing the rates of newspapers, generally, is doubted. They constitute in weight probably two-thirds of the mails, are in many parts of the country difficult of transportation, and produce numberless failures. These considerations would be of no moment, if it were really necessary that large quantities of newspapers should be transported from one end of the Union to the other, as means of instructing and enlightening the public mind; but that office can be as well performed by the local presses as by newspapers from a distance. To reduce the postage on newspapers below the actual cost of carrying them, would be to tax the correspondence of the country generally, for the benefit of the large newspaper establishments in the principal cities, to the injury of all the distant and country presses. Such a measure is not believed to be consistent with sound principle or good policy. It is not sound principle to tax the business of one portion of the people for the benefit of another portion. It is not good policy to aid the large city establishments in monopolizing the newspaper circulation, to the exclusion of the local and country presses. But there is justice and good policy in graduating the postage on newspapers according to the size and weight of the matter to be conveyed. The following scale of newspaper postages is, therefore, suggested in lieu of the present, viz:

Size of newspaper.		*Rates of postage.*	
Containing 550 sq. inches or under,	Carried not over 200 miles, nor out of the State,	½ cent.	Carried over 200 miles, and out of the State,	1 cent.
920 sq. inches and over 550	do.	1 do.	do.	1½ do.
Over 920 sq. inches	do.	1½ do.	do.	2 do.

If these rates were reduced one-half it would not materially diminish the means of the Department, provided the entire newspaper postage were paid in advance. So great an innovation would probably be inexpedient; but when editors will pay in advance the postage of their whole impression sent by mail, the Postmaster General might be safely authorized to accept one-half of the foregoing rates.

Single newspapers are now extensively used, through various devices and conventional signs, to answer the purpose of letters, and evade the payment of postage. It would check this abuse if they were in all cases subject to double postage, to be paid in advance.

The postage on periodical pamphlets may be advantageously regulated upon the same principles as those suggested for newspapers, and reduced to the lowest rates which will pay for their transportation. If a preference be given to any thing it should be to works on agriculture, science, and the mechanic arts; but the principle is believed to be a good one in relation to the mails, that every thing shall pay its own way.

Fugitive pamphlets may with propriety be subjected to double postage, always paid in advance.

The proposed revision of postages, if taken as a whole, would reduce the income of the Department from two to three hundred thousand dollars below its estimated expenditures; but the surplus on hand will sustain it until the regular increase of revenue will cover the difference.

The franking privilege has been so far extended, and is by many so unscrupulously used, as to constitute an abuse which requires correction. Some who possess it do not hesitate to cover the correspondence of their friends and neighbors with their franks, in direct contravention of the laws. A wilful violation by postmasters, when made known to the Department, is punished by instant removal from office; but public officers of higher dignity, though more criminal, cannot be reached by the same authority. Violations of law in this respect by those who are under pre-eminent obligations to set examples of obedience to its precepts, are believed to be diminishing, and there is ground to hope that they will soon measurably cease. The justice or policy of the privilege in the extent now legally authorized, perhaps it does not become the undersigned officially to discuss.

An amendment of the law is necessary in reference to the mode of making contracts with railroad companies. The law prescribing the manner of making mail contracts generally, presupposes the existence of competition in bidding, and is adapted to the existing state of things on all routes where the mails are carried on horseback or in stages. But the reason of the law is not applicable to most cases where railroad service is required, because there is no competition. To advertise for service on such lines is a mockery. Either the Department must give what the companies choose to demand, or the compensation must be adjusted by negotiation before advertisement or afterwards. Practically, the power of the Postmaster General as to the amount to be paid, is unlimited, because he is authorized to accept the lowest offer, however enormous. It is desirable that this power shall be limited by a law prescribing some fixed basis upon which all such contracts shall be made. None presents itself so equitable as the weight of the mails to be conveyed. An act fixing a reasenable rate per pound for carrying the mails a given distance would operate as a restriction upon the power of the Postmaster General, whilst it would undoubtedly facilitate the making of arrangements with the railroad companies. At present the views of the Department and those of most of the companies differ so widely as to the amount which ought to be paid, as to render hopeless any present propect of an adjustment. If the price were limited by law the companies would expect no more, and the Department would not refuse to pay it. To secure the advantages of competition where it exists, the pratice of advertising might be continued, and the contracts assigned, as in other cases, to the lowest bidder.

A few of the railroad companies have exhibited a disposition to carry the mails at prices deemed reasonable. The most important of these is the Camden and Amboy company. The managers of that road, justly considering their interests as best secured by accommodating the public and the Government on liberal terms, have undertaken to convey the mails in a manner and at a price which are highly satisfactory. The Petersburg and Roanoke company have evinced a like disposition, as have some others.

To render the Department measurably independent of the railroads and accomplish other important results, an express mail has been started on the great mail line between New York and New Orleans. From New York to Philadelphia, and from Mobile to New Orleans, it is merged in the great mail carried in railroad cars and steamboats. The great mail is 12 days and 17 hours, according to contract, in going from New York to Mobile, and 12 days 12 hours returning. The express mail is 5 days 17 hours going from New York to Mobile, and 5 days 23 hours returning. One day is occupied in transporting the mails between Mobile and New Orleans.

The success of this experiment is not doubted, and the size of the mail already affords an assurance that it will produce an income more than sufficient to support it.

This mail leaves far behind all news conveyed upon railroads, or by any other means.

It will give unprecedented activity to commercial transactions between the North and the South. New York communicates with New Orleans in half the usual time; all enterprises are expedited; the whole intervening country, and the valley of the Mississippi, will feel the impulse.

The editors and people of New Orleans will receive the news from New York in less than half the time it has heretofore occupied in the transit. The editors will have the advantage of being the original dispensers of the news to their subscribers: and the people will obtain it through their own papers, without postage, five or six days sooner than it can reach them in the New York papers, with postage. The editors and people along the whole route, and to the right and left, will participate in the same advantages in a greater or less degree. On the other hand, the circulation in the South of newspapers from the principal cities of the North will undoubtedly be diminished. This injury is more than counterbalanced by the benefits secured to the local establishments; and if it were not, it is not to be brought in competition with the advantages of an earlier transmission and dissemination of commercial and other intelligence. No measures should be taken with a view to injure the great city establishments; but it would be unreasonable and unjust in the Department to withhold information from the people of the South because it cannot carry with equal expedition the cumbrous sheets of the Northern newspaper presses. It is, and doubtless will continue to be, the policy of the Department not to send the news with *less* expedition, but *to bring the whole mail to the speed of the express as fast as it can secure continuous railroad or steamboat transportation.*

The undersigned confidently believes it will be found expedient within the coming year to start express mails from Washington city, along the route of the national road, to St. Louis; from New Orleans, through Nashville, Louisville, and Cincinnati, to connect above with the great Eastern and Western route; and from Boston, through Albany, to Buffalo, New York. Such mails on these routes he believes would immediately support themselves, and give an activity to business and correspondence in every direction, which would much enhance the general revenues of the Department, and promote public intelligence and prosperity. But should experience or reflection lead to the conviction that these enterprises will not produce an increase of revenue sufficient to support them, they will not be undertaken.

The attention of the undersigned has been urgently called, by the Deputy Postmaster General of the British North American Provinces, to the insecurity of correspondence carried on through the packet-ships between Canada and the United States on the one side, and the British isles on the other. Valuable letters and packets sent from Canada through the port of New York, and from various parts of the United States, never reach their destination. The only effectual remedy which suggests itself is a regular mail across the ocean, and a connexion between the post offices of the two countries. By a reciprocal arrangement, mails

might be interchanged between the post offices in New York and Liverpool, or any other foreign port, to be conveyed by the packets or other vessels under contract. The number of letters now crossing the ocean is so great that a moderate postage on them would pay the cost of their transportation. There is scarcely a doubt that such an arrangement may be effected, if Congress shall think it expedient to grant the necessary power.

The object of authorizing printers' exchange-papers to pass in the mails free of postage would be further promoted by extending the privilege to exchanges with printers in foreign countries—an extension which is desired by the printers in the foreign provinces bordering on the United States, and will be the more useful if the proposed interchange of mails with post offices in Europe shall be authorized.

The building in which the General Post Office is kept is not fire-proof, and its valuable books and papers are daily exposed to destruction. With such ample means as the Government now has at command, the undersigned perceives no good reason why the greatest possible security should not be given to its archives. The other Executive departments suffer inconvenience from the distance of the General and City Post Office; and since the passage of the late law which connects the Post Office with the Treasury, and makes frequent references to the President necessary, that inconvenience is seriously felt by the Department itself.

Annexed will be found an outline of the organization of the Department under the late act of Congress.

The contract office is overwhelmed with the increase of business brought upon it by extensions of mail service and the new routes. Its force is found to be inadequate to the performance of its duties, and it requires two additional clerks—one of the first and the other of the second grade.

The appointment office has a sufficient force for the performance of its duties with accuracy and promptitude.

The duties of the inspection office are rapidly extending, and its present force will not long be equal to their performance. Its chief object is a rigid supervision over the rendition of postmasters' accounts and the performance of contractors. Conducted with system and energy, it will soon be felt on our thousands of mail routes whenever a delinquency occurs. Most of the contractors perform their service with great fidelity and precision; but there are a few (some of them on important routes) who evade their contract obligations whenever they have a temptation to do so, relying for impunity on their adroitness in making excuses, and the indulgence of the Department. They will find it their interest to fulfil their engagements or quit the service. In some parts of the country where complaints of irregular mails are loudest, the fault is not in the Department or the contractors, but in the roads. The Department is obliged to use such roads as it finds; and it is unreasonable in the people to expect regular mails unless they will make good roads.

My three assistants are assiduous in their duties, often by night as well as by day, and, in relation to their compensation, deserve the favorable consideration of Congress.

The Auditor's office is proceeding with vigor to accomplish the objects of its creation. The disbursement of the post office funds through the Treasury (formerly deemed impracticable) is effected with the utmost facility. Post office warrants are reduced to the size of ordinary bank checks, and, with the check of the Treasurer endorsed, are remitted with the same ease, and answer the same purpose. Without the inconvenience of specific appropriations, the accounts of the Department are more specific, more easily understood, and more readily examined, than those of any other department of the Government. It is the desire of the undersigned (which the Auditor has shown every disposition to promote) to render them intelligible to any one who may examine the books.

Difficulty has in some cases been experienced in renewing for six months the mail contracts which will expire on the 31st instant, under the authority vested in the Postmaster General by resolution at the last session of Congress. The object of the resolution was to facilitate a change in the commencement of the contract year. To promote the same object, and avoid a like difficulty in relation to the remaining contracts, power is asked to let them in the usual mode for four years and a half, which will lead to the same result.

I have the honor to be your obedient servant,

AMOS KENDALL.

REPORT FROM THE SECRETARY OF THE TREASURY, ON THE FINANCES.

TREASURY DEPARTMENT,
December 6, 1836.

In obedience to the directions of the "act supplementary to the act to establish the Treasury Department," the Secretary of the Treasury respectfully submits to Congress the following report:

I.—*Of the Public Revenue and Expenditures.*

It is believed that the whole amount of money in the Treasury on the 1st of January next, applicable to public purposes, will be about $41,723,959.

This conclusion rests in part on what has been actually ascertained, and in part on estimates.

Thus, the balance in the Treasury on the 1st of January, 1835, was - -		$8,892,856 42
The receipts from all sources during that year were - - - -		35,430,087 10
Viz:		
From customs - -	$19,391,310 59	
From lands - -	14,757,600 75	
From dividends and sales of bank stock -	569,280 82	
From incidental items -	195,561 98	
From Neapolitan indemnity	516,332 96	
Those, with the above balance, make an aggregate of - - -		$44,322,945 52
The expenditures on all objects during the year 1835 were - - -		17,573,141 56
Viz:		
On civil list, foreign intercourse, and miscellaneous objects - - -		3,721,261 60
Neapolitan awards - - -		508,436 93
Military service, including fortifications, &c.		9,420,312 69
Naval service, including gradual improvement - - - - -		3,864,939 06
Public debt - - - -		58,191 28

For the details of the receipts and expenditures in the year 1835, reference is made to the annual account thereof, which is this day submitted to Congress in a separate communication.

The balance left in the Treasury on the 1st of January, 1836, was, therefore -		$26,749,803 96
The receipts into the Treasury during 1836, as ascertained and estimated, will be about		47,691,898 00
Of these, the receipts during the first three quarters are ascertained to have been -		38,141,898 04
Viz:		
From customs - -	$17,523,151 79	
From lands - -	20,048,929 88	
Dividends and sales of U. S. Bank stock -	292,676 67	
Incidental items, including excess of repayments on account of public debt, as hereafter stated -	247,139 70	

This does not embrace the receipts in trust on account of the Chickasaw Indians.

Of those receipts and their investment, besides the expenditures from them, a report will forthwith be laid before Congress, in conformity to treaties and acts of Congress carrying those treaties into effect.

Neither does it embrace the receipts on account of the Post Office and Patent Office, of which, as well as the expenditures on the same accounts, separate statements are kept, in conformity to the late laws, and will be rendered by the proper officers.

Nor does it include what has been received in trust the present year for the claimants under the French, Neapolitan, and Spanish treaties.

A separate account will be exhibited in this report, of the receipts and expenditures from those sources, in order to avoid complexity and ambiguity in the statement of the general receipts and expenditures in behalf of the Government alone.

The receipts during the fourth quarter of the present year, it is computed, will be about - -	$9,550,000 00
These, with the balance on the 1st of January, 1836, form an aggregate of -	74,441,702 00
The expenditures during the year 1836 are ascertained and estimated to be -	31,435,032 00
Of these, the amount during the first three quarters is ascertained to have been -	20,791,372 16
Viz:	
On civil list, foreign intercourse, and miscellaneous - - - -	3,850,101 55
Military service, including fortifications, &c.	13,010,061 59
Naval service, &c. - - -	3,931,209 02

Public debt, less than the repayments by the Commissioners of the Sinking Fund, as hereafter explained.

For the details of all these and the incidental receipts during those three quarters, reference is made to the exhibit annexed, A 1 and 2.

The expenditures for the fourth quarter, as computed by the proper Departments, will be $10,643,660; but which, it is thought by me, will probably fall short of that amount. This will leave on hand, the 1st of January, 1837, an estimated balance of $43,005,669. From this, if the diminished sum of $1,080,000 for unavailable funds be deducted, the available balance of money on the 1st of January, 1837, would be $41,925,669.

But, beside the charges already imposed on this balance by appropriations for public purposes still unpaid, and which will soon be adverted to, there is in fact included in it about $201,710, which was paid into the Treasury, chiefly in former years, from private sources alone, and for private or specific purposes, and which neither accrued from the usual sources of public revenue, nor ever belonged to the General Government, except to fulfil the particular trusts under which it was received in behalf of others.

A schedule of those items and sums, on the 1st of December, 1836, is annexed, (B.) Deduct their amount from the available balance of $41,925,669, and only about $41,723,959 would remain on the 1st of January next, applicable to the general purposes of the Government.

To this deduction would be subjoined another, had not the receipts and expenditures connected with certain subjects during the present year, or portions of it, been kept distinct, for reasons before indicated.

Thus, the receipts on account of the Post Office, which, under the new organization, are paid into the Treasury, and kept distinct, have, since it took effect, being the last half of the year, been ascertained and computed to be about $1,076,872, including near $410,472 that had been collected previously; and the expenditures have been about $562,952, leaving a balance on hand at the end of the year of about $513,920, as will be more particularly exhibited by the head of that Department.

The receipts on account of the Patent Office since its new organization, for the present year, have also been ascertained and computed to be about $16,828, the expenditures chargeable to them about $7,241, and the balance about $9,587, as will be more particularly shown by the report of the proper officer.

Besides these the receipts into the Treasury in trust from the treaties of indemnity with France, Naples, and Spain, have been about $3,765,994, and the payments to the claimants about $3,663,988, leaving a balance of about $102,026 still uncalled for or unadjusted.

The particulars of these will more fully appear in the general annual exhibit of all the receipts and expenditures.

Lastly, the receipts into the Treasury on account of the Chickasaw Indians, have been about $639,252, the expenditures by investment and otherwise, about $577,675, and the balance on hand is about $91,574.

The detailed account of these and the other transactions in their behalf, will be, as remarked in a former portion of this report, immediately presented in a separate communication to Congress.

The charges already imposed on the general balance of $41,723,959, by means of current and permanent appropriations, which it is expected will not be expended till after the 1st of January next, amount to $14,636,062.

Of this sum it is computed that $3,013,389 can be applied in aid of the appropriations for the ensuing year, without reappropriation, and that $195,183 will be carried to the surplus fund, leaving $11,427,490, which will probably be required to accomplish the objects contemplated in the acts of Congress.

Deduct this remaining charge of $14,440,879 from the balance estimated to be on hand on the 1st of January, 1837, and the sum of $27,283,080 would be left to be appropriated by Congress towards new or former objects.

II.—*Of the Expenditures for the Public Debt, and its present condition.*

Before the passage of the act of Congress, at the last session, on the subject of the public debt, the money which had previously been deposited by the Commissioners of the Sinking Fund in the United States Bank for the payment of the residue of it was, under their direction, repaid into the Treasury, amounting to the sum of $136,773 01.

Since that event, and the suspension of the duties of the Commissioners, this Department, by virtue of the above act, has caused all those portions of the public debt outstanding and presented for payment to be promptly discharged.

The payments made since the 1st of January last, have been as follows, viz:

On the funded debt, towards principal -	$46,405 72
Towards interest - - - -	3,139 09
Making, in all, the sum of - -	$49,544 81
There still remains of the funded debt unclaimed and undischarged—principal about -	$90,367 00
An interest, with dividends, about - -	250,416 00
A small unfunded debt of $37,440 55 also remains, which may hereafter be claimed, on which has been paid during the past year, including $16 07 for interest on Treasury notes, the sum of - - -	88 57
It consists of claims registered prior to 1798, for services and supplies during the revolutionary war, equal to - - -	27,835 46
Treasury notes issued during the war of 1812	5,735 00
And Mississippi stock - - -	4,320 09

III.—*Of the Estimates of the Public Revenue and Expenditures for the year* 1837.

The receipts into the Treasury from all sources during 1837 are estimated at $24,000,000, viz:

From customs - -	$16,500,000 00	
From lands - -	5,000,000 00	
From bank stock -	2,000,000 00	
Miscellaneous, including interest from dep. banks,	500,000 00	
		24,000,000 00
To these add the balance of available funds in the Treasury on the 1st of January, 1837, estimated, as computed, for public purposes, at - - -		41,723,959 00
And they make an aggregate of - .		$65,723,959 00

The expenditures for all objects, ordinary and extraordinary, in 1837, including the contingent of only $1,000,000 for usual excesses in appropriations beyond the estimates, are computed at $26,755,831, provided the unexpended appropriation at the end of this and the next year remain about equal.

Thus, the new and permanent appropriations chargeable to 1837, for specified purposes, whether ordinary or extraordinary, and including what can be used without reappropriation, are computed at - $25,755,831 00

Of these, the permanent appropriations already made are estimated at - -	2,347,000 00
The existing appropriations, which will not be required for the service of 1836, and which it is proposed to apply in aid of 1837, amount to - - -	3,013,389 00
The new appropriations that will be needed for 1837 are estimated to amount, in all, to - - - -	20,354,442 00

The latter are divided among the different branches of the public service as follows, viz:

Civil, foreign intercourse, and miscellaneous - - - - -	$2,925,671 00
Military service, &c. - - -	10,758,431 00
Naval service, &c. - - -	6,670,341 00

The details of the above estimates are exhibited in a document from the Register's office, which this Department has the honor to lay before the House of Representatives to day in a separate communication.

To these have been added, for the ensuing year, on account of the usual contingent excesses of appropriations beyond the estimates, $1,000,000, making, in all, as before mentioned, the aggregate of $26,755,831.

From these calculations it will be seen that, if the outstanding appropriations unexpended at the close of 1837 be as large as at the close of 1836, and the other expenditures should agree with the above estimates, they would exceed the computed revenue accruing from all sources nearly $3,000,000, or sufficient to absorb more than half of that part of the present surplus which is not to be deposited with the several States. But if these outstanding appropriations at the close of 1837 should be much less than those in 1836, as is probable; or, should the accruing receipts be much less, or the appropriations made for 1837 be much larger than the estimates, a call will become necessary for a portion of the surplus deposited with the States, though it will not probably become necessary except in one of those events.

IV.—*Some explanations of the Estimates for* 1837.

The unusual receipts during the last two years have chiefly accrued from the unprecedented sales of public lands.

It is remarkable that those sales assumed their extraordinary character chiefly between July, 1835, and October, 1836, a period of little more than fourteen months.

Arising, as they have, principally from private entries, and not from any unusual quantities of land offered for public sale, and marked, as they have been, by sudden and great vibrations, it has not been deemed judicious to consider them as a proper basis for permanent estimates of a public character.

Accordingly, the sum adopted for the estimates of the sales the past year, as well as that for the ensuing year, though larger than usual, has been grounded on general considerations of a less fluctuating character, leaving accidental and occasional excesses or deficiencies to happen, as they often will, without either the attempt or ability in this Department to predict the extent of them with much certainty.

The receipts from customs the present year will be somewhat augmented by the great speculations which have characterized the business of the country generally, and the destruction by fire of an extraordinary amount of foreign goods near the close of the last year. This calamity, followed by credits more liberal, and competition increased to supply the sudden and large deficiencies in the market, led to an excess in the importations of merchandise during the present year, even greater than the amount destroyed, and thus essentially contributed to swell the revenue from customs beyond the estimates. But overtrading, from whatever inducements it may arise, usually produces a reaction, and it is hoped that no accident of a similar and deprecated character will occur which may enlarge our importations the ensuing year. The receipts from customs for 1837 have, therefore, from those and other circumstances which it might be tedious to detail, been estimated at not more than $16,500,000.

Only about $50,000 of the amount secured by special bonds from the sufferers by fire last December, under the authority of an act of Congress on that subject, has been postponed, so as to fall due within the ensuing year, while a reduction on account of the diminished rate of duty imposed on wines since July last, has been made in the estimates for 1837, equalling quite three times that sum. Besides usual speculations and overtrading, which are temporary in their operation, the last two years have exhibited an extraordinary degree of prosperity throughout the whole country, and which it is presumed will continue to exercise a considerable direct influence on the whole amount of our exports and imports; and, consequently, an indirect influence on our receipts from customs. Much of this flattering condition of things may have arisen from the great reductions already made in the tariff and duties on tonnage; from having cast off the burdens of the national debt; from our increasing expenditures on works favorable to commerce and public security; from permanent additions to the moneyed capital of the nation by the many millions obtained abroad for foreign indemnities; from the immense fertile tracts of land redeemed from Indian claims and opened to the profitable enterprise and industry of our citizens at very low prices, by the humane policy of removing the aboriginals west of the Mississippi; from the unprecedented improvements in the facilities, the rapidity and cheapness of communication and of transportation by steamboats and railroads; from the greater safety of our foreign commerce, and its extension to new and distant regions; from abundant crops and high prices; from the increasing numbers, intelligence, and enterprise of our people generally; or from these and various other causes combined. But though some of these causes may have spent most of their influence, others are acting in full vigor, and our national prosperity does not appear likely to be soon essentially checked, except so far as the excesses before mentioned, or war, or unavoidable physical calamities, like those of pestilence and bad crops, may from time to time produce temporary reactions.

The receipts from customs, therefore, though not estimated so high as they proved to be during the past or preceding year, have still been computed at a larger sum than it was formerly anticipated they would, on an average, equal, under the existing tariff.

The imports during the year ending September 30, 1836, are ascertained and estimated at - - $173,540,000

They show, compared with the preceding year, an increase of - - $23,644,258

The imports during the three past years have, on an average, been about - - 149,985,691

The exports during the past year are ascertained and estimated at - - 121,789,000

Of these, $101,105,000 were in domestic, and $20,684,000 were in foreign products.

Compared with the preceding year they exhibit an increase of $35,423, and are $5,829,150 more than the average for the last three years.

The crop of cotton grown the present year, which will constitute the chief exports of that article for 1837, is believed to be large; but from present appearances will probably be less valuable than during the two past years. At the same time the exports of flour and grain are likely to be smaller in both quantity and value; and those of tobacco and rice, which, with the articles before named, form our principal subjects of domestic produce for exportation, are not believed to be materially greater, and have seldom, during the last quarter of a century, in any series of years, much exceeded their previous amount. However enlarged by our rapid increase of population, has been the demand at home for those and other articles of our own growth and manufacture, the most tempting and augmenting product for exportation seems to be cotton.

During near forty years it has attracted and engrossed a large portion of the spare capital and labor of nearly half the territory of the Union. And by the great demand for it abroad, independent of its increased consumption at home, it will probably long continue to constitute, not only our chief and most profitable product for exportation, but be the regulator, in some degree, of our ability to import, and of the balance of trade between this country and Europe.

The receipts from incidental and miscellaneous sources have been estimated on the following data. Nothing very definite could be presented as arising from an arrangement which, under the recent act of Congress, is contemplated with the Bank of the United States in respect to the stock owned by the Government in that institution, until further progress shall be made, and the bank may indicate when it is willing to pay some specified amount.

It will be seen by the documents annexed, (C 1, 2, 3,) that this Department took early steps to procure suitable information for a settlement with the bank, and payment in the course of the present year of the due share of the United States in the nett collections from the assets existing on the third of March last, as well as to obtain specific proposals for an early adjustment of the whole concern.

It has been a cause of some surprise that the information desired has not yet been communicated, nor any payment been yet made. On the contrary, the president of the State corporation to which the assets of the United States Bank have been assigned, forwarded, in September last, a report of a committee appointed under authority of only those two bodies, estimating the value of the stock on the 3d of March; but it was accompanied by no offer to pay that value, or any other particular amount, then, or at any future specified period, though professing a willingness that the United States should receive a just proportion out of the assets of the bank.

Commissioners were therefore appointed, and an invitation given to have them joined by others on the part of the United States Bank, to revise the estimate of the value put on the stock by the above committee; and, after urging early payments as practicable towards what might in the end be found due to the United States, if failing to obtain any, to recommend such arrangement as might seem just for securing and paying hereafter what they considered to be the true worth of the share of the Government in the capital stock. Copies of the letters, report, and instructions before named are annexed, (D 1, 2, 3, 4, 5.)

It is clearly to be inferred from the correspondence since had by the commissioners above mentioned with a committee of the bank, that no payment whatever is intended to be made during the present year, and that long credits are expected and considered by the bank proper for portions of what may be due. That correspondence, and all the steps which have been taken under the particular instructions given to those commissioners, will more fully appear in the further documents which will be submitted to Congress after the commissioners make their final report. No reasonable efforts will be spared by me to conclude some appropriate arrangement of this embarrassing and troublesome subject before the adjournment of the present Congress. Trusting that a proper sense of its obligations to the Government, as a large stockholder, will induce the bank to refund at least one-fourth of our original capital, with the profits thereon, in the course of the ensuing year, two millions of dollars have on that account been inserted in the estimates. To this are to be added the dividends anticipated on the stock owned in the Louisville and Portland canal, interest from the deposite banks, and some small receipts from other miscellaneous sources.

V.—*Of the surplus in the Treasury and disposition of it.*

Various objects of a national and constitutional character were recommended in the last annual report from this Department, as suitable for the application, by way of extraordinary appropriation, of any surplus funds for which the General Government should happen to have no other immediate use.

Liberal and useful appropriations were fortunately made to many of them, which will save expense in the end, and prove to be the soundest economy. The reasons for a continuance of the same wise policy, while our resources remain so ample, have lost none of their original force.

As the present surplus had chiefly arisen from an earlier sale of large portions of the public lands than had been expected, it seemed to this Department judicious to suggest completing with it sooner than had been contemplated, the projected fortifications and naval establishments of the country; improving more rapidly the navigation and security of its commercial bays and rivers; and, while its imports and exports were prosperous beyond example, erecting, where needed, appropriate custom and warehouses, as well as suitable marine hospitals, court-houses, and post offices. In fine, the whole state of our finances appeared to justify and require that all those great works heretofore deemed useful and constitutional, and which are intimately connected with the duties and powers of the General Government, should be more hastened, with our means so much increased and so prematurely available, than would have been proper or practicable, had the revenue continued at only the reduced amount which was generally anticipated. By pursuing such a provident course, it was supposed that much less would remain to be accomplished, and hence, that our expenditures would be much diminished, when our revenue shall become less by the reductions which, under the existing laws, are to take effect in the customs before and in 1842, and which will probably happen in the receipts from public lands during that period.

The necessary expenditures of the Government would thus, by that time, become naturally as well as safely lessened, so as to bear a near proportion to our diminished receipts; while otherwise, if the expenditures for these works are not previously increased or expedited, the probabilities would seem to be, that the ordinary charges for them and other usual claims on the General Government, with the extraordinary charges incident to war and similar calamities, from which no people can be wholly exempt, might then so far exceed the receipts as to require new taxation or an increased tariff.

In respect to another branch of the subject, which relates to a reduction of the present large surplus in the Treasury, either by an immediate diminution of the existing tariff, or some new regulation calculated to limit and lessen the amount of the sales of the public lands by confining them to actual settlers, or otherwise, this Department felt bound, in the discharge of its public duties, to submit to Congress, last year, a few considerations which are still equally applicable. It is believed that when the balance on hand, with the accruing receipts, are likely for some time to come to exceed the real wants and just objects of the Government for expenditure, a reduction in those receipts, and especially such as are derived from taxation, is the true remedy.

Beside the considerations relating to this reduction which were formerly submitted by this Department, it would now respectfully suggest that all the duties under 20 per cent., and which amount to near three millions annually, could, with about half a million more on the articles paying a higher duty and specified in a report to the Senate at the last session, be at once repealed by Congress, without any encroachment on the principle of the act of 3d of March, 1833. Nor has this Department any doubt that if all the present and anticipated receipts from customs are considered by Congress not to be wanted for any public appropriation or other legitimate object, a reduction could be made in many other duties more rapidly than is now provided for, without any essential injury to any great interest intended to be fostered by the provisions of that act. At the same time, such a step as the last, unless found indispensable from high public considerations, and hence generally concurred in, does not appear to this Department consistent with the expectations of most of those who united in the passage of that law, and has not therefore been urged. But, if found indispensable, the next articles which, in my opinion, could be most appropriately selected for greater and quicker reduction, are the raw materials of foreign origin used in some of our important manufactures, and though certain rival articles produced here might suffer by such a change, yet in this way the whole manufacturing industry of the country would probably be benefited. If sufficient reduction cannot be obtained on that class, the next kind of articles selected should be such as are largely consumed in promoting the comforts and satisfying the necessities of the people generally, and at the same time do not materially compete with important manufactures, nor conflict with great agricultural interests. And the next, if more be deemed necessary, might be such as have now a much higher duty or protection on them than others of greater national consequence.

Certain it is that a much more just and useful discrimination could be introduced into the whole present system, by reducing more quickly the duties which are found to be least beneficial by way of protection, and by reducing more slowly those deemed most indispensable.

Equally feasible would it be, in the exercise of a proper spirit of comity and justice, to make some legal enactments which should prevent the further sale of the public domain to any persons who do not want it for immediate cultivation. This seems peculiarly proper at a time when the Government neither needs the proceeds of such sales for any public use, nor considers the money received adequate to the real value of the land sold; and when the settlement of the new States is retarded, by permitting the public domain to pass in large quantities into the hands of others than actual settlers. By a wise revision of our present laws, the enterprising, industrious, and needy, might, for a fair compensation, be liberally secured in the purchase and enjoyment of a due portion of land for immediate cultivation, and, at the same time, all be effectually prevented from seizing and securing, as a matter of speculation, in any case, on the best tracts, without previous purchase or any pretence of title, and from procuring, through floats or otherwise, for wealthy persons, whether residents or non-residents, the most valuable situations at the minimum prices.

It must be obvious that nothing beyond a very general, and in some degree uncertain exhibit, could, at this time, be presented of the probable amount of the surplus in the Treasury deposited with the banks and the States during a few subsequent years, and more especially of the various sums connected with the different hypotheses for the future disposition of it by appropriations for public objects, or by a diminution of it through a large reduction in our future revenue from either customs or lands. The uncertainty as to these sums is greatly increased, not only by the fluctuating character of our receipts from both of these sources during the last four years, and as is anticipated for the future, but from the doubtful amount of our annual expenditures hereafter, and the absence of any determination yet expressed by Congress, whether to retain, unexpended, all or any portion of the present surplus, till after 1841, with a particular view to supply the place of the great reduction which is then to be made in our receipts from customs under the existing laws. Minute details, therefore, on these points, would be only hypothetical, and might, without further data on which to found them, mislead instead of proving useful.

But it is probable that Congress may deem it expedient to pursue one of the following general courses in relation to the present large surplus, and any which might hereafter accrue under our existing laws—either to appropriate more liberally to great objects of national consequence, while the Treasury is so full, and in that way gradually call for and employ the surplus till those objects are accomplished, and then to reserve only the residue, if any, in deposite with the States, to meet future contingencies and the anticipated deficiencies in the revenue after 1842; or to make a more rapid reduction of the balance of public money now on hand, by legislation, which will largely diminish our revenue either from customs or lands, and thus require more of the current expenditures to be paid from the present surplus, until the whole shall be exhausted; or to permit the most of it to remain longer in deposite with the States, and so shape future appropriations as never to render it necessary to call for the surplus, except to meet unexpected and extraordinary wants.

In respect to this last measure, so far as already adopted by Congress, and the operation of it upon our fiscal concerns to this time and hereafter, a few further observations may be expected.

Before the two sessions of Congress just passed, it was considered doubtful whether that body would deem it expedient to adopt the recommendations of this Department, to expend early, on proper objects, all the nett balance in the Treasury, after defraying existing charges; or, if unwilling to do that, to reduce at once the revenue from customs and lands, and leave with the people the excess which would otherwise be collected, so as gradually to absorb the present surplus, and ere long to collect none of any considerable magnitude, whether for extraordinary expenditures, distribution, or other purposes. Consequently, a suggestion was made in the annual reports of 1834 and 1835, for the temporary investment of the surplus while either of those operations might be going on, and, if neither of them was adopted, then to remain safe and productive until it should hereafter be needed for public purposes. The proposed disposal of it for these periods, which it was expected would not be very protracted, was in a form which was considered secure and profitable by the purchase of safe stocks. Thus, easily and gradually, as well as most prudently, it was supposed the inconveniences of so unexpected and embarrassing an event as a large surplus would be obviated, and at the same time, a provident fund created which would be yielding interest, and which could after-

wards be resorted to when the current expenditures might, from any cause, either before or after 1841, exceed the current revenue. In relation to that subject, though a topic still intimately and deeply connected with our finances, few additional remarks at this time seemed called for, since Congress, at the last session, by a clause in the deposite law, provided for what this Department considers, and has taken all the proper preliminary steps to make, a temporary disposition of the whole money in the Treasury on the first of January next, except five millions of dollars. Looking at that as a financial measure, which is the only view now under consideration, the granting the use of the money without any interest, constitutes a difference from the mode proposed by this Department, which was doubtless designed as a benefit to the several States, and in that view was also very properly proffered to all if to any of the States, whether now in debt or not, and whether needing the money for any great public purpose or not. While treated in the nature of a mere temporary deposite or investment on the credit of each State respectively, without interest, the profits or income of it alone to be expended, and the principal to be ever held sacred and ready for repayment whenever needed, like a fund that is providently designed to meet any future public contingencies, this kind of deposite may not embarrass our finances, and is likely to prove useful and convenient to the Treasury. But, should considerable portions of it be soon wanted by the General Government, the deposite will probably occasion to many of the States inconvenience and difficulties, if not losses, in the management and repayment of it, more than equivalent to the interest received. On the contrary, if much of it be not wanted for some years, or till after 1841, the result may be otherwise to such States as either need the money or are able to employ it beneficially.

The experience of this Department has been too brief, under the constant and laborious preparation to carry into effect in due time, all provisions in the late deposite act, to warrant, on the present occasion, any recommendations of modifications in this particular portion of it; but it is respectfully suggested, that although a gradual investment of the surplus in existing State stocks would, it is believed, have produced no pressure in the money market, yet the embarrassments incident to the transfers of such large sums of money as became necessary in order to divide it seasonably among a greater number of banks as well as among the different States, and the consequent temporary withdrawal of considerable portions of it from immediate use, are embarrassments inseparable from the provisions and faithful execution of the law in its present form. Though they constitute only a portion of those evils which now afflict the commercial community, and have been mitigated in their operation by this Department, where practicable, they could not be wholly obviated without departing entirely from the duties imposed by the law. Immediately after its passage, steps were taken, as required by Congress, to commence a reduction of the deposites, which had then accumulated in certain banks beyond three-fourths the amount of their capital, and at the same time to have some portion of the anticipated surplus taken from States where its accumulation had been large or inconvenient, and placed, before the first of January next, in States where enough had not before been deposited, and where suitable banks existed willing to receive it. These steps will be more fully detailed in a subsequent part of this report. All the payments to the several States, for the whole year, are expected to be made punctually at the times required; but it will be necessary, from the mode of keeping public accounts, to take the current statement of the Treasurer on the first day of January next, as the guide for the supposed amount in the Treasury required to be apportioned among the States, and one-quarter of it to deposited on that day. By pursuing any other course an unavoidable delay of weeks, if not months, would be necessary in making the preliminary arrangements for the first payment. But that statement seldom differs more than a few hundred dollars from the result as ascertained on subsequent settlement, and hence its amount, independent of unavailable funds, and what is held for the Post Office and Patent Office, and in various special trusts, will be deemed the true sum intended by Congress as subject to apportionment, after deducting five millions, unless, in the mean time, the Department shall be otherwise directed by that body.

The whole sum to be deposited with the States will, on these principles, and according to the present appearances, range between $35,000,000 and $38,000,000, and exceed somewhat $120,000 to each electoral vote in each of the twenty-five States now in the Union—Michigan, from the language of the act, not being considered as yet entitled to an apportionment under it. Three States have already signified their willingness to receive the money on the terms proposed, and it is expected that several more will do the same before the first of January, and probably most of them in the course of the present winter.

Leaving further suggestions on these and various other considerations which bear on this interesting subject, but which need not be repeated, the Department will next proceed to an exhibit of the manner in which this surplus, as well as the rest of the public money, has been kept during the past year, and of the detailed preparations which have been made for the future custody and preservation of it, in conformity to the act of Congress to regulate the deposites of the public money, passed June 23, 1836, and the supplementary act on the same subject, passed on the 4th of July, 1836.

VI.—*Of the keeping of the Public Money and state of the Deposite Banks.*

The money in the Treasury has been safely kept during the year 1836. Until July last, as during the two previous years, it was placed in State banks, selected according to the discretion of this Department, on account of their high standing and favorable position for fiscal purposes, and regulated in a manner considered most secure to the Treasury and convenient to the community, as well as useful to all concerned.

It is a source of high gratification to be able to add that, while so selected and employed, not a single dollar was lost to the Government by any of them, or a single failure occured to transfer promptly and pay out satisfactorily the public money intrusted to their custody; nor is it believed that the domestic exchanges of the country were ever lower or more regular than during that period; and the large amount of them performed by those deposite banks in ordinary purchases or discounts, equalling from one hundred and fifty to two hundred millions of dollars yearly, or near a third more than those of the same kind by the United States Bank while the fiscal agent of the Government, evinced the great ability and usefulness of those banks on this important subject.

But since the passage of the act of Congress, June 23, 1836, "to regulate the deposites of public money," most of the discretionary power before exercised by this Department on this subject, under previous laws and long usages, has been considered as no longer posessed, and various solicitations to use it, though some of them were in cases of extreme hardship, could not therefore be complied with. Relieved from great responsibility, and in many cases from much delicacy in the exercise of it by the passage of that act, a new system, in conformity with its provisions, and in place of the former one, was at once commenced by this Department, and has since been pursued with all the strictness and regularity which the nature of business so extensive and complicated would permit; and at the same time, with every indulgence and forbearance in cases of embarrassment or suffering, which were permissible without a

violation of law. It was necessary by the act to appoint anew all the former deposite banks, if they were to be retained in the service of the Government. Accordingly, the preliminary inquiries rendered proper by the new law before any selection was authorized to be made, were immediately instituted in every case of the former deposite banks; and having been satisfactorily answered, all of them have been reappointed except three, where some formalities in their papers are not yet completed. The provision of that act which prohibits more public money to be left in any one bank than three-fourths the amount of its capital, rendered the selection of numerous new banks, to receive the sums which the old ones were not allowed to retain, indispensable in the present overflowing condition of the Treasury, and especially at places in which the capitals of the old banks were small.

The transfer of all the money in the Treasury, except five millions, on the 1st of January next, to be deposited in the treasuries of the several States quarterly during 1837, in ratable proportions, made it proper to select also a few other new banks in some of the States, to receive those proportions or sufficient parts of them, when they happened to be either collected there, or to be incidentally and easily transferable there.

Thus the trouble and embarrassment of a second and sudden transfer in January next, and quarterly thereafter during the year, were often saved by combining, in several appropriate cases, the transfers ordered by Congress to be soon made from banks having an excess, with the transfers of that excess to other banks in the States where it was to be paid during the present year on appropriations, or the ensuing year on the apportionment, and in which last-described banks and States a deficiency existed. In this way, on several occasions, the opportunity has been improved of beginning to perfect, gradually, and in some degree contemporaneously, between places near, suitable, and of easy intercommunication, the great and difficult apportionment of the deposites of the public money among several different States, as well as among different banks. The whole amount of transfers ordered since the 1st of July last, have of necessity been at times very large; but many of them have not yet taken effect; many more are still to be ordered, and the whole amount necessary to accomplish both objects will be less, and their operation easier, than if a different course had been pursued, and the two apportionments between the banks and the States had not been united, in cases where practicable and convenient, and where large accumulations existed on the one hand to be reduced, and deficiencies on the other to be supplied. Their union, in such cases, is supposed to have been specially contemplated by Congress, as explained in the second and supplementary deposite act, passed in July, and as seemed just to the several States which had not before enjoyed much, if any, benefit from the deposite and use of the public money within their limits. Hence, while many transfers have been forborne, when feasible under the law, and desired from public considerations connected with the great pressure in the money market, and which pressure they would, though authorized by the acts, have severely aggravated, yet great care has been employed not to make a single transfer, except in the language of the first deposite act, "to facilitate the public disbursements, and to comply with the provisions of the act;" or, as described more fully in the second act, either "to prevent large and inconvenient accumulations in particular places, or in order to produce a due equality and just proportion, according to the provisions of said act." All the transfers ordered have likewise been so modified in respect to time, place, and business, as to produce the least inconvenience and expense possible to the banks or the community consistent with faithful endeavors to execute the law on both subjects seasonably and efficiently. They have been so conducted as also to relieve the Treasury from any expense whatever in a financial operation so large and unusual; but, in carrying out so large a moneyed operation as the new law demanded, and one neither comporting with our usual fiscal proceedings, nor following the ordinary channels of trade, it has required great caution not to create more embarrassment than has really occurred from this source, and a greater derangement in exchanges than actually exists.

In complying with the deposite act, it has already been found necessary to appoint forty-eight more banks, making, on the 1st instant, with the former ones, without their branches, the whole number of eighty-one. The Department has endeavored, in these selections, to conform to the spirit of the act of Congress as regards their convenient location for accommodating either the collections or the disbursements of the public money. It has in all cases required the preliminary information made necessary by the act. It has, as enjoined, chosen at least one bank in every State which had banking institutions, and which included all except Missouri and Arkansas. It has obtained from each bank a written agreement to comply with the duties prescribed by law, and in every case except four or five not deemed suitable, from peculiar circumstances, has received collateral security for the faithful fulfilment of these agreements, and has endeavored from time to time to make such requests on the subject of specie and other topics connected with their condition and with their mode of transacting business as seemed conducive to safety and public convenience. The names of each deposite bank, with the amount of public money in each, and its detailed condition in all respects, near the 1st of November, 1836, are exhibited in the document annexed, (E 1 and 2.)

In another document (F) is presented more fully and recently the condition of those banks with this Department; as it shows, by their last returns to the Treasurer on the 1st instant, the amount of public money then on hand, the outstanding drafts then against them, and the existing transfers to and from each bank. A number of the States now have deposites sufficient, with the accruing revenue, so meet all the probable demands within their limits the next year. But it is otherwise with several of them, and where money has not yet been placed in each State sufficient to meet the probable amount of deposites required there during the first quarter of the next year, for expenditure as well as apportionment, it has been or will be put under orders of transfer, so as to reach there seasonably.

Numerous difficult and embarrassing questions have arisen in the execution of the new deposite act, in consequence of the novelty of many of its provisions, and the unequal operation of others on some of the depositories; but, where great doubts existed as to the true intention of the law, the opinion of the Attorney General has been taken. When that opinion has been unfavorable to the views entertained under the law as it now stands, the parties have been left (as they must always be in such cases of supposed inequality and hardship) to resort to Congress for appropriate relief. It is, therefore, respectfully suggested that relief for the past may be proper in several cases, which it is anticipated the parties interested will present to the consideration of Congress. For the convenience of this Department, it is desirable that a provision be made for the future, that any agency furnishing ample security be regarded, under the law, as having the same separate capital where established as the bank to which it belongs.

It is further recommended that authority be given to discontinue such of the newly-selected banks as may, from time to time, be no longer needed for fiscal or other purposes. A large portion of them, after the contemplated deposites are made with the several States, will probably become entirely useless to the Treasury, while their returns and correspondence will continue to be burdensome to all concerned.

Immediately after the passage of the law, it became the duty of this Department, among other things, to select a sufficient number of banks to hold the public money, without exceeding three-fourths of the amount of their capitals, and one, at least, in each State having banks.

As it seemed impossible to carry these provisions into execution in several of the States, unless banks should be selected which might possibly have issued or paid out some small bills after the 4th of July, and before they had completed the agreement, and assumed the duties imposed by the act, it was thought that a natural construction, given to the limitation in that respect, would make it applicable only to such banks as were selected and subject to the law previous to that date, and that the others must not, on a like principle, make any such issues after their selection. This would impart a reasonable and practical effect to the clause, and, at the same time, not tend entirely to defeat the operation of other provisions in the act. Accordingly, minute inquiries were not instituted, whether the banks applying to be selected had, previous to their application, issued such bills or not, but all were required, at the time of their selection, to enter into an express written agreement to conform to all the provisions of the act, and, consequently, not to issue any while they were public depositories. On more mature reflection, doubts having arisen whether this was going far enough, and whether any banks which may have issued small bills between the 4th of July and their selection, could in strict law be retained, or could have been legally appointed, it was deemed proper to take the opinion of the Attorney General on that point. He confirmed these doubts, but recommended the submission of the subject to Congress, before discontinuing any of the banks, which, upon investigation, might appear to have made such issues before entering into the agreement. The Department would, therefore, respectfully recommend that an act be passed sanctioning the selection and continuance of deposite banks which may be so situated, provided such banks have not issued or paid out small bills after their appointment as public depositories.

VII.—*Of the Mint and the Currency.*

On the subject of the Mint and the new coinage, the Department is gratified to state that, by means of additional appropriations, of improvements in machinery, and of an ample supply of metal for coining, through the fortunate remittances to this country of the French, Spanish, and Neapolitan indemnities in gold, more money has been, and will be coined during the present, than in any previous year since the foundation of the Government. The whole amount, from the 1st of January, 1836, to the 1st of November, 1836, has been, in gold, $3,619,440; in silver, $2,877,000; and in copper, $22,634. The sums transferred to the Mint in aid of the coinage, under a clause in the late deposite act, have amounted to $700,000. When the annual report of the Director is made, on the 1st of January next, a more minute account of all his operations, with his views on these transfers, will be presented, accompanied with such suggestions for further legislation on the subject as his experience may lead him to consider useful. The Mint and its branches would, in my opinion, be more efficiently assisted by means of appropriations, rather than mere transfers, to supply fully and promptly the additional coinage which the additional wants of the community may from time to time require. The Department is still convinced, for reasons formerly urged, on the consideration of Congress, that a gold coin of one dollar in value might be very convenient and useful to the public in many of the ordinary transactions of society. The branch mints are all in progress, and will probably be completed by June next, and their machinery at a still earlier day. The coinage in them can commence immediately after their completion, if the proper appropriations are in the mean time made, and the proper officers appointed. The greatly increased quantity of gold now existing in the country amounts, probably, to upwards of $15,000,000. For this we are chiefly indebted to the new valuation of our coin, though some influence must be ascribed to the efforts made by the General Government and most of the States to suppress the circulation of small bills, as well as to the favorable condition of our foreign exchanges since 1834, and the policy of ordering home the foreign indemnities in gold, and encouraging public payments to be in part made with this kind of coin. At this time, the abundance of gold here is such as to have produced increased facility in distant specie operations, and it is becoming more widely and beneficially diffused over the different sections of the Union, to the greater accommodation of most classes of people, particularly in travelling and exchanges, and to the permanent improvement of our circulating medium. The amount of gold coined since the new valuation in 1834, has been near $10,000,000, and has exceeded, by one or two millions, the whole amount coined in the thirty-one previous years which had elapsed after the Mint went into operation. The amount coined during the past twelve months alone is greater than that during the whole of the first sixteen years after its establishment.

Another important and gratifying consequence, which has resulted principally from the present policy and system as to the currency, has been, that of all the gold coined before August, 1834, amounting to about $12,000,000, probably not $1,000,000 then remained in the country, and of that small amount only a very diminutive portion was in active circulation. Indeed, before 1834, our coinage of gold was of little benefit, except to purify and prepare the bullion for exportation, and for the use of foreign mints. But the great mass of near $10,000,000, since coined, undoubtedly remains in the country, and an increased and increasing portion of it is in active and convenient circulation. To promote this desirable end, a larger proportion than usual of quarter eagles has been recently struck; and the whole number of gold pieces, of every kind, made since the beginning of the present year, is about $1,000,000, and almost equals the entire number coined during the whole forty years previous to the new coinage. The change in the amount of specie, of all kinds, in the country, during the last three years, is highly gratifying, as an earnest of a more solid basis to a paper circulation already too large in proportion, and as a security, not only to those classes who are most safe in the employment of a metallic currency for all common purposes, but to the banking institutions themselves in periods of panic and unfavorable balances in foreign trade.

The whole specie in the country in October, 1833, when the public deposites were removed from the United States Bank, did not probably exceed thirty millions, and the portion of this in banks is not supposed to have exceeded twenty-six millions; while now the whole specie in the country probably exceeds seventy-three millions, and of that the portion in banks is believed to be over forty-five millions, leaving twenty-eight millions in active circulation.

The paper circulation within the above period has also been greatly and unfortunately enlarged.

From about eighty millions, which was then the supposed aggregate, after deducting the large amount of twenty millions for notes held in different banks, it has probably risen, and chiefly within eighteen months past, to about one hundred and twenty millions.

But this increase, though great, it will be seen is not half so great a relative increase as has taken place in the whole specie in the country, nor quite as great as has happened in the specie of the banks alone.

Computing that the paper in active circulation in the United States has generally averaged about two to one of specie on hand in the banks, and was in October, 1833, about three to one, or near fifty per cent. over the usual

proportion, the comparative amounts of specie at the several returns from 1833 to 1836 presented a very favorable change; had become greater than the usual proportion, and even now, in all the banks, taken as a whole, are somewhat improved since 1833. But they have much deteriorated the last year and a half. Again, while the whole amount, as well as proportion of specie in the country, is much greater than it was two years ago, and the proportion is ample for the paper circulation in several of the banks and States, yet it is manifest that many institutions in other States have of late departed more widely from the proper and safe proportions than their peculiar location or advantages for business, however favorable, might warrant on sound banking principles.

As some illustration of the general changes on those points since 1833, the following brief exhibit, in round numbers, and in a tabular form, prepared partly from actual returns and partly from estimates, may be useful:

Dates.	Paper in active circulation.	Specie in active circulation.	Specie in banks.
Near Oct. 1833	$80,000,000	$4,000,000	$25,000,000
1 Jan. 1834	76,000,000	12,000,000	27,000,000
1 Jan. 1835	82,000,000	18,000,000	43,000,000
1 Jan. 1836	108,000,000	23,000,000	40,000,000
1 Dec. 1836	120,000,000	28,000,000	45,000,000

At all these periods, except the 1st of January last, twenty millions of paper have been computed as issued, but not in actual circulation among the people, being held by other banks, and so far considered as equivalent to a deduction of a like amount from their own circulation, liable to be redeemed in specie. On the 1st of January last, the amount so held was about thirty-two millions, and in July last the active paper circulation was also probably some millions larger than it now is. This exhibit makes the whole active circulation, of both paper and specie, about $6 50 per head of our whole estimated population in October, 1833; about $6 50 in January, 1834; about $7 in January, 1835; about $8 50 in January, 1836; and near $10 at the present time. Though this is a less proportion of circulating medium than is now usual in the countries of Europe which are most commercial, and where specie is more used than bills, yet it is a larger ratio than has ever been supposed to be necessary in the United States, considering the character of two or three millions of our Southern population.

The average here has usually been about $6 per head; nor has the amount ever, before 1811, been supposed much to exceed $5; and, at no time since, has exceeded about $7 per head, except under the excessive paper issues towards the close of the late war, by which, in 1816, it was estimated to have reached $11 per head.

While our country has, of late years, become more commercial and wealthy, and has a larger portion of specie in use, which circumstances would somewhat increase the necessary and proper amount of circulation per head, it has, as counteracting causes to these, greatly increased in the ease and quickness of communication, whether by mail or otherwise, and in the use of bills of exchange and drafts instead of money, for distant operations.

Hence our circulation, during the past twelve months, at $8 50 and $10 per head, is deemed excessive, and, as in 1816, one great cause of the exorbitant prices which have prevailed in relation to almost every article, as well as of the extraordinary propensity to overtrading and speculation which has pervaded almost every section of the country. It is true that, during a few months past, the paper proportion of our circulation has, as before suggested, been considerably reduced; but till that, with our present large amount of specie in circulation added, falls as low as about $7 per head, or the bank notes to about $80,000,000, instead of $120,000,000, the currency may be considered as too redundant, and in an unnatural and inflated condition. The credit system has not only undergone an unusual expansion among individuals and States, but it has, by means of these inordinate paper issues, penetrated more deeply than is safe into the whole currency of the country, and rendered that which, as money, is and should be deemed the substitute or antagonist of credit, dependent too much on credit itself, and subject to many of the dangers and fluctuations in value inseparable from mere credit, rather than possessing the intrinsic and uniform value attached to specie.

This condition is believed to have been produced chiefly by numerous incorporations of new banks, without suitable legal restrictions, in many States, on either the amount of discounts or of the paper issued, in proportion to the specie on hand, and by the excessive demands for money thus tempted and stimulated to aid an unusual number of extravagant adventurers in lands, stocks, and trade.

These acting together, and in some degree influencing and exciting each other, have induced many banks to hazard unreasonable and indiscreet issues, as well as loans, to supply the wants of such an extraordinary crisis, and which there is good reason to believe (however large a proportion of specie fortunately exists in the country, and which may tend sooner to avert the usual evil consequences from the above state of things) will produce much distress, embarrassment, and ruin, before this specie can be duly equalized, the excesses of paper sufficiently curtailed, and the exorbitant discounts gradually lessened to their safe and proper limits.

This increase of about forty millions, or one-third of the paper circulation, in a year and a half, is a sudden and great fluctuation, which never could occur in a currency entirely metallic, and which would probably during the past year, as in 1811, have been much greater, had not the larger proportion of specie now in the country, and the increasing disuse of small bills, operated strongly as preventive checks.

But even now, the excess has been sufficient to constitute the chief cause for the artificial augmentation in prices —an unnatural stimulus to speculation, and a rapid vacillation in the regular modes of doing business, which cannot, under sound views of political economy, be too greatly deprecated or their recurrence too carefully guarded against.

These sudden and great vibrations in the value of property, labor, and debts, however produced, or however flattering to many at first, are in the end dangerous to all classes, as well as ruinous to commerce and every species of regular industry.

But should paper issues, according to anticipation, continue to be reduced as during the four months past, by the natural and conservative reaction of commercial causes, at home and abroad, and by the general wise and increasing discontinuance of the use of small bank notes, through State legislation, and provisions of a similar character and tendency by Congress, as at the last session, in the general appropriation act, and in the deposite law, and by the diminished receipt of all bank notes, the last few months, at the different land offices for the sales of the public domain, a sounder and a less artificial state of things will ere long return.

The prospect on the subject of the currency is therefore on the whole becoming more satisfactory, even without further legislation. But if all the States would unite in repressing entirely the circulation of small notes and in rigidly restricting all paper issues, so as not in any case to exceed three to one of specie on hand, which would be about two of paper in active circulation to one of specie on hand,

and would add a few judicious limitations on the amount of discounts, as compared with the capital and deposites, and on the safe kind of security to be taken for them, with the requirement of frequent publicity of their condition in detail, and of rigid accountability to periodical examinations by legislative authority, the time is not distant when our currency would become quite stable. Indeed, it deserves consideration whether, under such circumstances, the whole monopolies of banking might not, with public advantage, be entirely abolished, and the banking privilege, under the above general restraints, securities, limitations, and requirements, might not, particularly if the personal liability of the stockholders is superadded, safely be thrown open to all.

A larger amount of tax or bonus to the States would probably be thus collected, without any increase in the usual rate; and it is believed that the interest now paid by borrowers would, by these changes, become, at an early day, sensibly reduced. But, without the most careful and rigid restrictions, such a measure in this country, whatever may have been its operations elsewhere, would, under our different institutions and habits, probably increase rather than diminish any existing evils in the currency.

It is conceded that these disproportionate issues by banking institutions are in fact much more frequent in regions where the number of banks is small than where it is large, provided their charters be similar in omitting prudent limitations: because, in the former case, there is less vigilance, caution, and correction, produced by the jealousies and interests of rival institutions, to prevent excessive issues and irregular and dangerous discounts.

But the tendency to excessive trading, excessive credits, and rash enterprises, is so strong, and sometimes ungovernable in individuals, and in some respects equally or more so in corporations, as to endanger the stability of both banks and business, unless the power to manufacture paper money is carefully restricted and wisely regulated. The present amount of bank capital, as well as its increase for some years past, is another kindred topic of some interest. But space does not exist on this occasion for its full exposition, and at the same time it is not very alarming, except where it has been authorized without proper limitation on paper issues, and without other prudent bank restrictions.

The whole bank capital in active operation is computed to have been over $200,000,000 in 1833–'4; $231,000,000 in 1834–'5; $250,000,000 in 1835–'6; and near $50,000,000 more has been authorized, most of which is supposed not yet to be in full operation.

More facts will be exhibited on these points, and particularly on the amount of bank capital in each State, in a special report soon to be presented from this Department to Congress, concerning the detailed condition of the State banks near the 1st of January, 1836.

Had it not been for large sales of American stocks abroad, and the very high prices given there for our principal staples, a demand for specie for export would doubtless have arisen ere this from our over-trading, and have greatly enhanced the present difficulties which some of the banks now experience, chiefly from the great excess of paper in circulation. The comparative value of specie being reduced by such excesses, the evil would have been still more aggravated if those excesses had not become somewhat diminished, and specie had not become in greater demand here, in consequence of the circular as to the kind of money receivable for the public lands, issued by direction of the President in July last. This demand has contributed to retain and diffuse it wider, and to make its great and early export less probable than it otherwise would have been. The other objects of that circular were gradually to bring back the practice, in those payments, to what was deemed to be the true spirit as well as letter of our existing laws, and to what the safety of the public money in the deposite banks and the desirable improvement of our currency seemed at that time to unite in rendering judicious. The reasons more in detail for the measure are contained in the document itself, of which a copy is annexed. Our moneyed operations have also been somewhat affected by a few difficulties abroad in the nation with which our commercial intercourse is greatest, and whose monetary system of late years, often beating with a pulse like our own, is under influences nearly corresponding.

Since 1833, the paper circulation in England is supposed to have increased over sixteen millions of dollars, while the specie possessed by the banks has diminished over twenty-three millions. The whole circulation of private banks, joint-stock banks, and the Bank of England, is now probably about one hundred and fifty-two millions of paper to less than twenty-six millions of specie on hand; whereas, in 1833, it was only about one hundred and thirty-seven millions to fifty millions of specie, or now from five and six to one, but then only two and three to one: consequently, an alarm and pressure have arisen there, which are operating unfavorably here, though they have arisen not so much from an excessive amount of both the paper and specie currency united, as from the greatly increased disproportion, being quite double, between the paper issues and the specie on hand by all the banks.

What portion of their paper was or is now held by each other is not known; but, as the bills of the Bank of England are a tender by all the private and joint-stock banks, the amount is probably large.

Their banking system, as a whole, with every supposed benefit to be derived from a national bank, is believed to be under much more defective regulations, as to excessive issues, excessive discounts, and secrecy of condition and proceedings, than is our own in most of the States of the Union. Indeed, so unsatisfactory has been its operations, that they have recently become the subject of parliamentary inquiry, which it is proposed to resume and push much further at a subsequent session.

VIII.—*Land Office.*

Immediately after the passage of the law at the last session, reorganizing the General Land Office, some doubts arose whether it still remained attached to the Treasury Department, and the opinion of the Attorney General was taken on the question. In consequence of his opinion, that the supervision over its concerns remained here, and of the direction of the President of the United States, under whose control that law now places all the affairs of the General Land Office, steps were taken by me to carry it into immediate effect. The result, thus far, has been a sensible diminution in the pressure of the business of that office, a better system of supervision and despatch for most of it, and much less delay in completing titles to the public domain. Should the sales not continue very large during a few ensuing years, it is believed that the whole arrearages of business can be disposed of, and the promptitude in all its future operations secured, which is so immediately important to the great Western and Southwestern sections of the country, and more or less beneficial to all, as well as creditable to the administration of the Government.

The report of the Commissioner will speedily be laid before Congress in a separate communication, and contains many suggestions which seem to deserve careful attention.

IX.—*Miscellaneous.*

Great inconveniences have been sustained, in many parts of the country, by an omission to repeal or modify the provisoes in the tariff act of 1832. A detailed report on this subject has once been submitted by this Department; and the interests of the community connected with the articles of hardware affected by these provisoes, and convenience

in the execution of the revenue laws, appear to require the earliest attention of Congress to the subject.

The revision of the present system of compensation to custom-house officers, with the various changes in our collection laws, heretofore recommended in connexion with that revision, is deemed very important to the mercantile community as well as to the Treasury; and at the same time to the just and ratable compensation for arduous and responsible duties to many collectors and other officers who are now inadequately paid, while some receive an amount disproportioned to their situation and labors.

In connexion with this subject, and in addition to former recommendations to Congress, as well as the valuable report on the safety of steam-boilers, submitted at the last session from the Franklin Institute, it seems proper to urge earnestly for consideration the necessity of some provision for the more careful management of steamboats navigated under papers from the custom-houses—subjecting their commanders, and in suitable cases their owners, to the forfeiture of their papers, and other severe penalties, in cases of carelessness or neglect, destructive to property or life.

The security of the public money would be promoted in many cases by requiring bonds from district attorneys, through the hands of some of whom large sums pass in collections, without any collateral obligation being given for the indemnity of the United States, as required in most analagous cases of public officers.

The act in respect to insolvent debtors, the execution of which is placed in the charge of this Department, expires in June next, and the propriety of the further continuance of its provisions is suggested to Congress.

The first four instalments due under the French treaty have been paid in Paris since my last annual report. The sum claimed by our agent and by this Department exceeds that paid by the French Government in the amount of more than a million of francs, and the difference is now the subject of correspondence and negotiation.

What was actually paid has been remitted to this country in gold, and divided among the claimants. From the rates of exchange and price of gold, it was deemed most advantageous to the claimants to have it sent home in that form, though a direction was subsequently given to substitute bills of exchange or other modes of remittance, if more profitable, but which the agent did not find it expedient or beneficial to do.

The third instalment of the Neapolitan indemnity, and the first payments due on the inscriptions under the treaty of indemnity with Spain, have also been since discharged with punctuality, and remitted here in a similar manner and under similar instructions.

Various other topics suggested in the last two annual reports to the consideration of Congress, and not yet finally legislated on, the Department would earnestly but respectfully present again to its attention. Among them may be more particularly mentioned the reorganization of this Department, and the change in the commencement of the fiscal year and of the annual appropriations.

Several other subjects have received proper attention, which are connected with the official duties of the Treasury, or have been specially devolved on its charge: such as the repairs of the bridge across the Potomac; the survey of the coast; and the manufacture of weights and measures, not only for the different custom-houses, but for each State in the Union; the appropriate sites for new marine hospitals; the practices pursued in other countries as to the transportation of their poor citizens hither, who have been burdensome for their maintenance; a digest of the returns and condition of State banks, near January 1st, 1836; the sums disbursed under each appropriation made the present year, and more detailed exhibits of all the contingent expenditures of the Department. The most important of these will, at an early day, be made the subject of separate communications.

All which is respectfully submitted by

LEVI WOODBURY,
Secretary of the Treasury.

Hon. MARTIN VAN BUREN,
President of the Senate of the United States.

DOCUMENTS RELATIVE TO TEXAS.

Message from the President of the United States, relative to the "political, military, and civil condition of Texas."

To the Senate and House of Representatives:

During the last session, information was given to Congress, by the Executive, that measures had been taken to ascertain "the political, military, and civil condition of Texas." I now submit, for your consideration, extracts from the report of the agent, who had been appointed to collect it, relative to the condition of that country.

No steps have been taken by the Executive towards the acknowledgment of the independence of Texas; and the whole subject would have been left without further remark, on the information now given to Congress, were it not that the two Houses, at their last session, acting separately, passed resolutions "that the independence of Texas ought to be acknowledged by the United States, whenever satisfactory information should be received that it had in successful operation a civil Government, capable of performing the duties and fulfilling the obligations of an independent Power." This mark of interest in the question of the independence of Texas, and indication of the views of Congress, make it proper that I should, somewhat in detail, present the considerations that have governed the Executive in continuing to occupy the ground previously taken in the contest between Mexico and Texas.

The acknowledgment of a new State as independent, and entitled to a place in the family of nations, is at all times an act of great delicacy and responsibility; but more especially so, when such State has forcibly separated itself from another, of which it had formed an integral part, and which still claims dominion over it. A premature recognition, under these circumstances, if not looked upon as justifiable cause of war, is always liable to be regarded as a proof of an unfriendly spirit to one of the contending parties. All questions relative to the government of foreign nations, whether of the old or the new world, have been treated by the United States as questions of fact only; and our predecessors have cautiously abstained from deciding upon them until the clearest evidence was in their possession, to enable them not only to decide correctly, but to shield their decisions from every unworthy imputation. In all the contests that have arisen out of the revolutions of France, out of the disputes relating to the crowns of Portugal and Spain, out of the revolutionary movements of those kingdoms, out of the separation of the American possessions of both from the European Governments, and out of the numerous and constantly occurring struggles for dominion in Spanish America, so wisely consistent with our just principles has been the action of our Government, that we have, under the most critical circumstances, avoided all censure, and encountered no other evil than that produced by a transient estrangement of good will in those against whom we have been, by force of evidence, compelled to decide.

It has thus been made known to the world that the uniform policy and practice of the United States is, to avoid all interference in disputes which merely relate to the internal government of other nations, and eventually to recognise the authority of the prevailing party, without reference to our particular interests and views, or to the

merit of the original controversy. Public opinion here is so firmly established and well understood in favor of this policy, that no serious disagreement has ever arisen among ourselves in relation to it, although brought under review in a variety of forms, and at periods when the minds of the people were greatly excited by the agitation of topics purely domestic in their character. Nor has any deliberate inquiry ever been instituted in Congress, or in any of our legislative bodies, as to whom belonged the power of originally recognising a new State; a power the exercise of which is equivalent, under some circumstances, to a declaration of war; a power nowhere expressly delegated, and only granted in the constitution as it is necessarily involved in some of the great powers given to Congress; in that given to the President and Senate to form treaties with foreign Powers and to appoint ambassadors and other public ministers; and in that conferred upon the President to receive ministers from foreign nations.

In the preamble to the resolution of the House of Representatives, it is distinctly intimated that the expediency of recognising the independence of Texas should be left to the decision of Congress. In this view, on the ground of expediency, I am disposed to concur; and do not, therefore, consider it necessary to express any opinion as to the strict constitutional right of the Executive, either apart from or in conjunction with the Senate, over the subject. It is to be presumed that on no future occasion will a dispute arise, as none has heretofore occurred, between the Executive and Legislature, in the exercise of the power of recognition. It will always be considered consistent with the spirit of the constitution, and most safe, that it should be exercised, when probably leading to war, with a previous understanding with that body by whom war can alone be declared, and by whom all the provisions for sustaining its perils must be furnished. Its submission to Congress, which represents in one of its branches the States of this Union, and in the other the people of the United States, where there may be reasonable ground to apprehend so grave a consequence, would certainly afford the fullest satisfaction to our own country, and a perfect guarantee to all other nations of the justice and prudence of the measures which might be adopted.

In making these suggestions, it is not my purpose to relieve myself from the responsibility of expressing my own opinions of the course the interests of our country prescribe, and its honor permits us to follow.

It is scarcely to be imagined that a question of this character could be presented, in relation to which it would be more difficult for the United States to avoid exciting the suspicion and jealousy of other Powers, and maintain their established character for fair and impartial dealing; but on this, as on every trying occasion, safety is to be found in a rigid adherence to principle.

In the contest between Spain and her revolted colonies, we stood aloof, and waited not only until the ability of the new States to protect themselves was fully established, but until the danger of their being again subjugated had entirely passed away. Then, and not till then, were they recognised. Such was our course in regard to Mexico herself. The same policy was observed in all the disputes growing out of the separation into distinct Governments of those Spanish American States who began or carried on the contest with the parent country, united under one form of government. We acknowledged the separate independence of New Granada, of Venezuela, and of Ecuador, only after their independent existence was no longer a subject of dispute, or was actually acquiesced in by those with whom they had been previously united. It is true that, with regard to Texas, the civil authority of Mexico has been expelled, its invading army defeated, the chief of the republic himself captured, and all present power to control the newly organized Government of Texas annihilated within its confines. But, on the other hand, there is, in appearance at least, an immense disparity of physical force on the side of Mexico. The Mexican republic, under another Executive, is rallying its forces under a new leader, and menacing a fresh invasion to recover its lost dominion. Upon the issue of this threatened invasion the independence of Texas may be considered as suspended; and were there nothing peculiar in the relative situation of the United States and Texas, our acknowledgment of its independence at such a crisis could scarcely be regarded as consistent with that prudent reserve with which we have heretofore held ourselves bound to treat all similar questions. But there are circumstances in the relations of the two countries which require us to act, on this occasion, with even more than our wonted caution. Texas was once claimed as a part of our property; and there are those among our citizens who, always reluctant to abandon that claim, cannot but regard with solicitude the prospect of the reunion of the territory to this country. A large proportion of its civilized inhabitants are emigrants from the United States, speak the same language with ourselves, cherish the same principles, political and religious, and are bound to many of our citizens by ties of friendship and kindred blood; and, more than all, it is known that the people of that country have instituted the same form of government with our own, and have, since the close of your last session, openly resolved, on the acknowledgment by us of their independence, to seek admission into the Union as one of the Federal States. This last circumstance is a matter of peculiar delicacy, and forces upon us considerations of the gravest character. The title of Texas to the territory she claims is identified with her independence. She asks us to acknowledge that title to the territory, with an avowed design to treat immediately of its transfer to the United States. It becomes us to beware of a too early movement, as it might subject us, however unjustly, to the imputation of seeking to establish the claim of our neighbors to a territory, with a view to its subsequent acquisition by ourselves. Prudence, therefore, seems to dictate that we should still stand aloof, and maintain our present attitude, if not until Mexico itself, or one of the great foreign Powers, shall recognise the independence of the new Government, at least until the lapse of time or the course of events shall have proved, beyond cavil or dispute, the ability of the people of that country to maintain their separate sovereignty and to uphold the Government constituted by them. Neither of the contending parties can complain of this course. By pursuing it, we are but carrying out the long-established policy of our Government—a policy which has secured to us respect and influence abroad, and inspired confidence at home.

Having thus discharged my duty, by presenting with simplicity and directness the views which, after much reflection, I have been led to take of this important subject, I have only to add the expression of my confidence, that if Congress shall differ with me upon it, their judgment will be the result of dispassionate, prudent, and wise deliberation; with the assurance that, during the short time I shall continue connected with the Government, I shall promptly and cordially unite with you in such measures as may be deemed best fitted to increase the prosperity and perpetuate the peace of our favored country.

ANDREW JACKSON.

Washington, *December* 21, 1836.

Extracts from the Report of the Agent appointed to collect information relative to Texas.

Velasco, Texas, *August* 13, 1836.

Sir: As far as opportunities have permitted since my arrival in Texas, I have made inquiries upon the various subjects referred to in your letter of instructions, but am

only able at this time to furnish the following information. The present Government is in operation by virtue of an ordinance organizing an Executive Government *ad interim*, to consist of a President, Vice President, Secretary of State, Treasury, War, and Navy, passed by a convention of delegates in March last, immediately after the adoption of the constitution of the 17th of that month. The administration is to continue until a new arrangement shall be made by the approaching Congress in September, as provided under the constitution. I have not seen the ordinance referred to, as the original is at Columbia, and no publication of it has yet been made. My next despatch will probably contain a copy of it.

The attention of the Government seems to be directed at this moment almost exclusively to the increase and discipline of the army. I am informed that the troops now in the field amount to two thousand men, under the command of General T. J. Rusk; five hundred men of this force are cavalry, under the immediate command of Brigadier General Houston, who occupies a position on the river Nueces, at or near San Patricio, on the Matamoras road. Two companies of mounted men are at San Antonio de Bexar, to cover that place from the incursions of the Indians; the balance of the army is encamped on the Coleto creek, between the Guadaloupe de Victoria and Goliad, about fifteen miles east of the latter place. The old inhabitants, it is said, are at home, attending to their crops, but are organized so as to be ready for the field at a moment's warning. Besides this number, the authorities here state that there are about six hundred men, composed of various corps of volunteers, encamped at different points or on the march between this place and the headquarters of the army, all of whom can be incorporated into it at any time, if necessary. Finding that these forces were collecting in the neighborhood of the Rio del Norte, and knowing that our merchants had a large interest in the commerce in that direction, which might be put in jeopardy by a successful investment of Matamoras, I waived for the present any further inquiry into the political condition of the country, and directed my attention to the latter subject.

During the absence of Major General Samuel Houston, the command of the army devolves upon Brigadier General Rusk, who is now in command. Brigadier General T. J. Green and Brevet Brigadier General Felix Houston are the principal field officers under General Rusk.

The vessels to be employed will consist of the Invincible, carrying eight port guns and one pivot nine pounder; the Brutus, of the same force; the Independence, carrying eight guns; and the Liberty, of three, the latter being now under repair.

Within the last month, the emigrants have increased by several hundreds; many having arrived in the schooners Flora, Passaic, and Julius Cæsar, and the brig Good Hope, besides settlers over land by the Nacogdoches road.

General Santa Anna is now at Orazimbo, opposite Bolivia, on the Brazos river, and about forty-five miles above this place; he was removed there from Columbia about two weeks since, and is guarded by a company of troops under the command of Captain Patton.

So far as an opinion can be formed, from the present indications of public sentiment, as to what disposition will be made of that officer, it is probable he will be finally disposed of in some way by the next Congress of Texas. Some of the candidates for Congress have pledged themselves, if elected, to advocate the trying him as a murderer.

Colonels Almonte and Numez, and Mr. Carro, the latter his private secretary, are with General Santa Anna.

There are forty-eight Mexican officers, and near six hundred men, prisoners at and near Galveston, besides a few in this place. I examined in Quintana many of the arms taken at the battle of San Jacinto, and am not surprised that the Mexicans were defeated, as the muskets are of Spanish make, and appear to have been worthless many years ago. If the weapons to be used by those in any future battle should be such as these, the prediction of the Texians that they will succeed in the same proportion as their last victory, may be readily fulfilled, without any reproach upon the patriotism or bravery of their enemy.

In a few days I shall proceed to the interior, to collect, from personal observation, the materials for a more systematic despatch.

I have the honor to be your obedient servant,

HENRY M. MORFIT.

To the Hon. JOHN FORSYTH,
Secretary of State.

VELASCO, SEAT OF GOVERNMENT OF TEXAS,
August 22, 1836.

SIR: The present political condition of Texas has been produced by a series of alleged aggressions upon the laws of colonization; a refusal, upon the part of Mexico, to protect the colonial settlements from the depredations of the Indian tribes; by laws excluding citizens of the United States of the North from admission into the country; by a refusal to incorporate this province into the federal system, as provided by the constitution; and, finally, by the establishment of a central or consolidated Government, and the destruction of the constitution itself. Such are the reasons assigned by the old inhabitants with whom I have conversed for the separation of this State from Mexico.

The history of the events leading to the revolution, as I find it in the public documents, is this: In 1824, a convention was held by representatives from all the provinces, and a federal system and constitution adopted, by which all Mexico became a republic. Texas, at that time, did not contain the required population to become a State, but was provisionally united with the neighboring province of Coahuila, to form the State of Coahuila and Texas, until the latter should possess the necessary elements to form a separate State for herself. This law was understood and intended to guaranty to the latter a specific political existence, as soon as she should be in a condition to exercise it.

In 1833, the inhabitants having ascertained that their numbers were equal to most and exceeded several of the old States, and that the resources of the country were such as to constitute the required elements for a State, they held a convention, and formed a constitution upon the principles of that of the Mexican republic. This was presented to the general Congress, with a petition to be admitted into the Union. The application was rejected, and the delegate imprisoned.

In 1834, the constitutional Congress was dissolved by a military order of the President, Santa Anna, before the expiration of its appointed term; and in the following year a new Congress was assembled, by virtue of another military order, which is said to have been "aristocratical, ecclesiastical, and central, in its politics." Numerous applications were made, by meetings of the citizens, and by some of the State Legislatures, to restore the constitution and Federal Government, and protests were presented against the subversion of the laws; but they were disregarded, and in many instances the authors were persecuted and imprisoned.

The central Government deposed the constitutional Vice President without trial, elected another in his place, united the Senate and House of Representatives in one chamber, and, thus constituted, declared itself invested with all the powers of a legitimate convention. Under this assumption, it abolished the federal constitution and established a consolidated Government.

In September, 1835, General Cos invaded the province of Texas by land, with orders to disarm the citizens and to

require an unconditional submission to the central military Government, under penalty of expulsion from the country. At the same time all the ports were declared to be in a state of blockade; and a military force having been sent to Gonzales to require from the citizens a surrender of their arms, a battle ensued, which terminated in the retreat of the Mexicans.

The Texians assert that this resistance was not because they then wished to separate from the confederacy, but, on the contrary, because they were desirous to bring back the Government to the terms of the constitution of 1824.

They therefore held a convention at San Felipe, in November, 1835, composed of fifty-six representatives from all the municipalities, in which they declared that, as Santa Anna and other military chieftains had, by force of arms, overthrown the federal institutions of Mexico, and dissolved the social compact which existed between Texas and the other members of the confederacy, they had taken up arms against the enoroachments of military despots and in defence of the constitution.

This was considered as an absolute separation from Mexico; and on the 2d of March, 1836, delegates of the people from all the districts declared Texas a "free, sovereign, and independent State."

A provisional Government had already been formed under the convention of November, 1835, which continued until a general Congress met at Washington, on the Rio Brazos, on the day previous to the declaration of independence.

This convention took place by writs of election issued by the provisional Government; and it is said that all parts of Texas were represented in it, from the extreme western settlement, at San Patricio, on the Nueces, to the Sabine and Red rivers.

On the 17th of March, 1836, that convention unanimously adopted the present constitution, which, in the greater part, very nearly resembles that of the United States, and seems to have received the general approbation of the citizens.

The powers of the Government, under that instrument, are divided into legislative, executive, and judicial departments; the representatives to be chosen annually, until Congress shall otherwise provide by law, and the Senators for the term of three years.

The House of Representatives to consist of not less than twenty-four nor more than forty members, until the population shall amount to one hundred thousand souls; after which, the whole number shall not be less than forty nor more than one hundred.

The Senate to be never less than one third nor more than one half the number of representatives.

The executive authority is vested in a Chief Magistrate, styled the President of the Republic of Texas; the first to hold his office for two years, and all succeeding Presidents to be elected for three years, and be ineligible during the following terms.

The judicial powers are confided to one superior and such other courts as Congress may establish; the judges to hold their offices for four years, and be eligible to re-election.

Some of the peculiarities of this constitution are: that ministers of the gospel shall not be elected to the executive office nor to a seat in either branch of Congress;

That no holder of public money or collector thereof shall be entitled to a seat in the Legislature until he shall have acquitted himself of all responsibility;

That the supreme court shall have appellate jurisdiction only, and no judge shall sit in a cause in the supreme court which shall have been tried by him in a court below;

That the judges are to be elected, by joint ballot of both Houses of Congress, for four years;

That the Executive shall not command the army or navy in person, without the authority of a resolution of Congress;

That all officers shall remain in office during the term of the President, unless sooner removed with the advice and consent of the Senate;

That Congress shall not have the power to emancipate slaves; nor shall any slaveholder be allowed to manumit without the consent of the Legislature, unless he shall send the slave without the limits of the republic;

That no free person of African descent, either in whole or in part, shall be permitted to reside permanently in the republic, without the consent of Congress;

That the admission of negroes, except from the United States, is forever prohibited, and the importation of them declared to be piracy;

That no alien shall hold land except by title direct from the Government, though their heirs may take by descent;

That perpetuites or monopolies are contrary to the genius of a free Government, and shall not be allowed;

That no appropriation shall be made for private or local purposes, unless two thirds of each House shall concur;

That the President shall not renominate the same individual to office, after rejection of the Senate.

It also protects the public domain from donations made by the Legislature of Coahuila and Texas, to persons not citizens of the republic, and declares such grants to be fraudulent.

Although the constitution has been approved in its general features, it is probable an early attempt will be made to change it in several particulars not involving the stability of the republic.

The period of service of the President is thought by some to be injudiciously limited to three years, as the frequen recurrence to election will too often divert the people from the pursuits of industry to political contests. The term of six years, and to be ineligible after, has been proposed as most likely to allay the feeling of party, secure stability to the Government, and repress the influence of the ambitious.

The independence of the Judiciary has been discussed, and the propriety of charging both the election of the judges by the House of Representatives, and their continuance from four years to a tenure for life, it is supposed may be readily understood, when one of those intricate cases of *emprusano* grants is contested, which will involve the term of service of half a dozen judges, and require all the integrity which a permanence in office and personal disinterestedness can inspire. That part which declares the grants by the State, when annexed to Coahuila, void, will perhaps at some day be rescinded, without prejudice either to the Government or the demandants, as it prejudges questions purely of a legal nature, which should necessarily be left to the judicial forms. That restriction upon appropriations for local or private purposes, without the concurrence of two thirds of each House of Congress, will be either changed, to avoid sectional and personal prejudices, or the constitutional effect will be destroyed by a reciprocal interchange of influence and votes.

I have brought those points to your view, as they have been commented upon by intelligent citizens, honorably interested in the cause of the country, and because they are questions coming strictly within the letter of my instructions.

The Government is now administered *ad interim*, by virtue of an ordinance of the convention of the 17th March, 1836, which followed immediately after the adoption of the constitution. There is an anachronism as to that paper, which would make it seem to have been passed before the constitution; but that error arises from the circumstance that the date on which it was reported has been mistaken for that of its adoption, which followed that of the constitution, and on the same day.

This ordinance provides that the administration shall have ample powers to do whatever was contemplated to be

done by the general Congress, excepting judicial acts, and makes the Government to consist of a President, Vice President, Secretary of State, Secretary of War, Secretary of the Navy, Secretary of the Treasury, and Attorney General, to be elected by the convention, and to continue until their successors shall be chosen and qualified.

The officers to constitute the Government *ad interim* were elected immediately by the convention, and, except where vacancies have been filled in the cabinet upon resignations or appointments to other offices, the administration still continues as it was then created.

The legislative part of the Government, at this moment, may be said to be in abeyance, as no provision is made for that branch of it by the convention previous to the meeting of Congress; but that will soon be in session, and its powers and the mode of its administration are defined by the constitution.

The executive department *ad interim* is administered by a President, as pointed out in the organic law of the 17th March, 1836. The President and cabinet form an executive council, and, among other powers, have that to create a loan not exceeding one million of dollars, and to pledge the faith and credit of the republic, and the proceeds of the sale of the public lands, for the repayment of the same, with interest; to appoint commissioners to any foreign Power, and to issue writs of election for Senators and Representatives at an earlier day than that fixed by the constitution, and to convene them as soon after the election as may be convenient.

The judicial department, as now partially exercised, consists of the municipal judges, alcaldes, and ayuntamientos, of the old provisional Government, and the appointment of a judge, under the present administration, for admiralty causes, in the district of Brazoria.

The judges are, however, restricted, by a law of the provisional Government, from all civil jurisdiction, except in claims against absconding debtors, where process of sequestration under the civil law, similar to writs of attachment with us, may issue against the property; but no process of *ne exeat*, nor any other proceeding *in personam*, is admitted, except in criminal matters, of which the courts take cognizance, as under the laws anterior to the revolution.

The alcaldes are merely nominal conservators of the peace, and have only authority in litigated actions to call the parties before them for imparlance or arbitration. The ayuntamientos were small corporations of the respective municipalities into which the province was formerly divided, and had the regulation of the police. The jurisdiction of the alcaldes and that of the ayuntamientos is now scarcely or never invoked, and the whole system of jurisprudence under the old forms has gone entirely out of use.

The appointment of the district judge for Brazoria was by virtue of the powers conferred upon the Executive under the organic law, and in conformity with the 4th article of the constitution; it was made more especially for prize cases, several of which have already been adjudicated. With the exception of the patriotic excitement occasioned by the present movements of the army, and the interest manif-- ed in the cause of independence, the country is tranquil, and her citizens zealous in sustaining the Government, good order, and the laws.

In pursuance of the authority given in the executive ordinance, "the President, with the advice and consent of the cabinet, has issued his proclamation for the election of a President, Vice President, Senators and Representatives to Congress.

The election is to take place on the first Monday in September next, and will comprise fourteen Senators and thirty-two Representatives, who are required to convene on the first Monday of October ensuing, at Columbia; so that the presumption is, the Government, as contemplated by the constitution, will be in full operation within a few days after that time.

I am obliged to leave this subject for the present, to address you another letter by the same conveyance upon matters of a more incidental nature.

I have the honor to be your obedient servant,

HENRY M. MORFIT.

To the Hon. JOHN FORSYTH,
Secretary of State.

VELASCO, *August* 23, 1836.

SIR: I returned a few days ago from Galveston and that neighborhood. The easternmost end of that island is garrisoned by the Texians, who have hastily thrown up a mud fort and erected a few cannon. General Cos, with forty-seven other Mexican officers, and about four hundred men, have been confined to that post since the battle of San Jacinto; the rest of the prisoners, with the exception of General Santa Anna, are dispersed among stations in this vicinity. On the 16th instant I was present at the embarcation of the officers for Anahuac, a small town on the north side of the bay, about twenty miles from Galveston, whither they have been ordered by the President, so as to diminish the risk of the garrison in the event of a naval attack by the Mexicans. This place is under the command of Colonel Morgan, with two companies of regulars and some volunteers, the whole not exceeding one hundred men, who nevertheless manifest great confidence in being able not only to control the prisoners but to defend the place against any approach of the enemy. The whole place has the appearance of a military encampment ready for action, as the officers, soldiers, and prisoners, are dispersed among a hundred tents and huts.

The course to be pursued towards Santa Anna is becoming a subject of much interest, and will probably divide the country into two warm parties; the moderate of which will contend that the honor of the country is worth more than the life of the prisoner; and the other, that crime is more justly punished under the law of retaliation than by that of humanity.

The Secretary of War has addressed a letter to his associates, in which he expresses himself as "impressed with the importance of an early determination of the question" that "Santa Anna has forfeited his life by the highest of all crimes, and is not a suitable object for the exercise of the pardoning power." He proposes, however, as the next best course after the rejection of that for execution, an exchange of prisoners, and to detain Santa Anna, and the most influential, until Mexico shall recognise the independence of Texas. He repudiates the idea of retaliation, and asks only for even-handed justice. The rest of the cabinet are opposed to taking the life of their prisoner, but, I believe, agree in the expediency of detaining him until Mexico shall establish a permanent treaty of peace. The argument of the President is, that Santa Anna was brought to camp a prisoner of war, and treated as such; and that, under military usages in relation to one surrendered and received as a prisoner, the preservation of his life "is the first and unequivocal axiom of those customs;" that "it is the untutored savage only who immolates his captives to the disembodied manes of his slaughtered friends: to his benighted fancy the spirits of the slain in battle rejoice in the sufferings and gambol amidst the agonies of dying captives." The address of the Secretary of War has been published, a copy of which I now send. The views of the Executive have not been printed, but I have heard them expressed in the language just quoted.

Notwithstanding the general indignation against the prisoner, for the perpetration of so many crimes alleged against him, it is probable that, after the next victory, the chivalrous feelings of the brave men of the country will prevail, and that clemency will take the place even of justice.

On Sunday morning last, a company of citizen soldiers came down from Marion, on the river Brazos, bringing information that a plan for the liberation of Santa Anna had been detected, and the conspirators taken; and that some volunteers from New Orleans, and who were then here, were supposed to be implicated. The President forthwith gave the necessary orders for surrendering those volunteers, and they were escorted by the company from Marion up to that place for examination.

While I am writing, a vessel has arrived from Matagorda, giving a flattering account of the Texian army, and of the means they have to sustain them in their present campaign.

These are the desultory points to which I alluded in the conclusion of my letter of yesterday, and which I thought it might be advisable to communicate.

At the very earliest opportunity I shall write again;

And have the honor to be your obedient servant,

HENRY M. MORFIT.

To the Hon. JOHN FORSYTH,
Secretary of State, Washington.

NEAR THE RIO BRAZOS,
August 27, 1836.

SIR: The boundaries claimed by Texas, since the repudiation of the treaty with Santa Anna, will extend from the mouth of the Rio Grande, on the east side, up to its headwaters; thence, on a line due north, until it intersects that of the United States; and with that line to the Red river, or the southern boundary of the United States; thence to the Sabine, and along that river to its mouth; and from that point, westwardly, with the Gulf of Mexico, to the Rio Grande.

It was the intention of this Government, immediately after the battle of San Jacinto, to have claimed from the Rio Grande, along the river, to the 30th degree of latitude, and thence due west to the Pacific. It was found, however, that this would not strike a convenient point on the California, that it would be difficult to control a wandering population so distant, and that the territory now determined upon would be sufficient for a young republic.

Some speculative plans were laid for extending the commerce of the United States, when those limits were first proposed. In New Orleans it was said that, as steamboats could go to Natchitoches, a railroad should be constructed from that place through a gorge in the southern Rocky mountains, and thence to the Gulf of California, so as to give the Western States access to the East Indian, Peruvian, and Chilian trade, which would set competition, by all other countries, at defiance. The merchants at the North argued that the Rio del Norte could be ascended by steamboats nearly seven hundred miles, which would be within a short distance of the Colorado of the West, a river that empties into the Gulf of California; and that thus, in a short period of time, a communication would be opened to India, and the route there and to the western coast of South America would be shortened more than one half. All these calculations were of course made in good faith with regard to the territorial rights of Mexico, as they were only upon the hypothesis that she would acknowledge the independence of Texas, and give the Americans a right of transit through her limits.

I am informed by the Executive, that when the treaty with Santa Anna was under consideration, he stated that it would be better to leave that question open for adjustment in the city of Mexico, as the influence of his party, and his own representations about the Texian force, would enable him to meet the wishes of this Government on the subject with more certainty and ease than if the boundaries were abruptly fixed without such previous arrangement. The Rio Grande was nevertheless made the western line by implication, as the third article of the agreement stipulates that the Mexican troops should evacuate the territory of Texas, passing to the other side of the Rio Grande del Norte.

The boundaries, as I have first described them, seem to be those which will be insisted upon in any future negotiation.

The political limits of Texas proper, previous to the last revolution, were, the Nueces river on the west, along the Red river on the north, the Sabine on the east, and the Gulf of Mexico on the south.

The population within that territory is said to have been seventy thousand; but, from all that I can learn, it should be estimated at about fifty thousand, or less. The races consist of Anglo-Americans, Mexican natives, aborigines, and negroes. Of these, there are perhaps thirty thousand Anglo-American settlers, distributed principally between the Nueces river and the Sabine, and on the Trinidad, Colorado, and Brazos rivers. About four or five thousand of the men of this population still remain at home, attending to their farms. There are three thousand five hundred native Mexicans, of Spanish descent, all interested in the cause of Texas. Of these, there are in the neighborhood of

Nacogdoches, - - -	800 souls.
In San Antonio de Bexar, -	2,000
In Victoria, - - -	120
San Patricio, - - -	50
La Bahia, - - -	500

The aborigines amount to about twelve thousand; of whom there are four hundred souls, or one hundred and fifty warriors, of the Whaco tribe, who have a village near the headwaters of the Brazos; fifty warriors, or two hundred souls, of the Towackanies, who are a branch of this tribe; two hundred warriors, or eight hundred souls, of the Tonkawas, between the Colorado and La Baca; eighty warriors, or three hundred and fifty souls, of the Conshattees, near the Trinidada; sixty warriors, or two hundred and fifty souls, of the Alabamas, on the Neches; two thousand warriors, or eight thousand souls, of the Camanches, ranging from the Guadaloupe mountains, across the headwaters of the Colorado, Rio Brazos, and Trinidad, up to the Red river; one hundred and twenty warriors, or five hundred souls, of Caddoes, who have lately migrated from the borders of the United States towards the Trinidad, and who, a few weeks ago, destroyed the village of Bastross; two hundred and fifty warriors, or nine hundred souls, of the Lepans, principally above the Colorado and San Antonio. Besides these, there are small portions of several wandering tribes, amounting to two hundred warriors.

This enumeration does not include the northern Indians from the United States, consisting of the Cherokees, Kickapoos, Choctaws, Chickasaws, Pottawatamies, Delawares, and Shawnees, amounting to about two thousand warriors, who are restrained from taking part with either side, in consequence of the position of General Gaines.

It is said that General Urrea has already proposed a treaty of alliance with those tribes; the consideration for which, in the event of success, is, that the Indians shall possess Texas. This fact has been communicated to the commander-in-chief, at Camp Sabine, who will, no doubt, take care to enforce the neutrality of all parties, according to the treaty of 1828.

The Towackanies and Tonkawas are merely predatory, making occasional incursions upon settlements, and carrying off cattle. The Whacos are inimical, but their acts are chiefly confined to inroads upon the stock. The Lepans are entirely neutral. The Camanches, who are the largest tribe in the country, are more numerous than all the rest together, having about two thousand warriors, or eight thousand souls; are friendly to Texas, as are also the Conshattees and Alabamas.

From this it will be seen that, of the Indian tribes belonging to the State, the proportion of those friendly is as four to one of those who are inimical. The negroes are about five thousand in number. The additional territory claimed by Texas, since the declaration of independence on the 2d March, 1836, will increase her population at least fifteen thousand, so that the State may be said at this time to contain sixty-five thousand souls. Of this augmentation, there will be in the village of Taos about one thousand five hundred, in Santa Fe two thousand five hundred, in San Miguel one thousand, and two thousand in the other settlements. There are also eight thousand souls belonging to the families of Rancheros, or herdsmen, who will add to the products, but not to the physical force of the country. Two tribes of Canancahuas, the one of which is friendly and the other opposed, are in the vicinity of Espirito Santo, and have seventy or eighty warriors, or about three hundred and fifty souls, each tribe. The rest will consist of the several little bands of Apaches between the Paso del Norte and the mountains of Anahuaca. They were originally branches of the Camanches, and, like all the rest of the Indians in the country, are nomadic. The Rancheros are several, and in some instances numerous herdsmen, congregated upon a large estate, called a hacienda, generally belonging to one proprietor. Some of the Rancheros are feudal, where the land and greater profits, with certain services, are claimed by the haciendado or proprietary; others are allodial, where the herdsmen are either owners in fee, or are lessees at a rent in money or in kind, without the rendition of any personal duties. The feudal tenures are confined to the district of Santa Fe and Coahuila, and not many even there. Some of the haciendos have herds of one hundred thousand horned cattle, and very few less than ten thousand, exclusive of mules and horses. The Rancheros themselves, of the poorest grade, have never less than two hundred head. This information is derived by inquiry of intelligent men, who have traversed all that region of country; and I advert to it in order to show the resources which the newly acquired portion of territory will bring in aid of the future operations of the State, if her independence is acknowledged.

As regards the population of emigrants from the United States, they are said to be not less than 50,000, being all those whom I have denominated Anglo-Americans. They have been coming to this country from the first grant to Moses Austin, in 1820, down to the present moment. Those who were here before the revolution were called settlers, because their objects were agriculture, trade, and commercial enterprises. Those who have come since the declaration of independence are termed emigrants, and devote themselves in the first instance as volunteers, to secure the soil upon which they afterwards intend to fix their homes.

The inducements to this change of country proceed from various causes, some coming to avenge the blood of their relations, who were slaughtered in violation of all faith by the Mexicans, some from the salubrity of climate and the prospects which a new country holds out for future wealth, and some on account of the great productiveness of the land, and the ease with which it can be cultivated.

The bounties to volunteers have also created a separate motive for emigration, as the convention which sat at Washington on the 17th March last granted one thousand two hundred and eighty acres of land to all then in service, and who shall continue to the end of the war. To those who served for a period not less than six months, six hundred and forty acres; to those who had served not less than three months, three hundred and twenty acres; to such as entered previous to the 1st July, 1836, and shall continue during the war, nine hundred and sixty acres; and to those who shall enter after that time, a quantity proportionate to their services, to be hereafter determined by law; in addition to which, the troops received the same pay and rations as those in the army of the United States. The population has been temporarily diminished to a great extent by the removal of the women, children, and infirm, to the United States, since the war has approached the eastern part of the State; and my observations are made upon the supposition that they were still in the country, and that the information given me upon the subject is correct.

If I were to take my own judgment exclusively on this matter, and were to reason as to what I have *not* seen by that which I *have*, I should say the population, exclusive of Mexicans, Indians, and negroes, has never exceeded thirty thousand.

I have the honor to be your obedient servant,

HENRY M. MORFIT.

To the Hon. JOHN FORSYTH,
Secretary of State, Washington.

COLUMBIA, IN THE INTERIOR,
September 4, 1836.

SIR: The views of this Government and of the leading individuals, as to the true line of boundary between the United States and Texas, are the same as those assumed by Mexico upon that question, and invariably I have been referred to the treaty of limits as defining precisely the adjoining territory of either party. The only point admitted to be doubtful is that relating to the source of the Arkansas, which some old hunters suppose may go beyond the forty-second degree of north latitude, so as to extend the north-western boundaries beyond those described in the maps. The idea prevailed in the neighborhood of Natchitoches, previous to the treaty with Spain in 1819, and I am told is still entertained by some of the settlers, that the river designated as the Neches was traditionally known as the western Sabine. Doctor Sibley, of the former place, is said to have supported that belief as early as 1816; and the fact that the Neches has its source in about the thirty-second degree of North latitude, and is the western river that empties into Lake Sabine, would seem to countenance that position, and to account for the language used in the second article of the renewed treaty of 1819. I had a conversation recently with Colonel Almonte, who informed me that he had been appointed the commissioner, upon behalf of Mexico, to run the boundary line between the two countries; and that, before the events of the last campaign, he had expected to have joined the commissioner from the United States upon the frontier, for the fulfilment of their duties; but that, as an unfortunate turn had taken place in the affairs of Mexico since that time, he was unable to say what would be the result of that appointment, or even of the treaty. The intended expedition against Matamoras, of which I advised you some weeks ago, seems to be for the present suspended, as the army has retired from its advanced position on the Colito to the La Baca, which is thirty-five miles nearer to the Gulf, and more convenient for the transportation of supplies.

A majority of the three-months volunteers, who are now returning from the army, are desirous to re-enlist for this special service; and the cabinet are disposed to press the attack by sea, provided there is a hearty co-operation upon the part of the military. The intention now is neither spoliation nor to levy contribution on that place, but to effect a neutral feeling, as far as possible, in that city, and to demonstrate the ability of the Texians to destroy it if necessary. The Camanche Indians, who are very numerous and friendly, have intimated a wish to take part in the present contest; and yesterday it was proposed by one of the cabinet to unite the warriors of that tribe with a portion of the army, and carry the war into the interior, beyond the Rio Grande, against Chihuahua, while the naval expedition against Matamoras should be advanced at the same time.

Nothing has yet been decided as to this matter, and I think it probable the army will remain at their present encampment until some plan of operation shall be determined upon by the approaching Congress. The present resources of Texas are principally derived from the sympathies of their neighbors and friends in the United States and by loans upon the credit of the State. The donations from the former quarter have been, and will no doubt continue to be, very liberal, and indeed munificent. Several individuals, not interested in the success of the country further than their general attachment to the cause of independence and that of their old compatriots, have unostentatiously presented $5,000, while numbers have contributed $1,000 each, and small associations in the different States have thrown in their aid, until the aggregate has swelled to a large amount. I have been surprised to find that Texas has carried on a successful war, thus far, with so little embarrassment to her own citizens or her Treasury; and perhaps it is the first instance in the history of nations where a State has sustained itself by men and means drawn wholly from a distance.

All the loans which have been created were by authority of the late provisional Government, and do not exceed $100,000. One of these was conditional, to be extended to $200,000 if necessary; of which, however, only $20,000 have been drawn; another was for $50,000, and the third for $10,000; the first two in New Orleans, and the latter in New York. I have had access to the Treasury exhibits, and find that the amount due for supplies, as near as may be, is - - - $450,000 00

Amount due the navy, and unpaid, including supposed liabilities for six months to come - - -	$112,000 00	
Estimated expenses for six months - - -	65,000 00	
		177,000 00
Amount due the army for pay and clothing - -	$412,000 00	
Expenses for six months to come, for pay and clothing	210,000 00	
		622,000 00
		$1,249,000 00

The probable outstanding debts on all accounts are thus:

Amount of debts audited, for which the Treasury orders have been issued, and debts under consideration in the auditor's office - - - - -	$309,280 00
Estimate for supplies, exclusive of the amount audited - - -	250,000 00
Loans - - - - -	100,000 00
Amount due the navy, exclusive of the amount audited - - -	60,000 00
Amount due the army, exclusive of the amount audited - - -	412,000 00
Amount of civil and contingent expenses, exclusive of amount audited - -	118,720 00
	$1,250,000 00

Whole amount to this date, one million two hundred and fifty thousand dollars. As this estimate is made so as to comprehend a period in advance, and supplies are still coming in from neighboring friends, the presumption is that the public debt will not be increased for six months, except in those particulars which arise from the establishment of the several branches of a complete Government under a new constitution. The prospective resources for the payment of the public debt and the future support of the Government, are the public domain, imposts and tonnage duties, and moneys due from settlers on lands heretofore granted under the colonization laws of Coahuila and Texas.

The public domain will be the most available and fruitful source of means to the State. The "head rights" yet due to settlers, together with all other claims for land, are estimated at fifty millions of acres, and the quantity which will remain, after all deductions for costs of the war and soldiers' grants, is one hundred millions of acres.

The present army is about 2,200 strong, not including the settlers or farmers, who can be drawn upon any emergency so as to augment the number to at least 5,000 efficient men; and the supplies for the winter campaign are now in the country and at the command of the Government. Besides this, emigrants are coming in weekly, who enrol themselves first in the military service, so that the army in fact is never diminished by the lapse of terms of enlistment.

The answer, therefore, to the inquiry as to the present condition of Texas and her future means, is, that she owes one million two hundred and fifty thousand dollars; that her grants in lands to citizens and others, for "head rights" and military services, are about fifty millions of acres; and that she will have one hundred millions of acres left, after all deductions, to meet the expenses of the war; that she has a standing army of 2,200, which will be increased to 4,000 before the close of the year, besides a reserve of 3,000 yeoman soldiers at home; and that her citizens say she relies for success upon the merits of her cause, the aid of her friends, and the weakness of the enemy.

I am upon the point of starting for the Colorado, further into the interior, whence I shall write you in a few days.

I have the honor to be your obedient servant,

HENRY M. MORFIT.

To the Hon. John Forsyth
Secretary of State.

Near Orazimbo,
September 6, 1836.

Sir: The zeal of the citizens of the district of Brazos has induced many of the richest of them to propose to the Government to raise half a million of dollars for the war, upon their own several bonds. Forms have been printed this day, by which they individually promise to pay various sums at the Bank of New Orleans on the 1st of March, 1842, with interest annually, and the whole secured by the "present and future real estate" of each obligor. The Executive, with the consent of his cabinet, has accepted the offer, and will issue scrip, pledging the faith and credit of the Government for the repayment of the money; so that the citizens and their property are first bound to the State, and then the republic bound to those who may advance the money.

The general election for President, Vice President, and members of Congress, took place last Monday, and it is supposed that General Samuel Houston is elected, by a very large majority, to the first office, and Mirabeau B. Lamar to the second; the latter had no competitor. I enclose a copy of each of the papers prepared for the new loan;

And have the honor to be your obedient servant,

HENRY M. MORFIT.

To the Hon. John Forsyth,
Secretary of State.

Copy of papers prepared for the new loan.

Know all men that I, ———, for value received, am firmly bounden, and by these presents do bind myself, unto David G. Burnet, President of the republic of Texas, and his successors in office, and his or their assigns, in

The first and fourth views embrace the physical or military condition of the country, and the second and third only the civil obligations.

If we judge the prospective affairs of Texas by those which have already occurred, and can count upon a continuance of the sympathies and migration of her brethren from the United States of the North, she will accomplish the first category of those inquiries, and be able to defend herself against any further invasion by Mexico. She will escape the penalty of the fourth condition, because none of the treaties of Mexico with foreign Powers contain obligations that would operate against her interest, and no prohibitory stipulations, except in relation to the slave trade, and that is already provided against by the 9th section of the "general provisions" of the constitution, which declares the importation of Africans or negroes, except from the United States of America, to be forever prohibited, and to be piracy.

The second view, as to her undertakings since she has separated from Mexico, is confined at present exclusively to liabilities to her citizens, and Government loans made upon the pledge of public faith and the public domain; all of which will no doubt be complied with if she succeeds in her independence; and the third position is not applicable to her, because, even admitting it to be one which could be insisted on by the law of nations, it is explained away by the reasons that prevail in relation to the fourth inquiry.

Under this aspect, and seeing that the constitution of the 17th of March, 1836, has been finally adopted by the voters at the elections on the first Monday of this month, and that the present administration is continued under the provisions of that instrument until the second Monday in December, it may be said that Texas now has in successful operation a civil Government, capable of performing the duties and fulfilling the obligations of an independent Power.

The reasons I should urge against the present declaration of this opinion are these:

First. The Mexicans, it is said, are preparing to invade Texas during the winter, and already there are 4,000 at Matamoras.

Secondly. The increase of emigrants from the United States is contingent, and may be prevented by various causes, some of which have already operated.

Thirdly. The ordinance of the 16th of March diminishes the quantity of bounty lands to soldiers who shall enter between that time and the 1st of July, and leaves the quantity for those after that period undefined and to be determined by Congress. This has lessened the zeal of many already in the service, and has taken away a strong motive for the services of others.

Fourthly. Enlistments are expiring every week, and there may not be one thousand in the main army in one month.

Fifthly. The troops expected in a body from the South are to be furnished by contract; so that, without any imputation against the motives or chivalry of the individuals, the obligation may fail when the hope of profit is destroyed.

Sixthly. The great majority of the emigrants, no matter by what good feelings actuated in the commencement of service, always manifest a reversionary desire for home, and return to the United States as soon as their duty is over, so that the population of the country is never actually augmented.

Seventhly. The old colonists would not by themselves be able to sustain an invasion, and, at the same time, supply the means for the war.

And, finally, independent of any other objection, the ardor of volunteers and the interest which the fate of the brave in the late battles produced have greatly abated by the suggestions and arguments that this whole enterprise of independence is a mere speculative scheme, concocted and encouraged for the aggrandizement of a few.

I have the honor to be your obedient servant,

HENRY M. MORFIT.

To the Hon. JOHN FORSYTH,
Secretary of State.

VELASCO, *September* 10, 1836.

SIR: Upon the inquiry as to whether any negotiation has been commenced or is intended with Mexico for the acknowledgment of the independence of Texas, I have ascertained that no attempt of that kind has been made since the failure of the treaty with General Santa Anna.

It was hoped that the commissioners, Lorenzo de Zavalla, the Vice President of this State, and the honorable Baily Hardiman, Secretary of the Treasury, would have been enabled, in conjunction with the President of Mexico, to have effected a full recognition, according to the understanding previously had on that subject; but the detention of Santa Anna by the popular voice, after he had embarked with those two gentlemen, and his continued captivity, together with the political changes in Mexico since then, have put an end to all favorable expectations from that quarter.

No attempt has been made by the authorities here to open any negotiation with any foreign Power other than the United States, and I believe all their wishes and applications on this subject are directed exclusively to that Government.

After the Mexican President was compelled to disembark from the vessel in which he was about to return, in pursuance of the public treaty, he presented, on the 9th June, 1836, a solemn protest against this alleged breach of good faith, averring, at the same time, his intention and ability to perform all that had been promised upon the part of Mexico. The public will, however, prevailed over the judgment of the cabinet, and General Santa Anna still remains subject to the dsiposition of the ensuing Congress.

The constitutional term of service of that President will expire in April; but, from intelligence daily arriving, we are apprized that his popularity and power are already extinct. Indeed, Mexico appears to be divided by various factions, some following or aiding the fortunes of individuals, while others are formed into political classes, in favor or against the consolidated form of government.

General Urrea is for re-establishing the federal constitution, and in consequence has been recalled from the army, to give place to General Bravos.

The *Cosmopolita*, a newspaper published in Mexico, states that such is the distressed condition of public affairs, that "Government cannot in any way procure money for a single campaign." It refers to several executions that have recently taken place for political reasons, and compares the acts of the party in power to the tyranny of Bustamenté.

The Congress which is now in session seems to have exhausted all ordinary modes of raising revenue, and adverts to the necessity of levying new contributions. The national power and integrity of Mexico seem to be lost in these domestic difficulties, and hence Texas argues that no other army will be raised to cross the Rio Grande against her.

There is much reason in this assertion; and besides the feebleness of the Government, the people in the provinces adjoining Texas are opposed to the war, as they have already suffered severely in the progress and return of their own army through their country. Zacatecas and Chihuahua have manifested great desire for peace; and if the ambition of a few men contending for power could be allayed, Mexico would be quiet and Texas free.

The population of Mexico is about eight millions, and

that of this country between forty and fifty thousand; so that it cannot be supposed that, under ordinary circumstances, the issue of this war would remain long undecided.

It is owing to the confused state of parties, the exhausted Treasury, the division of the troops into opposite commandancies, the contest between those who are for a consolidated Government and those who desire a republic, that the fate of Texas is thus protracted; and, after all that can be said in regard to her ability to sustain her independence, it resolves itself into the single fact that, without foreign aid, her future security must depend more upon the weakness and imbecility of her enemy than upon her own strength.

I have the honor to be your obedient servant,

HENRY M. MORFIT.

Honorable JOHN FORSYTH,
Secretary of State.

VELASCO, *September* 12, 1836.

SIR: The disposition of the Government and the people of this country towards the United States is the same as that in any of the States of the Union; though geographically separated, they have all the attachment which transient emigrants may be supposed to retain for their own country, and universally desire a political annexation of Texas with the United States.

It was intended originally to have submitted the constitution of the 16th March to a convention of the people, after its approval or amendment by Congress; but, as much delay would have been caused by this mode, and it was argued that, with whatever defects, it were better to adopt and confirm it at once, so as to put the Government in complete operation at the earliest moment, the President, in his proclamation for the elections, proposed this as a question to the voters, and the returns show that almost unanimously the people have approved and accepted that constitution without amendment. Every precaution was taken in the general writ of election to preserve the election rights of the citizens, so that those who were absent from their respective precincts upon public duty, or had been obliged to retire temporarily upon invasion of the enemy, should still exercise a voice in the formation of the new Government; and in this way, whatever has been done may be considered as an unequivocal expression of public sentiment. The voters at the different polls were required to state "whether they were in favor of annexing Texas to the United States," and the response through every municipality has been wholly in the affirmative.

I attended one of those elections, and found it conducted with much moderation as to the respective candidates for office, and great unanimity as regards the important points of confirming their present magna charta, and seeking admission into the Union of the United States of the North.

The terms upon which they desire to become an integrant of that Union have been discussed in the cabinet, and have already been or will be made the heads of instructions for the conduct of their representative near the Government at Washington. They are somewhat as follows:

That all the laws, acts, and obligations, of the present as well as the provisional Government of November, 1835, shall be respected and held valid;

That bonafide settlers shall be protected in their rights to so much land as they can rightfully claim by virtue of laws under which they emigrated;

That locations of land shall not be deemed defective for any failure to comply with formal requisitions—such as cultivation *in toto*, erecting landmarks, paying annual fees or dues to the Government; and that grants good in the beginning shall continue so upon a compliance with the neglected requisites, whenever they may be legally insisted on;

That slavery shall be allowed in Texas of persons of African descent, and that all persons of that description now in Texas, and held as slaves, shall be respected as the property of their respective owners;

That citizens of this who may be bound to those of foreign countries, for debts contracted previous to their coming hither, shall, in respect to such debts, be protected from suits during a certain number of years;

That liberal appropriations of public land shall be made for the endowment of seminaries of learning and "other institutions of public utility;" and that all ordinances or laws, declaring as subject of confiscation or forfeiture property of any description, shall be duly respected, and allowed to be carried out by the authorities of Texas.

The first provision of those instructions would affect the interest of the United States, upon her adopting Texas, only so far as concerns the public debts and grants of lands to settlers and soldiers, as the other laws referred to are of a municipal character, and relate principally to the internal policy of the State.

I discussed the mode in which these obligations should be complied with, as it is easy to see that all the liabilities of the Government, for its administration and the support of the war, must be paid entirely out of the proceeds of the lands. There were two ways proposed: first, to let the State satisfy all the demands of her own tribunals or auditors, and then turn the residuum of the public domain over to the United States; or, secondly, to let the latter take the whole encumbrances of the war, with all the land, and pay the claimants as our Government may direct.

The objection to the latter plan, on the part of the United States, would be, that those expenses and the extent of the liabilities are unknown, and cannot be ascertained; that a greater liberality would be claimed from her in the interpretation of grants and other demands than would be expected from the State, whose citizens, for their own interest, would be obliged to adjust them upon more cautious and rigid rules; and, finally, that if the war is continued much longer, the sacrifices of the public land for the means of defence will leave no surplus beyond her debts.

The part which provides that locations of land shall not be deemed defective for any failure to comply with formal requisites, is, I believe, not consistent with public opinion, as great complaint is made against the tenure of lands by persons who have merely complied with some of the unimportant conditions of the grants, such as erecting a temporary cabin and marking boundaries, and then have left the premises.

The very object of the grants, which was to induce actual settlement, and provide security by the increase of population, has in this way been often defeated; and the colonists, who have borne the burden of the troubles, have built up a society, and have made the country what it is by their labor, will be likely to insist that the lands of others, who have not acted in this good faith, shall be retained by the State, to increase her ability and resources.

The section which requires slavery to be allowed of persons of African derivation refers to a limited toleration of it as it exists in the United States. The constitution prohibits the importation of slaves except from that country, and the President has already, on the 3d of April last, issued his proclamation declaring that trade to be "destructive of national morals and to individual humanity," and requiring the public functionaries of the Government to be vigilant and active in arresting all persons and vessels attempting to contravene that article of the constitution. The proviso exempting the citizens of Texas for a limited time from suits for debts contracted previous to their coming here, is one of policy, and will rather be favorable to foreign creditors than otherwise, for the condition of emigrants must improve with their continuance in the country; and the stipulation that all ordinances of confiscations

shall be respected, is profitable to whatever Governments may exist, as the quantity of public land will be augmented by the escheats from private hands.

But the desire of the people to be admitted into our confederacy is so prevailing, that any conditions will be acceptable which will include the guarantee of a republican form of government, and will not impair the obligations of contracts.

The old settlers are composed for the most part of industrious farmers, who are tired of the toils of war, and are anxious to raise up their families under the auspices of good laws, and leave them the inheritance of a safe and free Government.

If we were permitted to view the future condition of this country, under a continuance of present circumstances, or under those which must attend it as a part of Mexico, where it would remain subject to military despotism, and be kept back, like her own subjects, in the scale of civilization for ages, and then compare it with the high station it would reach, in industry, commerce, and the arts and social relations, under the annexation to our country, humanity would speedily dictate her redemption, and the philanthropy of nations give a sanction to the act.

The constitution has been very liberal in the appropriation of lands, and has placed the citizens who were living in the country at the date of the declaration of independence upon a footing with the old colonists, giving to every head of a family one league and *labor*, and to every single man, of the age of seventeen and upwards, one third of a league. The same instrument has been careful in protecting the State from large grants made to various individuals, some of whom were non-residents and aliens.

The public sentiment seems to be in accordance with those provisions, as they exclude large monopolies, which it is said have been illegally acquired, without consideration and against the laws of colonization. The Legislature of Coahuila and Texas passed acts in 1834-'5, granting away to a few persons eleven hundred leagues of land, all of which, and every survey under them, are declared to be null and void.

The fourth article of the laws of colonization forbids the settlement of the "ten lateral leagues" on the coasts, and of the twenty leagues on the frontiers adjoining a foreign nation, and yet grants were also made by the Legislature in parcels of eleven leagues each. They are likewise denounced as illegal, and the authority over them will be resumed by the Government. This will affect many of our citizens in the United States, who have been led to purchase lands from supposed proprietors, claiming under irregular or conditional public grants.

The constitution precludes foreigners from holding lands except by title direct from the Government, so that our countrymen at home should understand that the acquisition of such property here carries with it the penalty of expatriation.

I have now given you, in my several letters, information upon all the subjects that concern the present condition of this country, in its several relations, and shall in a few days leave it, to return to Washington. I have taken copious notes, from conversations with the officers of Government and intelligent settlers, the substance of which I shall communicate in person, or as the matter of a future despatch.

I have the honor to remain your obedient servant,

HENRY M. MORFIT.

Hon. John Forsyth,
Secretary of State, Washington city.

Texas, *September* 14, 1836.

Sir: I intended any further communication about the country to have been left for a personal interview; but as there were several points which, though not strictly within my inquiries, were blended in my notes, as exhibiting the views of citizens here upon interesting questions, I have thought it best to transcribe the whole, in the form in which they stand.

The revolutionary history of Texas, as far as it has been published, is erroneous in the ascription of important measures to wrong periods of time, and in misstating the order of its progress.

From an original journal of the proceedings of the delegates in my possession, being the only one in the country, it appears that after the destruction of the constitution by General Santa Anna, the repeal of the colonization laws, and when the news reached Columbia that their citizens had been illegally imprisoned, the people of that jurisdiction held a meeting, in August, 1835, and various resolutions were adopted, declaring that they would resist, with force and arms, any attempt to deliver their fellow-citizens into the hands of the military, and inviting the inhabitants of the different municipalities to elect delegates to devise measures for the relief of Texas. This was the first public act towards a separation from Mexico. The delegates were appointed, and on the 16th October, 1835, met at San Felipe de Austin. The convention was termed the "Consultation of Texas," which, on the 7th of November, unanimously adopted a declaration of rights, setting forth the causes that induced the people to take up arms.

On the 10th of the same month, the plan of a provisional Government, to consist of a Governor, Lieutenant Governor, and Council, was adopted, and on the 12th the several officers were elected, and the oaths of office administered in presence of the Consultation. The proceedings have been neither published nor fully copied, but the Comptroller of the Treasury is supervising the arrangement of them in proper form.

As all the steps of a new nation, from its political birth to the maturity of its being, are interesting to those who look upon history as an instructive species of philosophy, I have copied the captions of the most important of the manuscript ordinances, which I now present, and, though principally of a fiscal nature, they are so many presages of future system.

The first acts of legislation by the provisional Government were to create a loan of one hundred thousand dollars; the next to raise a regular army and create a navy; one to regulate the militia; to purchase munitions of war; grant registers to vessels; organize auxiliary corps of volunteers; and one requiring the Governor to instruct commissioners to the United States of the North. On the 12th December, 1835, a General Post Office Department was created. The law was carried into effect by the appointment of a Postmaster General, and various routes were established, which had got into partial operation, from the mouth of the Rio Brazos to the different frontier settlements. The system was interrupted by the incursion of the army, and is now only beginning to be renewed. The aggregate distance proposed in the courses was one thousand five hundred and thirty-six miles in direct lines.

Duties on imports and tonnage were laid by several ordinances, and an act passed prohibiting the migration of free negroes and mulattoes into Texas.

It is remarkable that this State attended to the regulation of its commercial revenue within a month after the establishment of a provisional Government, while that of the United States did not create a tariff for thirteen years after the declaration of its independence.

The "provisional Government," which contained the three separated ingredients of good policy—an executive, legislative, and judicial department—continued until the 2d March, 1836, when a convention of delegates at Washington proclaimed the independence of Texas, and decla-

red her fully invested with all the rights and attributes which properly belong to independent nations.

The same convention, on the 17th March, adopted a constitution, and provided for a Government *ad interim*, which took the place of the provisional Government. This constitution was confirmed by the voice of the people in their elections on the first Monday in this month, and the Government *ad interim* continues until the second Monday in December, when the President and Vice President elect will assume their constitutional duties, and thus perfect, to that extent, the intentions of the people.

The authority of sovereignty, even as to foreign nations, was very soon exercised by Texas after her provisional Government went into operation, and that too at the expense of some of our own citizens.

On the 2d of June last, the American schooner Watchman was captured in Coparo bay, with a cargo of bread, rice, and beans.

On the 19th of the same month, the schooners Comanche and Fanny Butler, similarly laden, were taken in the same neighborhood, and the cargoes of all condemned by the Rusé court for "consisting of articles for the comfort and subsistence of the Mexican army."

The value of the Watchman's invoice was about	$4,000 00
That of the Comanche's - - -	7,528 14
Of the Fanny Butler's - - -	8,664 56
Making in all - - -	$20,192 70

On the 21st of July, the President proclaimed the blockade of Matamoras, the Brazos, Santiago, and all the neighboring estuaries. This included American vessels, and the trade, which is very considerable from our ports to the Rio Grande, particularly from New Orleans, was thus interrupted, and indeed cut off, until the 13th of August, when, upon my representations, the decree was rescinded. These proceedings would give rise to three propositions: First. Whether Mexico, so far from maintaining her ability to protect her own territory, as required by the law of nations, has not failed in that duty, and extended the injury to the commerce of the United States. Secondly. Whether, if Texas is not an integrant of Mexico, but a separate Government, Mexico has not directly violated her treaty of 1831, by allowing the subjects of an adjoining State to blockade her ports. And, third. If Texas is not a distinct Government, but still part of Mexico, whether the latter has not permitted her own subjects to commit acts in relation to the United States which, strictly speaking, amount to a state of imperfect war.

Though early plans were laid to support the Government, in part, by imposts, they were never carried into effect. The whole community were engaged in one occupation, which was war, and therefore it would have been only crippling the cause of the country to have taxed the necessaries that were introduced.

Custom districts were established, and collectors appointed; but, by general consent, the Government acquiesced in the suspension of the law, and to this day every thing is practically free of duty. The consumption of bread-stuffs, provisions, and clothing, is very great, and they are nearly all drawn from the United States.

The products of Texas are principally cotton and corn; the former is the most cultivated, on account of its superior value. This year there will be less than 10,000 bales; but if the country had been quiet there would have been 50,000. Abundance of fine cattle is raised with very little difficulty, and the climate and soil are adapted to the usual grain of our own country.

It is said that the sugar cane would thrive well here, but I should doubt it, though I believe, from personal observation, that the soil would yield abundant crops of indigo, and with but little trouble.

The tonnage of Texas is, as might be expected for a country so new, very small. Heretofore part of the trade was carried on in Mexican shipping, and then the amount was much greater. At present they have not more than a dozen commercial vessels, including two or three steamboats.

I should say that if this country were in a tranquil condition, with an industrious population peaceably engaged in the cultivation of their rich lands, the raising of cattle, which are so abundant, and the associated pursuits of a settled people, properly organized by the restraints and protection of good laws, it would become, in a few years, a market for as much English, French, and other foreign productions, as any State in our Union. The *rationale* of this would easily appear, by carrying the mind through the vast region comprised within the limits of this country, looking to the population that must necessarily be drawn to it under a proper system, the proximity of our Western and Northwestern territory, and to the interior of Mexico itself, which at no very distant day may be furnished through this medium. But, as things now are, I doubt whether any of those fruits of good order will ever be matured.

The present Government is as well administered as its resources and the appliances of the country will admit; but as it is just in its pupilage, with no strength but confidence in the cause, no help but that which sympathy gives, and is not yet harmoniously adjusted in the motions of its respective branches, it may still be considered a mere experiment upon independence, which the loss of friends or of a single battle may disperse to the winds.

In a former letter it was said that the residuum of public domain, after all deductions for military services and "head rights," would be one hundred millions of acres. That statement was made upon the views of the Secretary of the Treasury. Since then I have obtained an original estimate, addressed to the auditor by a scientific gentleman who has officiated as a surveyor, in which he reports that Texas possesses 249,900 square miles, or 160 millions of square acres, and allows 80 millions to be taken up and covered with claims; which amount, he says, "is too large, no doubt, by one half." This would leave 80 millions of acres unencumbered for the State; and, supposing only one fourth of it to be available, would yield, at fifty cents per acre, ten millions of dollars. I should presume this calculation as to quantity is incorrect, as the Mexican Government supposed Texas proper to contain, in 1835, only 104,500,000 acres, and the territory between the Nueces and the Rio Grande, claimed by this country since then, will hardly augment the quantity by 60 millions.

Texas, within the present limits, is nearly four times larger than the largest State in our Union, (Virginia,) and two hundred times larger than Rhode Island, the smallest.

The separation of Texas, as an independent State, from Mexico, it is said, will awaken the attention of some of the European Powers against the slave trade, which her citizens will carry on; but it is contended that this assertion must fail, when it is seen that the constitution prohibits that commerce.

Even if it did not, it is argued that it has been judicially settled, in the highest tribunal in the United States and in England, that whatever may be said against that traffic upon the score of moral consequences, it has nevertheless been protected by the laws of all commercial countries, has been claimed by each and allowed by each, and cannot, therefore, be considered as contrary to the law of nations. Those States whose municipal enactments make that kind of commerce unlawful can of course punish their own subjects who may be engaged in it, but they cannot interfere with the subjects of other Powers found in that trade, although those nations have also prohibited it, because the civil tribunals of one country will not enforce the penal laws of another.

But, apart from all international rights or jealousies on this question, the vindicatory sanctions of the law here against the slave trade are sufficient to suppress itwit, hout the aid of distant Powers.

The administration and people entertain no apprehension that any foreign nation will interfere in their contest with Mexico, as they rely upon the policy and example heretofore set by the United States and Great Britain in the struggle between Spain and her revolted colonies, in which both the former Governments protested against the right of the allied Powers to interpose by forcible means.

Our Government went further, and held that any attempt to extend the peculiar political system of Europe to this continent would be considered dangerous to the peace of its own States. The Texians hold that the only exception to the rule against the rights of interfering by neutral nations, is, when it is in aid of the oppressed, and where the general interests of humanity are infringed by the outrages or evils of despotism; and that Texas, having for years suffered under that condition, is entitled, like the Greeks, to the commiseration of all civilized nations. They say that the revolutionary state of Mexico, since her separation from Spain, has been so boisterous in action and so contradictory in policy, that in examining how far this province has the right to a separate national existence, it necessarily involves the inquiry of whether Mexico herself has not ceased to possess a distinct sovereignty; that the material attributes of a nation are ability to enforce the laws and protect her own institutions; that even in cases of a neutrality, where an abuse of the neutral territory proceeds from the weakness of the sovereign, and her inability to defend it, the party injured acquires authority and may extend his jurisdiction over it; that much more so may that distinct portion of a large State which is found adhering to a written constitution, while the rest are separated into revolting factions, be entitled to an exclusive control over her own limits and people, because the State has not only failed to protect that particular portion of the country, but has taken part in a revolution to overthrow the very principles she was pledged to support. Texas, instead of rising in arms against Mexico, is said to have remained adhering to the republican system, while Mexico deserted it.

Arguments are used, based upon the history of Mexico, to show that her citizens proper were never capable of appreciating liberty in its political American sense, and that her pretended institutions of liberal government and laws, from the time of her separation from Spain to the present day, have existed only in the forms of delusive promises that were always broken to the hope. The first important act of the first President, after the separation from Spain, was to bring the Government back to an order of things more oppressive than that of its ancient rulers; and Iturbide, instead of continuing as President of a republic, regenerated a monarchy, and proclaimed himself an Emperor. Either from an imagined love for freedom vaguely understood, a belief that a constitutional government could be adapted to the habits and notions of the people, or from restless ambition, it seems that General Santa Anna was the first to overthrow the imperial government, the first to aid in the establishment of a republic, and, finally, the first in its destruction.

The only President who has been permitted to exercise his functions for the appointed time, and who has retired to the shades, if not to the enjoyment of private life, unscathed by revolutions, was Victoria, the successor of Iturbide.

Manuel Gomez Pedrazo was elected by a small majority over General Guerrero; but Santa Anna, at the head of the military, declared the election void, and proclaimed Guerrero President. Pedrazo fled, and Guerrero was confirmed by Congress. He was invested with the powers of a dictator, and refusing to lay them down, Anastasio Bustamenté assumed the presidency, and Guerrero was shot.

Bustamenté was in favor of a consolidated form of government, and General Santa Anna for a complete republic; the latter declared for the constitution of Vera Cruz—in 1832 deposed Bustamenté, as well as the Vice President Farias—elected General Barrazan in his place—became himself President of the republic, and, in 1835, repealed the constitution by military orders, which re-established the very system, under new rules, that had caused the revolution of 1823.

The question is then asked by the Texians, is a nation which is incapable of protecting any form of government from overthrow, by a few military leaders, entitled to hold the peaceable citizens of a distant part of her country forever subject to all the evils of anarchy?

Other arguments are advanced to show that, besides all this, the incongruity between their citizens, who have been practically accustomed to the protection of the laws as well as to liberty in its true meaning, and those untutored subjects of Mexico who, combining a variety of races in one blood, lose the indentity of all, and submit, in the ignorance of their rights and their power, to the authority of a few who are bold, is another reason why the people have a moral right to establish a separate State. Politically considered, they contend that, as allegiance and protection are reciprocal, and Mexico has failed to aid them against the inroads and murders of the Indians, has overturned the republican constitution, the establishment and promised continuance of which were the first inducements to emigration, has for years exhibited a determination to annihilate the colonial settlements, and has, by a law of 1830, excluded the admission of Americans of the North into Texas, Mexico has forfeited her claim to allegiance, which ceased when her protection failed, lost her right of sovereignty over Texas when she violated her compact, and became an enemy to her own citizens when she excluded their brethren from the country.

The only resource left to these citizens in the periods of partial calm when they were oppressed by the laws, or in those boisterous times when the ambition of opposing leaders kept the country in revolution, was to adhere quietly to the principles of a free government, which they had been invited to join, and to wait patiently in the hope of their re-establishment.

Long after the federal system was destroyed, the Texians continued to petition Mexico to restore it, and only took up arms when she was obliged to defend herself against those who made war upon republicanism, so that her present position proceeds not from her own revolutions, but from those of Mexico. In this state of things, the feelings and hopes of the citizens revert to the United States for sympathy, not only because of consanguinity, but because they are pioneers in the new country, carrying with them, in the common cause of humanity, the light of free government, borrowed from their ancient homes. If we view the condition of Texas by comparison with other Governments that are established, it will be found greatly deficient in many of the materials of a nation; but as the independence of States is considered equal in the eye of international law, whatever may be their relative power, and Texas has not only maintained herself within her own boundary, but manifested an ability to invade that of her enemy, it would result that she has thus far accomplished, though in a limited degree, the criterion of sovereignty, in being a "nation which governs itself, independent of foreign Powers."

The United States have, in common with every other nation, a right to enlarge their resources in the proper acquirement of territory, the extension of their commerce, the increase of revenue, and the promotion of alliances; but, as an offset to this, in reference to the present question, may be considered the doubtful policy in the application of the rule, from the infancy of Texas, the uncertainty of her ability to continue her efforts to the full fruition of freedom, the

custom of neutrals not to interfere with belligerants, and the convention between the United States and Mexico, which inculcates the establishment of friendly relations upon a firm basis.

These, and other considerations referred to in my former communications, constitute the reason for pausing in expressing the opinion that Texas is now capable of performing the obligations of an independent nation.

The rigid course of duty, which requires a candid statement from facts, prevails over partialities that prompt a different picture; and though a regard for truth, a sense of national integrity, and a desire to manifest their strict exercise by the United States, may justly delay the period for enrolling Texas in the list of nations, her citizens, and those who participate in the principles of her cause, may be consoled by the certainty that, without the aid of *any* Government, the career of political freedom which is extending throughout the world will of its own speed accomplish what caution now withholds.

Foreign policy, the conventional faith of nations, or the efforts of Mexico, may detain Texas lingering in her embryo state for many years; but the fertility of her soil, the remoteness of her situation, which affords an asylum from the angry subjects that often agitate the Northern and Southern parts of our country, and, above all, the current of emigration, which, through the whole West, looks like the advent of the oppressed of all nations seeking to build up free altars in a new hemisphere, must disenthral her by a moral force which no power nor potentates can resist.

I have the honor to be your obedient servant,

HENRY M. MORFIT.

To the Hon. JOHN FORSYTH,
Secretary of State.

MR. MADISON AND HIS WORKS.

Message of the President of the United States to Congress on the subject.

To the Senate and House of Representatives:

I transmit herewith, to Congress, copies of my correspondence with Mrs. Madison, produced by the resolution adopted at the last session by the Senate and House of Representatives, on the decease of her venerated husband. The occasion seems to be appropriate to present a letter from her on the subject of the publication of a work of great political interest and ability, carefully prepared by Mr. Madison's own hand, under circumstances that give it claims to be considered as little less than official.

Congress has already, at considerable expense, published, in a variety of forms, the naked journals of the Revolutionary Congress, and of the Convention that formed the constitution of the United States. I am persuaded that the work of Mr. Madison, considering the author, the subject-matter of it, and the circumstances under which it was prepared, long withheld from the public as it has been by those motives of personal kindness and delicacy that gave tone to his intercourse with his fellow-men, until he and all who had been participators with him in the scenes he describes have passed away, well deserves to become the property of the nation, and cannot fail, if published and disseminated at the public charge, to confer the most important of all benefits on the present and every succeeding generation—accurate knowledge of the principles of their Government, and the circumstances under which they were recommended, imbodied in the constitution for adoption.

ANDREW JACKSON.

DECEMBER 6, 1836.

DEPARTMENT OF STATE, *July* 9, 1836.

The Secretary of State has the honor to report to the President that there is no resolution of Congress on the death of Mr. Madison on file in the Department of State. By application at the offices of the Secretary of the Senate and Clerk of the House of Representatives, the enclosed certified copy of a set of resolutions has been procured. These resolutions, being joint, should have been enrolled, signed by the presiding officers of the two Houses, and submitted for the executive approbation. By referring to the proceedings on the death of General Washington, such a course appears to have been thought requisite; but in this case it has been deemed unnecessary, or has been omitted accidentally. The value of the public expression of sympathy would be so much diminished by postponement to the next session, that the Secretary has thought it best to present the papers, incomplete as they are, as the basis of such a letter as the President may think proper to direct to Mrs. Madison.

JOHN FORSYTH,
Secretary of State.

WASHINGTON, *July* 9, 1836.

MADAM: It appearing to have been the intention of Congress to make me the organ of assuring you of the profound respect entertained by both its branches for your person and character, and of their sincere condolence in the late afflicting dispensation of Providence, which has at once deprived you of a beloved companion, and your country of one of its most valued citizens, I perform that duty by transmitting the documents herewith enclosed.

No expression of my own sensibility at the loss sustained by yourself and the nation could add to the consolation to be derived from these high evidences of the public sympathy. Be assured, madam, that there is not one of your countrymen who feels more poignantly the stroke which has fallen upon you, or who will cherish with a more endearing constancy the memory of the virtues, the services, and the purity, of the illustrious man whose glorious and patriotic life has been just terminated by a tranquil death.

I have the honor to be, madam, your most obedient servant,

ANDREW JACKSON.

Mrs. DOLLY P. MADISON,
Montpelier, Virginia.

MONTPELIER, *August* 20, 1836.

I received, sir, in due time, your letter conveying to me the resolutions Congress were pleased to adopt on the occasion of the death of my beloved husband—a communication made the more grateful by the kind expression of your sympathy which it contained.

The high and just estimation of my husband by my countrymen and friends, and their generous participation in the sorrow occasioned by our irretrievable loss, (expressed through their supreme authorities and otherwise,) are the only solace of which my heart is susceptible on the departure of him who had never lost sight of that consistency, symmetry, and beauty of character, in all its parts, which secured to him the love and admiration of his country, and which must ever be the subject of peculiar and tender reverence to one whose happiness was derived from their daily and constant exercise.

The best return I can make for the sympathy of my country is to fulfil the sacred trust his confidence reposed in me—that of placing before it and the world what his pen prepared for their use—a legacy the importance of which is deeply impressed on my mind.

With great respect,

D. P. MADISON.

To the PRESIDENT OF THE UNITED STATES.

MONTPELIER, *November* 15, 1836.

SIR: The will of my late husband, James Madison, contains the following provision:

"Considering the peculiarity and magnitude of the oc-

casion which produced the convention at Philadelphia, in 1787, the characters who composed it, the constitution which resulted from their deliberations, its effects during a trial of so many years on the prosperity of the people living under it, and the interest it has inspired among the friends of free government, it is not an unreasonable inference that a careful and extended report of the proceedings and discussions of that body, which were with closed doors, by a member who was constant in his attendance, will be particularly gratifying to the people of the United States, and to all who take an interest in the progress of political science and the cause of true liberty."

This provision bears evidence of the value he set on his report of the debates in the convention; and he has charged legacies on them alone, to the amount of $12,000, for the benefit of literary institutions and for benevolent purposes, leaving the residuary nett proceeds for the use of his widow.

In a paper written by him, and which it is proposed to annex as a preface to the debates, he traces the formation of confederacies and of the articles of confederation, its defects which caused and the steps which led to the convention, his reasons for taking the debates, and the manner in which he executed the task, and his opinion of the framers of the constitution. From this I extract his description of the manner in which they were taken, as it guaranties their fulness and accuracy:

"In pursuance of the task I had assumed, I chose a seat in front of the presiding member, with the other members on my right and left hands. In this favorable position for hearing all that passed, I noted down in terms legible, and in abbreviations and marks intelligible to myself, what was read from the chair or spoken by the members; and, losing not a moment unnecessarily between the adjournment and reassembling of the convention, I was enabled to write out my daily notes during the session, or within a few finishing days after its close, in the extent and form preserved in my own hand, on my files.

"In the labor and correctness of this I was not a little aided by practice, and by familiarity with the style and the train of observation and reasoning which characterized the principal speakers. It happened, also, that I was not absent a single day, nor more than the casual fraction of an hour in any day, so that I could not have lost a single speech, unless a very short one."

However prevailing the restraint which veiled, during the life of Mr. Madison, this record of the creation of our constitution, the grave, which has closed over all those who participated in its formation, has separated their acts from all that is personal to him or to them. His anxiety for their early publicity, after this was removed, may be inferred from his having them transcribed and revised by himself; and, it may be added, the known wishes of his illustrious friend, Thomas Jefferson, and other distinguished patriots, the important light they would shed for present as well as future usefulness, besides my desire to fulfil the pecuniary obligations imposed by his will, urged their appearance, without awaiting the preparation of his other works; and early measures were accordingly adopted by me to ascertain from publishers in various parts of the Union the terms on which their publication could be effected.

It was also intended to publish with these debates those taken by him in the Congress of the confederation in 1782-'3-'7, of which he was then a member, and selections made by himself, and prepared under his eye, from his letters narrating the proceedings of that body during the periods of his service in it, prefixing the debates in 1776 on the declaration of independence, by Thomas Jefferson, so as to imbody all the memorials in that shape known to exist. This exposé of the situation of the country under the confederation, and the defects of the old system of government, evinced in the proceedings under it, seem to convey such preceding information as should accompany the debates on the formation of the constitution by which it was superseded.

The proposals which have been received, so far from corresponding with the expectations of Mr. Madison when he charged the first of these works with those legacies, have evidenced that their publication could not be engaged in by me without advances of funds and involving of risks which I am not in a situation to make or incur.

Under these circumstances, I have been induced to submit for your consideration whether the publication of these debates be a matter of sufficient interest to the people of the United States to deserve to be brought to the notice of Congress. And should such be the estimation of the utility of these works by the representatives of the nation, as to induce them to relieve me individually from the obstacles which impede it, their general circulation will be insured, and the people be remunerated by its more economical distribution among them.

With high respect and consideration,

D. P. MADISON.

To the President of the United States.

TRANSFERS OF PUBLIC MONEYS.

Report from the Secretary of the Treasury, transmitting statements of Transfers of Public Moneys, in obedience to a resolution of the Senate of the 20th instant.

Treasury Department,
December 26, 1836.

Sir: I have the honor to submit the following report, in further compliance with a resolution of the Senate, passed the 20th instant, directing "that the Secretary of the Treasury communicate to the Senate a detailed statement of all transfers of public moneys ordered since the 23d of June last, for the purpose of executing the act of that date for regulating the deposites of the public money; showing the dates and amounts of such transfers; from what place to what place; from what bank to what bank; and the times allowed for such transfers, respectively; also, a similar statement of all transfers other than such as were made in execution of the aforesaid act."

From the manner of making transfers which has long prevailed in this Department, the cause for making them does not appear on the face of the transfer draft, nor, in general, on any record.

The cause of any particular transfer is, therefore, usually known to no person except the Secretary who orders it; and hence, such transfers as have been issued "since the 23d of June last, for the purpose of executing the act of that date for regulating the deposites of the public money," and which are called for in the first part of the resolution, cannot be discriminated from any others called for in the last part of the resolution, and which may not have been made in execution of the aforesaid act, unless the Secretary is able to do it, and from memory rather than the records.

In order, therefore, to avoid any mistakes as to the whole amount of transfers directed, from all causes whatever, within the period mentioned, the Treasurer was, on the day the resolution reached me, required to prepare an exhibit of the whole since the 23d of June last, and to accompany it by the details desired in the resolution, as to the times of payment and the names of the banks to and from which they have been respectively ordered.

The whole amount of these transfers which have taken effect, or been paid, appears to be $25,129,385.

Those which have not taken effect, and are not payable, many of them till January, February, March, and April, of

next year, equal $12,910,000, making the whole amount ordered $38,039,385.

To be able to decide, nearly as practicable, what portion of those have been directed "for the purpose of executing the deposite act," and what portion, if any, for other objects, it will be necessary to advert to the following facts and explanations. The Department supposes that they may all be construed by some as having been ordered for that purpose, because they were all issued under the authority of that act, and the supplement to it, passed July 4, 1836. But a portion of them having been issued with a view to facilitate disbursements and make payments, at convenient points, of the appropriations by Congress, may not, in strictness, perhaps, be considered by others as ordered for the purpose of executing the act, and hence will, as far as practicable, be estimated by themselves. The amount of them, though not attainable with exactness, can, by a few considerations, probably be separated and computed distinctly from the rest, with sufficient certainty for any general object contemplated by the resolution.

Thus, the sum in the Treasury subject to draft on the 23d of June, 1836, was about $34,000,000. Of this amount, about $6,200,000 were then under transfer to different places, and to take effect at future periods, for purposes of safety, and affording facility to future disbursements.

On the passage of the deposite law, however, and in execution of the first section of it, prohibiting any amount over three fourths of the capital of any bank to be left in it longer than was necessary to select new banks, and to complete the transfers proper for removing the excess, it became indispensable to transfer, for that purpose alone, about $18,300,000. New transfers for this whole amount became necessary, except in a few cases where the transfers outstanding tended to accomplish that object, though in other cases they quite as much retarded it. The Department, therefore, took immediate steps, even before the adjournment of Congress, to comply with this direction of the law. But it was at once perceived that, by the peculiar phraseology adopted in the deposite act, it was very doubtful whether any of these new transfers could be made to banks in other States than those where the money then was, unless done to facilitate the public disbursements, or unless suitable and sufficient banks to hold the excess could not be obtained in the latter States; and, hence, that the transfers of any of it, for the purpose of beginning the equalisation of the surplus among the different States, could not probably, in any case, however convenient, be carried on at the same time, or be commenced before the 1st of January next. These impressions were communicated by me in reply to several members of Congress who inquired at the Department on the subject, and wished new banks selected, and transfers made under the new act, immediately from States where the public money had greatly accumulated beyond their proportion, to other States where large deficiencies existed.

Accordingly, the form of a bill was, at their request, prepared, which might, if Congress deemed it proper to legislate further on the subject, remove the supposed difficulty, and which, with some modifications, afterwards passed into a supplemental law, on the 4th of July last. Consequently, in any subsequent proceedings to accomplish those first transfers of about $18,300,000, with a view to equalise the amount among different banks, in conformity to the first section of the deposite act, it was considered that Congress, by the supplemental act, expressly intended to remove the doubts and objections before entertained to the course previously proposed, of combining with the division of the excesses among new banks the commencement of the apportionment of the deposites among the different deficient States, preparatory to a gradual and easy payment to the States themselves the ensuing year.

In several cases, therefore, both objects or purposes, when convenient, were seasonably united, and with a mitigated and more beneficial effect, it is believed, on the whole administration of the law, and the condition of the money market generally, than if all the transfers to all the different States had been delayed till next year, and at that time have been ordered in much larger sums.

But, as the payments were not required to be made into the State treasuries till the 1st of January next, and quarterly thereafter during the year, it will be seen by the exhibit that few or no separate transfers have yet been ordered for equalisation among the States, disunited with the other purpose of equalisation among the banks, except such as were to take effect the next year, near the dates when the several payments are due to the States themselves, and none whatever have been ordered to remain permanently, except in cases where great excesses existed in some States, to be reduced, and deficiencies in others to be supplied, and where, if desired on account of greater convenience, merely in point of time, they have not been postponed to 1837. The distinction between permanent and temporary transfers is adverted to in the above remarks because, though that distinction does not, any more than the cause of the transfer, appear on its face, yet it often happens that transfers are made from one place to another on account of its being more easy in the course of trade and exchange to have the money go to that other place, in the first instance, temporarily, and afterwards be forwarded further by new transfers, and with greater public convenience, to the place where it is permanently to remain till expended.

If this be done sometimes, in the first step of its progress, without a rigid regard to deficiencies or excesses in the bank or State receiving the money, yet, in the next and final step of transferring it to its ultimate destination, those are always strictly adhered to.

In several cases, also, where the transfers are at first, for the convenience of commerce, or other proper cause, ordered to banks in an amount beyond three fourths of their capital, it will be seen that, before all the transfers take effect or become paid, other transfers are ordered from the receiving banks, so as to prevent them from holding permanently more than the amount prescribed in the law. But, besides the transfers of the $18,300,000, rendered imperative to equalise the money among the banks, there has been an accruing revenue since the deposite act passed, amounting to nearly $22,500,000, and most of which, being at first paid into the banks where an excess already existed, and hence not by law retainable there, has also been, necessarily, placed under transfer to some other banks, in compliance with the first section of the act of Congress, except so far as while accumulating; the revenue, whether new or old, has in part been used to meet current expenditures at the places where collected.

In addition to all these removals of money, rendered indispensable under the 12th section of the act, amounting in all to over forty millions of dollars, except the deduction of the current expenditures at those points, equalling perhaps one third of the whole $17,500,000 which have been paid out on appropriations since last June, other transfers, to the amount of $700,000, authorized for the purpose of supplying the mint with metal for coining, as explained in my annual report, have, under the direction of the President and advice of the director, been made to promote the execution of that desirable object.

The result of the whole is, that the amount of transfers ordered to execute only these purposes would be about $30,666,666, or but seven to eight millions less than all the transfers ordered since the deposite act passed.

This residue is near the whole amount which has probably been required to be transferred for facilitating the public disbursements at other points, amounting, since June last, at those other points, it is presumed, to about twelve

millions of dollars out of the whole. This sum is only from one to two millions larger than the transfers outstanding for this and a similar purpose when the deposite act passed, and is less than the average amount required during the two years before the act passed, as well as while the United States Bank was employed as the depository of the public money in the expenditure of a similar sum. This is the nearest approximation which can be made to the amount which has been transferred since June last, not strictly, perhaps, "for the purpose of executing the act," provided that the clause in it by which they are authorized be not so understood, in connexion with the resolution, as that these transfers may be properly considered as made "for the purpose of executing the act."

The dates of the particular transfers which were made exclusively to aid disbursements, and the names of the banks from and to which they were made, cannot now be distinguished from the others, except by some general circumstances which may be briefly indicated. They embrace a portion of all those transfers which have been made to places where the public money is disbursed to a large amount for any legitimate purpose, and especially in the deficient States. Besides, some of these transfers required in over one half of the States of the Union, the largest amounts rendered necessary to meet appropriations, since the 23d of June last, have been to New Hampshire, chiefly for the navy yard and pensions; to the District of Columbia, for various great public expenditures, of almost every description; to Norfolk, Virginia, very large sums for the navy yard and fort near that place; to Charleston, South Carolina, and Savannah and Augusta, Georgia, as well as to New Orleans, for the prosecution of Indian hostilities, and disbursements anticipated on our Southwestern frontier; and to Tennessee, as well as the other places last named, a sufficiency to meet heavy payments connected with the removal of the Cherokees, Creeks, and Seminoles, beyond the Mississippi.

The explanations of both branches of the last resolution, and of the tabular statements referred to, in answer to the call of the Senate, might here be closed, had not the Treasurer prepared the schedule of transfers in a form only chronological, when it might be desirable to some members to have the results presented in their connexion with the situation of the different States, as bearing on the amount of deposites of public money within each as well before these transfers began, in June last, as at the date of this inquiry, and both of these as compared with the proportion of deposites which the States will respectively be entitled to receive under the act. An exhibit has therefore been added, which gives, in round numbers, the proportion each State would be entitled to receive from a distribution of deposites amounting to thirty-seven millions of dollars; and in other columns the amount on deposite in each State subject to draft about the time the act passed, and also at the present time.

By this document, and those on the subject of the deposite banks submitted to the Senate with my last annual report, and connected with the present call, it will be seen that sufficient transfers have already been issued, though all have not yet become payable, to execute the 1st section of the act prohibiting more money to remain in any bank than three fourths the amount of its capital. It deserves notice, however, that the revenue has increased over our expenditures during the last six months so constantly, and in such large amounts, as to keep up to the present moment, and imperatively require, almost weekly transfers and weekly selections of new banks, in order to comply with the above direction of the deposite law. But the utmost care has been exercised, while endeavoring to enforce the spirit of the law on this point, to take every precaution to prevent, as far as practicable, any unnecessary derangement or pressure in the money market, by affording reasonable time for all those transfers to be effected, varying the notice given by this Department to all the parties concerned, generally according to the amount and distance, from thirty to one hundred and twenty days, and in several cases to a longer period, so as to enable the banks easily to remove the money, by bills of exchange, drafts, bank balances, and other satisfactory remittances, and by allowing the payment to be made, as has always been usual, at the places to which the money is to be transferred, unless the bank making the transfers prefers to pay them at its own counter.

But it will be seen, at the same time, that while all has thus been accomplished which was deemed necessary to execute the purpose of the 1st section of the deposite act, dividing the excesses among different banks, and to aid the operations of the mint under the 13th section, and to facilitate our very large disbursements the last half year, and for a few months to come, at the necessary points, yet the other and last process of transfers for the apportionment of the deposites among the States in the prescribed proportions, so as to be gradually and seasonably ready for payment to each State the next month, and quarterly thereafter during the year, has made but little progress since June, by means of transfers to the several States then deficient, and has not been thus completed in a single case, unless the State of Ohio be considered an exception. Her contiguity to other States which had not banking capital sufficient to hold the great accumulation in them, has required the Department, under the act, in order to execute the 1st section alone, to place enough within her limits, by transfers from only the neighboring States, to supply, with the aid of collections there, any deficiency before existing, and all the current expenses of the Government, with some excess for transmission elsewhere. Very unequal sums have been placed in some other States, from the same unequal cause; a cause not within the control of this Department, but yielded to under the express directions of the deposite act. It deserves notice under this head, that, of the other States which were deficient last June, being seventeen in number, all except Indiana still remain deficient in sums ranging from $150,000 to $1,600,000 each, and requiring in the whole, to produce an equality, nearly $11,000,000 more to be paid from other States, besides about two thirds of the five millions to be reserved next month to defray current expenditures. Indiana has since been filled up, and now has an excess of more than a million, derived from the large sales of land within her limits, and not from transfers.

On the other hand, all of the States which last June had an excess, still retain one, except Maryland, which has now only about her just proportion. In all of them, likewise, with a single exception, those excesses, instead of being much diminished by large transfers to a distance, or payments at home beyond the accruing revenue within their limits, have been all increased, and in several cases in such great amounts as to range from a third of a million to two millions higher than they did in June. That exception is New York; but which, at the same time, has been diminished only about four hundred thousand dollars, and still retains an excess beyond her proportion, and mostly in her commercial capital, of over six and one fourth millions of dollars.

If, looking to the whole amount in the Treasury when the deposite act passed, and to the proportions then on deposite within the several States, and to the proportions of it they were then entitled to receive, on the principles of the two acts, provided all excesses had then at once been reduced and all deficiencies supplied, it will be seen that they did not then vary over one million and a half from what is still to be accomplished in the present state of things; and consequently, that, during the six months which have since elapsed, the operation of equalisation

among the States has not been begun or consummated; because not found easy and convenient, while carrying on the other imperative operations under the law, beyond the small extent of less than two millions of dollars.

But however difficult the apportionment among the States must be when it all goes into final effect, merely from the collection and paying over such immense sums into new hands, and however widely and with what embarrassment some of the money must, in the end, depart from the usual channels of commerce and of our fiscal operations, the directions of the act in this respect, as stated in my annual report, could not, with propriety, be neglected by the Department, and are in the course of completion at the proper periods within the ensuing year.

Thus, among the transfers already ordered, but not to take effect till 1837, it will be seen, by the table annexed, that a portion of them will in a few months somewhat reduce these excesses, and a portion of the existing deficiencies will, by the same transfers, be further filled up or supplied. But considerable parts of the excesses in several States, after leaving a due proportion of the five millions continuing in the Treasury to meet the current expenditures there, are now so situated that they will not be actually put under transfer till the beginning of each quarter in 1837, and will then, in general, be made directly to the agent of the State to which they are to be paid, as the banks in which they now are can, by law, hold them till wanted for the several State treasuries. Care, however, will be taken to give a suitable general notice of the time and place of all these subsequent transfers, as has been done concerning the preceding ones. Indeed, as long ago as the 1st of last November, the Department addressed a circular to almost every deposite bank, notifying it of the probable amounts, times, and places, of all future transfers or payments which were expected to be made from it to the several States, in the course of the ensuing year.

These banks will thus enjoy a longer time than usual to make preparation for completing most of these last transfers to the States themselves, by having sixty days' notice in all cases, and in all others an additional time of three, six, and nine months.

The necessity for further explanations upon this subject is not perceived, except to remark that, in all cases where the amount transferred was not required for expenditure, the transfers which were made exclusively for division of the money among the banks have been arranged to the nearest practicable and convenient points where public money was either collected or disbursed, and banks could be selected agreeably to the provisions of the law under which they were ordered. The practice, which had heretofore prevailed, of transferring chiefly from one great section of the country to another, according to the course of the commercial operations between them, was prohibited by the 12th section of that law, except for the purpose of facilitating expenditures, or except, as under the supplemental act, it has in few cases, and may hereafter in many, become necessary and permissible in transfers made either principally or wholly with a view to begin to execute in some cases, and in others to complete the execution of that part of the law apportioning the deposites in ratable proportions among the different States. When attempting either of those objects, independent of the others, the former practice has been strictly adhered to, and the whole operations under the act have been rendered as easy as possible to the banks making the transfers, and as little inconvenient or injurious to the money market and the commercial community as was practicable, without departing from the express enactments of Congress.

Respectfully, yours, LEVI WOODBURY,
Secretary of the Treasury.

Hon. Martin Van Buren,
President of the Senate.

REDUCTION OF THE REVENUE.

Report of the Committee of Ways and Means.

The Committee of Ways and Means, to which was referred the message of the President recommending a reduction of the revenue to the wants of the Government, the report of the Secretary of the Treasury on the finances, a memorial praying for a distribution of the surplus revenue, and many memorials praying for a repeal of the duties on foreign merchandise, submit the following report.

The balance in the Treasury on the 1st of January last, as near as it can be now ascertained, of available funds, was $42,468,859 97. There was probably placed to the credit of the Treasurer before that date, of which no account had been received, about one million in addition, and the Government held on public account $6,244,600, par value, of stock in the Bank of the United States, which, at 114 per cent., amounts to $7,106,304. The aggregate amount of money and other means possessed by Government on the 1st of January was upwards of fifty millions five hundred thousand dollars. The appropriations unexpended at the close of the year, and required to complete the service of 1836, amounted to $13,561,373 35. Of this amount, but $6,000,000 can be properly charged against the surplus, as about seven to eight millions remain unexpended at the end of almost every year. The surplus of means, on the 1st of January, may therefore be estimated at $44,500,000.

The revenue of the past year, as nearly as it can be ascertained and estimated at the Treasury, was $23,000,000 from customs, and $24,500,000 from public lands, and from all other sources $620,000, making an aggregate of $48,120,000.

The excess of revenue beyond the proper wants of Government, though now assuming greater importance than it did formerly, has existed for some years past, and originated in the policy of revising our tariff so frequently since our war with Great Britain, without regard to the condition of the Treasury. High rates of duty were levied to protect particular branches of industry, and a very large revenue was raised, which was absorbed in our public debt till that was extinguished.

Other causes have, however, combined to produce our present redundant revenue, and to give an impulse to trade generally. The sudden and rapid increase during the last five years may be ascribed, in a measure, to British and American legislation. The former, after prohibiting them for a century, authorized the unlimited creation of joint-stock banks, not redeeming their notes in gold or silver, but in the notes of the Bank of England, which were made a lawful tender. On our side, we have added, since 1829, $45,093,207 to our metallic currency; and since 1830 we have increased our banking capital from $110,000,000 to about $330,000,000; thus extending our paper circulation probably $60,000,000. The currency of no country can be so suddenly increased, without encouraging general speculation, and producing a very considerable expansion of commercial credits. Trade and revenue have been accordingly affected by it. Our exports, which were at fifty millions in 1828, rose in 1835 to one hundred and one millions; and those of 1836 were more than one hundred and twenty millions. Our imports, deducting the amount exported, and excluding coin and bullion, were in 1829 $49,500,000, and in 1835 $123,000,000, and in the past year probably $150,000,000.

The annual receipts from the sales of the public lands in 1830 were less than two millions and a half, and in 1836 $24,500,000; and a much larger increase would have occurred in our revenue from customs, had not the duty on nearly one half of our imports been repealed. The produce

of our agriculture, and one half in value, if not in extent, of the whole territory of the country, have become objects of speculation, contributing to enlarge very considerably the mass of commercial contracts and credits.

The revenue of forty-seven millions and a half from customs and public lands in the past year is obviously not to be relied upon as our permanent income. The spirit of speculation is already checked, and the probable embarrassments of the winter will sensibly affect the receipts in the present and the next year. But in the actual condition of our country, sustained as its prosperity is by powerful and permanent causes, we are not authorized to anticipate the extraordinary decline in our revenue which occurred after the disastrous revulsion in 1819—the consequences of a sudden transition from war to peace. In adjusting our revenue to the future wants of Government, we should reflect that this is the first opportunity we have had, since the adoption of our constitution, to enlarge our foreign trade, and develop the resources of our extensive confederacy. At the outset, we had had but four years of uninterrupted commerce. In the second period but seven, from 1800 to 1807; and even after the close of the war in 1815, the trade of the country was convulsed for six years by the change from war to peace, the sudden increase of State banks, and the fluctuating operations of the Bank of the United States. The speculations of 1825 were very much confined in this country to one branch of trade, and were of British, not American origin. No general prostration of our trade, internal and external, has occurred for sixteen years; and to this, more than to any temporary or legislative cause, the existing prosperity of the country ought to be ascribed.

Our revenue from customs is sustained by permanent causes; and although it will fall off during the present and in the next year, it must increase with the growing foreign trade of the country. The cotton manufactures of Europe are steadily increasing. In Great Britain, the average increase from 1834 to 1836 was twenty per cent. In this country, the crop of cotton in the past year is estimated at 1,570,000 bales; being 210,000 more than was produced in 1835. It must also be observed, that while the spirit of speculation has raised other commodities to extravagant prices, cotton, other articles of export, and foreign merchandise generally, the sources of our revenue, have not been much higher than usual. A crisis in commercial affairs could not, therefore, as in 1819, cause any very considerable reduction, and any decline would be but temporary. The rapid growth, too, of our wealth and population, and the extension of our settled territory, enlarge the demand for foreign supplies; and in any prospective adjustment of the tariff, the permanent increase of our foreign commerce should be more regarded than the temporary depression resulting from over-trading.

We may anticipate a great decline in our revenue from public lands, though not to the extent which has been estimated. The receipts in the last quarter, notwithstanding the extraordinary demand for money, were, as nearly as they can be ascertained, four millions and a half. The revenue for the present and the next year will fall far below that of 1836; but, in estimating our future income from our public lands, we must not be governed by the annual receipts in former years. Many causes exist now, which must considerably enlarge this source of revenue. We have within six years purchased of the Indians ninety millions of acres within our settled boundaries, and removed the tribes beyond the Mississippi. This must accelerate the sale and settlement of these lands. We have, too, within a few years, rapidly multiplied our internal improvements in the interior, in every direction, and in many instances through large tracts of the public lands. It is as easy for the emigrant to reach Illinois at this time as it was to go to Utica, in New York, twenty years ago. The area of settlement is thus enlarged, in the South and in the West, to an extent very far beyond its former boundaries. The States in the Northwest are growing with astonishing rapidity, while the laboring population of Maryland, Virginia, and North Carolina, is rapidly moving off to the Southwestern States.

Should the sales of our public lands be limited to actual settlers, as is proposed by the Committee on Public Lands, some, though not a very considerable, reduction in the revenue may be anticipated. Nothing short of suspending the sales, a policy which this Government never would adopt, can prevent us from receiving a large income from this source.

One and not the least of the evils resulting from a surplus revenue, is an extraordinary increase of our federal expenses. A part of this increase has been caused by extinguishing Indian titles and removing the tribes. We have appropriated for these objects, since the 4th of March, 1829, $26,982,068; and our Indian wars have and will cost us not less than $13,000,000, making an aggregate of about $40,000,000. Such heavy expenditures, for similar objects, cannot be anticipated hereafter, and our federal expenses for all purposes ought not to be estimated at more than twenty millions of dollars. Even that amount is much more than we have hitherto deemed compatible with the necessary wants of an economical Government; and a just regard to economy should prevent us at least from making provision, in anticipation, for a larger Government expenditure.

Unless, however, prompt measures are taken to reduce our revenue, we may anticipate a rapid increase of our expenses, and the recurrence, in a few years, of another surplus for deposite or distribution. To avoid these evils, the only safe and prudent course is to diminish the income of the Government. The committee are of opinion that some unnecessary taxes, not yielding much revenue, may be repealed, and that a general reduction should be made in one or the other sources of our income, to the extent of seven millions of dollars. The actual condition of our finances does not warrant a less reduction.

Without arresting the progress of the settlement of the country, this reduction cannot be made in our receipts from public lands. But even if such an unwise and unjust proposition were made, and the question should be presented, whether we should relinquish our income from this source, or reduce our revenue from customs, there are great considerations, involving even the stability of our confederacy, why the latter should be preferred to the former.

Our public lands are the common property of the Union in the ratio to representation. No tax can ever be imposed, the burden of which will, in the spirit of our federal constitution, fall in the like ratio among the States. On the contrary, the revenue from customs is the most unequal and unjust plan of taxation that could have been devised; and the design of our constitution will never be fulfilled until it is wholly reformed. The agricultural States should never permit a common fund to be destroyed, or permanently distributed, in order that, by perpetuating our taxes upon manufactures, the chief burden of supporting the Federal Government should be thrown upon them.

In justice to the new as well as to the old States, the sales of the public lands ought not to be suspended, nor should they be converted into a fund for annual distribution among the States. Whatever reduction is made should fall upon our revenue from customs. In examining the various articles upon which duties are now levied, the committee find very few remaining that do not directly or indirectly come in competition with some branches of our own industry. Those which are exclusively foreign do not yield an aggregate amount of duty exceeding one hundred thousand dollars. Many others, which have been

heretofore classed among the non-protected articles, might be included in the favored list, with quite as much justice as those which have been so considered ever since it has been the policy of the Government to make any such distinction. But if the duties on all that are classed with the non-protected were repealed, it would not reduce the revenue one million of dollars. An adequate reduction cannot be made without diminishing or repealing the duties on what are denominated protected articles; in other words, without modifying the act of the 2d of March, 1833, commonly called the compromise act.

In approaching this question, the committee are fully aware of the importance of the interests involved, and of the anxiety of capitalists who are extensively engaged in the manufacture or production of commodities which may be affected by any reduction of our taxes. But the question whether we shall continue to sustain their income by our laws, must yield to the indispensable necessity of reducing our revenue to the wants of the Government. The actual condition of our finances demands this, and makes it our duty to examine thoroughly the foundation upon which the claims of our capitalists to exclusive and perpetual protection rest, and to exhibit the very unjust operation of the compromise act upon the people and States of the confederacy.

Prior to 1816, the primary object of every duty was to support Government and pay the public debt; every tariff and every tax originated in a want of money. The duties were levied on imports generally, and the encouragement of manufactures was wholly incidental to the power of collecting a revenue from customs. There was no distinction, then, between protected and non-protected articles; for the latter were generally taxed at the highest rates. When a duty was proposed as a tax, and defended as an incidental encouragement to some branch of industry at home, it was uniformly advocated as a temporary burden upon the consumer, for which he would be indemnified in a few years by a cheaper domestic supply. The Government wanted money, the taxes were moderate, and the consumers seldom troubled themselves to inquire into the wisdom of the discriminations or the soundness of the principles of Congress.

At the close of the war with Great Britain, the manufactures of the country had been protected for eight years by an almost total prohibition of foreign merchandise, and by the sacrifices of agriculture and commerce. When peace returned, the latter interests were destined again to prosper, and there was danger that the sudden renewal of our intercourse with foreign nations, with whom we exchanged productions, would give a blow to manufactures from which they would not recover in many years. There was a general desire to moderate the shock, and the duties levied by the tariff of 1816 were in some instances higher than would have been otherwise adopted, and necessarily much higher than they were before the war, owing to its heavy expenses. From that time a struggle occurred at almost every session, for more protection, and the duties were continually raised, till they reached their maximum in 1828. Various expedients were resorted to, to sustain them. Our expenditures were rapidly increased, without the least regard to economy, to create a necessity for revenue. The duties on merchandise exclusively of foreign origin were repealed, to preserve our protecting duties; and now, when all these expedients have failed, an attempt is made not only to perpetuate but to increase them, by annually distributing the proceeds of our public lands.

The system was modified by the acts of the 14th July, 1832, and the 2d of March, 1833. This last act, though proposing a reduction of duty, contains some provisions to take effect in 1842, which will probably be repealed. To exact cash duties, and to deny to our foreign trade the privilege of deposite, is a policy which has never yet been introduced into any other civilized commercial country; and to assess the duty on the market value of foreign merchandise, at every port in the United States, would give us as many rates of duty as we have ports, in direct violation of the constitution. But the committee do not propose to anticipate the discussion of these questions, or any of the provisions of the act of 1833, which do not interfere with the proposed reduction of the revenue. They deem it, however, important to examine the principle of the compromise act, and to expose its unjust operation, at this time.

The modern innovation upon our ancient plan of levying duties on foreign merchandise generally, by collecting our revenue exclusively from that portion which comes in competition with our own industry, reverses the whole design of the constitution, which certainly contemplated that our taxes for federal purposes should be levied in a ratio to representation as nearly as it was practicable.

The previous acts, repealing duties on non-protected articles, and the act of March, 1833, are calculated to make our taxes as unequal as possible. There is a wide difference between the operation of a tariff on merchandise similar to our own and on that which is exclusively foreign. When we collect twenty millions on the latter, the duties are general through the Union, and the price of no corresponding commodity at home is raised by it. The tariff operates as a tax to that extent, and no further; and the whole amount goes into the Treasury, for the support of Government. No man gains any advantage over another, and no State is made tributary to any capitalist or corporation. But when twenty millions are collected on protected articles, the tax indirectly extends to the whole mass of our own productions and manufactures, which are raised in price, and a much greater amount is levied upon the consumers of the country, in addition to the twenty millions for the support of Government. In 1835, the merchandise imported for consumption, liable to duty, deducting the value exported, amounted to about sixty-six millions, and yielded a duty of twenty millions. The value of similar merchandise of domestic origin, in that year, may be estimated at about two hundred and fifty millions. Some of these branches, especially those beyond the mountains, are not so much affected by our duties; but the prices of far the largest proportion are regulated in a great measure by the tax we impose. Assuming that articles of the value of only one hundred and fifty millions were so affected, and to the extent of twenty-five per cent., which is less than the actual duty on imported merchandise, the internal tax on the consumers in 1835 amounted to thirty-seven millions five hundred thousand dollars, in addition to the twenty millions which went into the Treasury. It is impossible to ascertain what amount of tax these protected branches of industry have for their own profit, and to pay the difference between American and European labor, thus indirectly collected from the consumers since 1789. But we know that the latter have paid on foreign merchandise, from 1789 to 1836, inclusive, (A) more than six hundred and eighty-two millions of dollars, besides probably thirty millions for the expenses of collection. More than one half of this aggregate has been levied on protected articles. Although we cannot ascertain the amount of this internal tax upon the consumers for the last forty-eight years, we can form some estimate of it in late years. At the manufacturers' convention in New York, in 1831, they estimated the annual product of that industry, omitting some branches, at more than two hundred millions. From their great and uninterrupted prosperity since then, the annual value of their products at the present time ought probably to be estimated at three hundred millions. If the larger proportion of this amount is not raised in value by duties on foreign merchandise, then are they, as protecting duties, wholly inoperative and unnecessary. This indirect tax

upon the consumption of our own productions cannot be estimated at less than twice the amount of duty collected on similar foreign merchandise, or forty millions annually.

The prices of protected produce and manufactures, at home and abroad, are regulated by the industry of those countries where labor is uniformly cheaper than it is in the United States. Until our population resembles that of Europe, and our climate is as genial as that of the sugar islands, our consumers must pay, for both foreign and domestic merchandise, a price equal to the cost abroad, the charges of importation, the duty, and the merchants' profit upon all. How much the aggregate of all these amount to, in the progress of near half a century, it is impossible to calculate. We know, however, that one of the items amounts to more than three hundred and fifty millions of dollars; and the princely establishments scattered over the United States, and the fact that the annual produce of their industry may be estimated at three hundred millions of dollars, afford ample evidence that other treasuries than that of the Government have drawn a much larger amount from the labor of the consumers.

Such is the operation of those protecting duties, which it is proposed to continue, for the purpose of dividing our surplus revenue hereafter. Such the system of taxation which the compromise act, as it is called, makes perpetual in a confederacy of States, three fourths of which are not engaged to any extent in these protected branches of industry. According to the provisions and indirect operation of that act, we must levy sixty millions annually upon the consumption of the country, in order to collect twenty for the use of Government. The entire population of most, and a large majority of all the States, must be forever compelled, by our laws, to sustain immense and powerful establishments, which are overshadowing all other branches of industry, while our privileged capitalists and corporations are alone to be, in effect, exempt from taxation, well satisfied with a reciprocity of duties, so long as they are ultimately indemnified by an indirect tax upon the other interests of the country.

In other countries, with a crowded population and a consolidated Government, this system is less expensive, though manifestly unjust and impolitic, wherever it is adopted. But whatever may be its operation elsewhere, it is wholly inconsistent with the equal, just, and free basis of our institutions, and can never be perpetuated in a confederacy of States, spread over a vast continent, differing in employments, interests, soil, and climate.

It is impossible to make a protecting tax equal among the States. It is, as such, wholly inconsistent with the constitutional and political rights of the members of our confederacy. We cannot permanently make twenty of the States of the Union tributary, not to the other six, but to a small portion of their population. The produce of the labor of one State should, by law, enjoy no advantages over the produce of labor in another, whatever may be the character of its industry; nor should the foreign trade of any one State in the Union be restricted, except from political necessity.

The commerce of a confederacy, internal and external, should be wholly free. The manufactures of Europe, as well as of the United States, require the produce of our agriculture, and we have no constitutional right to restrict the mutual exchange of our commodities exclusively for the purpose of increasing the profits of individuals in other States. The planter of the South and the farmer of the interior or of the West cannot be effectually and perpetually compelled by our laws to purchase his supplies from the manufacturer or producer in some distant State, on terms which give the latter an advantage of thirty, forty, or fifty per cent., and in some instances more. This plan of taxation is unjust in any form and to any extent; but to collect, as is proposed, millions beyond the wants of Government, merely for the purpose of distribution, would render its inequality and oppression intolerable.

These protecting duties can be no longer defended as temporary taxes upon consumption, for which the country will be indemnified by a cheap and abundant supply of domestic produce and manufactures. It will be seen, by examining the statement B, how utterly fallacious have been all such predictions and speculations, from the date of the report of our first Secretary of the Treasury, in 1790, down to the present day. That statement exhibits the quantity and value of the most important protected merchandise imported in fifteen years, to September, 1835, and some for the year ending 30th June last.

Previous to 1821, our laws did not require regular returns, and little reliance can be placed on estimates. So far from redeeming the pledges, so repeatedly given to the country, that foreign merchandise would be excluded, our importations have always been and are now steadily increasing, and almost uniformly in a ratio even greater than our rapid increase of population. Our manufactures, however prosperous, cannot more than keep pace with the growth of the country, so long as our boundaries of settlement continue to be enlarged, and our agricultural population spreads in the South and West. We have never had an adequate supply of labor, and even that is comparatively diminishing, as the spirit and facility of emigration increase and the theatre of settlement enlarges. Such is the existing demand for labor for our modern improvements and enlarged industry—for our mines, factories, railroads, and canals—that we can scarce procure sufficient to cultivate the soil. Besides, so long as we supply all Europe with raw materials, and our exports continue to increase, as they will do, we must take her manufactures in return. While peace continues, nations will exchange their surplus productions; and that commerce will constantly increase, in defiance of all our revenue laws. The consumers of this country can expect no relief from the protecting system till this continent shall have become settled, and a dense and impoverished population reduces the price of labor to the European standard. Till then, they must pay an annual tribute of millions, to add to the number, wealth, and power, of our capitalists and corporations.

Statement B gives the importations for each year ending the 30th September, from 1821 to 1835. The returns are not complete for 1836, though a few are stated for the year ending the 30th June last. The aggregate imports for that year, including coin and bullion, were $185,631,410. Had the importations for 1836 been taken into the comparison, a much larger increase would have been exhibited; but the trade of that year was augmented by extraordinary causes, and is therefore excluded. The comparison made is between the seven years ending in 1821 and in 1835, the first and the last seven of the fifteen years. The real increase is much larger than the apparent, in consequence of constant improvements in machinery and the competition among nations. The value of imports at the present day represents, in many instances, more than double the quantity the same amount would have represented twenty years ago.

In the last seven years, to 1835, the average increase over the first seven—that is, in seven years—is, on the following articles, viz:

Brass manufactures - - -	26 per cent.
Glass ware - - - -	60
China ware - - - -	150
Earthern and stone ware - -	25
Steel - - - - -	87
Leather manufactures, the last five over the first five years, from 1826 to 1835	62½

The only article the importation of which has not increased is hemp; and for the very unsatisfactory reason,

that the laws of other countries are more friendly to our navigation than our own, and our ships are supplied abroad.

Woollen manufactures.—Stuff goods have been admitted free of duty for three years past. Other manufactures of wool have been protected by a high duty; and, more effectually to diminish importations, cash duties are exacted, to take effect from the date of importation. The aggregate increase of worsted and woollens is, in the last, over the first seven years, about $1,700,000, being 22 per cent. in seven years. The greatest amount imported in any one year of the first seven was $11,752,595, and in the last $16,831,557; being $4,000,000 more than had been imported in any one year since these returns were ordered. If the quantities, instead of the values, could be compared, it would exhibit a greater increase. The worsted goods imported in the year ending the 30th of June, 1836, amounted to $7,099,370; woollens, $13,614,643—making an aggregate of $20,714,013.

Cotton manufactures.—This branch was protected by a heavy square-yard duty in 1816, which has been subsequently increased. The average increase annually in the last over the first seven years is more than a million. The highest amount imported in any one of the first seven years was $12,509,516; in the last, $16,090,224. The first year of the sixteen was $7,788,514, and the last $15,367,585. When it is considered how much the price of this fabric has been reduced in every country in the last twenty years, and that the same value now generally represents twice the quantity it did formerly, some idea may be formed of the immense increase in this branch of our importations. The amount imported in the year ending the 30th June last was $18,927,250.

Iron and steel manufactures.—By adopting specific rates of duty on many of these manufactures, the consumers are taxed much more heavily than they are aware of; besides which, the heavy charges of transportation give our own manufactures a great advantage. The importations, notwithstanding, have increased very rapidly. The aggregate amount imported in the first seven years was $19,141,183; in the last, $27,824,141; being an increase in seven years of 45 per cent. The highest annual importation in the first term was $3,525,433; in the last, $4,827,461; and in the first year of the sixteen, $1,630,129; in the last, $4,827,461. The amount imported in the year ending the 30th June last was $7,717,910.

Bar iron—The aggregate quantity imported in the first seven years was 3,998,021, and in the last 7,106,381 hundred weight, or about 200,000 tons in the former period, and 355,000 tons in the latter; being an increase of 77½ per cent. in seven years. The consumption of iron was rapidly increasing in every country, owing to the application of it to a variety of new purposes. But another and much more important source of consumption has recently grown out of the improvement in railroads, which promises to give ample employment, for years to come, to iron works at home and abroad. The demand for this new use cannot even be now supplied, and the price of railroad iron has consequently risen very considerably. By devoting labor to this new and increasing branch of the iron manufacture, other branches have advanced in price. Although our ironmasters find the latter more profitable than railroad iron, the British, by going largely into this new branch, have given an impulse to all others in every country. There will undoubtedly be a rapid increase of railroads in Europe and America, which must very much enlarge the demand. Whatever may have been the motives, heretofore, for imposing a protecting duty, none is now required; for this modern improvement has created a market for it which affords it a protection far more permanent and effectual than thrice the amouut of our existing duty. As a protection, our duty is rendered wholly abortive; for all the ironmasters of Europe and America cannot, taking a series of years together, supply the demand for railroads and all other purposes.

Sugar.—This is also charged with a specific duty equal to sixty or seventy per cent. on the estimated cost of production abroad. The aggregate quantity imported in the first seven years of the statement was 536,363,592 pounds, and in the last 664,371,508 pounds, being an increase of about 24 per cent. in seven years. The highest importation in the first term was 94,378,814, and in the last 126,039,239 pounds. The importation of molasses has also increased near 20 per cent. in seven years. The greatest quantity imported in the first seven years was 13,843,045, and in the last 18,971,603 gallons. The culture of sugar is very uncertain in our climate. If the estimate made by the convention in New York be correct, there has been no increase in this branch since 1831. They estimated the crop at 40,000 hogsheads in 1823, and at 100,000 in 1831. The crop of the present year has been estimated at 90,000, but, in consequence of an early frost, it is said, will not produce over 75,000 hogsheads. Since the acquisition of Louisiana, the consumers have paid about $76,000,000, for the protecting duty on sugar and molasses, besides about $30,000,000, probably, in the increased price of our domestic sugar. The quantity imported in the year ending the 30th of June last was 174,607,506 pounds.

Salt.—The duty on salt was first laid by the tariff of 1789, was afterwards increased, but subsequently repealed by the act of the 3d of March, 1807, when we had an overflowing Treasury. It was renewed during the war, as a war duty. The aggregate quantity imported in the first seven years of the fifteen was 32,019,575, and in the last, 38,779,371 bushels; being an increase of about twenty-one per cent. in seven years. Salt has been protected from 1789 to the present time; for although the duty was repealed from 1808 to 1814, our embargo, other restrictions, and war, were much more efficient than the duty. After near half a century, we import about as much as is manufactured in the United States, even including those establishments in the interior with which foreign salt cannot interfere.

Coal.—The duty on coal commenced with the tariff of 1789, at two cents a bushel. The statement referred to exhibits the importation of coal for fifteen years. The aggregate quantity imported in the first seven years was 6,038,027, and in the last, 12,251,642 bushels; being an increase of more than one hundred per cent. in seven years. It is not practicable to obtain a statement of the produce of all the mines in the United States; but it will be sufficient to show the immense increase in the consumption of coal, by referring to the progress of three mines of anthracite coal. The annual produce, in 1820, was 365, and in 1836, 682,429 tons. The increase of all the mines in the same neighborhood, for the present year, is estimated at 258,000 tons. While our importations of foreign coal have increased in seven years, ending in September, 1835, over the seven years ending in 1827, more than one hundred per cent., a new branch of the coal trade has grown up from nothing to 682,429 tons. The whole amount of coal imported in 1821 was but 17,000 tons; and in 1836 it was about 60,000, and has been more. The increased consumption in these branches alone—but a small proportion of the coal trade of the United States—since 1820, is from about 17,000 to 750,000 tons; and, as a writer in defence of the coal duty informs us, we are in the present year to add 250,000, making a million of tons. Without this, however, the consumption in these branches has increased to forty-four times the quantity consumed sixteen years ago. It is very evident that our coal companies have a much more powerful protection than any which the duty affords them. Causes far more effectual and controlling than all our revenue laws have, within a few years, created an extraordinary demand for coal, which must increase perma-

nently. The destruction of our forests, the increase of our population, and the enlarged application of coal to manufacturing and other purposes, must enable the producers, taking a series of years together, not only to regulate the quantity, but the price of this commodity. With such evidence of the rapid and permanent increase of the consumption of coal, the continuance of the duty as a protection cannot be justified. The whole duty in 1835 was but about $100,000; and although that imported now is more than three times the quantity in 1821, the whole does not equal twice the annual consumption of the town of Wheeling, in Virginia. The statement below, though relating to other countries, will show the immense product of coal, and its various uses, and proves how utterly insignificant our importation of 60,000 tons is, when compared with the aggregate consumption of the United States. The following is the estimated annual produce of the coal mines in England and Wales, under the different heads of consumption:

By the population - - -	20,804,570 tons.
Iron furnaces - - -	3,000,000
Manufactories - - -	4,550,000
Steamboats - - -	3,000,000
Exported - - -	615,925
Total -	31,970,495

Wheat.—A duty of 25 cents a bushel was imposed on wheat in 1824. Notice is taken of this item in this report, merely for the purpose of proving its insignificance as a protecting duty. It is an insult to the agricultural interest to attach any importance to it as a measure of protection. Statement D shows that the whole quantity of wheat imported into all our Atlantic ports, from the time the duty was laid, in 1824, to the 30th of September, 1835, embracing a term of eleven years, was but 4,832 bushels—about 440 bushels a year. Notwithstanding the extraordinary state of trade, and the display made about Black sea, Baltic, and German wheat, during 1836, the whole quantity imported in the year ending the 30th September last, at all the ports on the seaboard, (except the third quarter of the year, at Boston,) was but 317,883 bushels, paying less than $80,000 duty. In an agricultural country like this, remote as it is from other grain-growing countries, our farmers have nothing to apprehend from importations. There are but two causes that can bring wheat from abroad: a failure of crops, when importations would be desired by all; and the occasional recurrence of a redundant currency.

The importations of wheat in 1836 were not owing to the former cause. Although our crops have partially failed in some of the States, there is no famine, and the deficiency is not the sole cause of the present high price. We have had a redundant currency, which encouraged speculation, and raised the prices of commodities generally so high as to produce importations in 1836, without regard to the actual wants of the country. A sudden and large addition to our metallic and paper currency has made us importers of wheat; and had it been practicable, the same cause might have made us importers of the soil which produced it.

The duty on wheat is of no consequence in our trade with Europe, or any other branch of our commerce abroad. By referring to the table D, it will be seen that its operation is almost entirely confined to our Canadian frontier. But even there, the importations were of very little consequence till 1835; then the duty did not amount to sixty thousand dollars, and the imports for 1836 were not half the quantity. The duty on wheat operates very injuriously on our trade with Upper Canada. When it was laid, in 1824, we were the millers and exporters of the Canadians. By imposing a duty of twenty-five cents, and refusing the drawback on exportation on that frontier, we have destroyed this branch of trade, as far as the law could be executed. That, however, could not be effected on the St. Lawrence and the Niagara. The most serious objection to this duty is, that it enables the British Government to carry out a policy which it wisely adopted some years ago. The produce of the United States is not only admitted into Canada free of duty, but enjoys all the advantages of Canadian produce in the consumption of Great Britain. She thus secures the carrying of our produce, while we, by our own laws, deny ourselves the profit of exporting the produce of Upper Canada, and of furnishing that country with supplies. We force trade through the St. Lawrence, instead of encouraging it through our canals, rivers, and lakes; into which channels it would have long since flowed, but for our own laws. Such is the whole operation of our duty on wheat; it affords no protection whatever to agriculture, while, with the aid of other laws equally unwise, it almost destroys our commerce with Upper Canada, and increases the navigation of Great Britain.

Such is the present condition and the operation of protecting duties on some of the most prominent branches of our industry. The enlargement and the prosperity of our manufactures, and the existence of these duties for near half a century, no longer warrant a continuance of these heavy charges upon the consumption of the country, under the pretended necessity of sustaining against foreign competition capitalists and corporations, the annual produce of whose mines, factories, and plantations, is estimated at three hundred millions of dollars. The agricultural and commercial interests might, with more justice, claim the protection of Government; and, as an indemnity for the sacrifices of half a century, ask for a tax upon that capital, nineteen twentieths of which has been drawn from their labor. With a surplus of fifty millions in money and stock, and an income from customs and public lands beyond the wants of Government, they have at least a right to demand that the whole burden of supporting Government, and sustaining our capitalists and corporations, should not be thrown upon them. If our protected industry, great, growing, and profitable as it is, cannot now protect itself, it never will; and it is time for every consumer to determine whether he will submit to perpetual taxation for any such purpose. The statements appended to this report prove conclusively, that notwithstanding the extraordinary increase of our own manufactures, our supplies from abroad, through natural and uncontrollable causes, are constantly increasing. We cannot apologize for the continuance of these taxes, by holding out any prospect of relief, now or hereafter. It is time, therefore, that the system, as such, should be gradually reformed; that all branches of our industry should be placed on the same footing; and that our taxes should give no advantage to one man over another. No State nor section of this confederacy should hereafter be made permanently tributary to another by the operation of our revenue laws.

Unequal and unjust as our taxes are, it is not proposed to remove them in a mode which might shock any branch of industry. The immense increase of the consumption of coal, and the comparatively insignificant quantity imported from abroad, clearly show that the prosperity of this branch is wholly independent of the duty. It is required neither for protection nor revenue, and the committee recommend its repeal. They also propose to repeal the duty remaining on salt; one half was repealed by the act of July 14, 1832, without destroying our salt works, as was predicted; and the remainder may be taken off, with little injury to them and great benefit to the country. Such a tax ought not to be continued with an overflowing Treasury. The committee further recommend a general reduction of our imposts, to the extent of seven millions. For the reasons stated in this report, they have not endeav-

ored to select articles which would not affect our industry; the duties upon all these, of any importance whatever, have already been repealed. Nor were they disposed to repeal the duties upon articles paying a less duty than twenty per cent., while other branches of industry, with no higher claims, were protected by duties of 30, 50, and upwards of 100 per cent. So long as the principle of protection is continued, justice requires that they should at least be equalised. That is the basis of the adjustment in the act of the 2d March, 1833. By that act, all duties over twenty per cent. were to be gradually abolished. The committee propose the same measure, but recommend a different process of reduction. By the tariff of 1833, the excess of duties over 20 per cent. was to be reduced one tenth on the 31st of December, 1833; one tenth the 31st of December, 1835; one tenth the 31st of December, 1837; and one tenth the 31st of December, 1839; the remainder of the excess was to be taken off, one half on the 31st of December, 1841, and the other on the 30th of June, 1842. Of these, the first two reductions have already been made. In estimating the excess for future years, 1834 is considered a better criterion than 1835 or 1836, when the importations were unusually large. The excess of duty on the gross revenue accruing in the year ending the 30th September, 1834, (see statement E,) was $9,400,000; from this is to be deducted the drawback on the quantity exported, which would probably leave the excess of duty over 20 per cent. on the quantity remaining for consumption at seven millions. Assuming that as the nett excess, and that the same amount of importations should continue till 1842, the following would be the prospective operation of the act of the 2d March, 1833:

Excess - - - - -	$7,000,000
Deduct one tenth 31st Dec. 1837 - -	700,000
	6,300,000
Deduct one tenth 31st Dec. 1839 - -	630,000
	5,670,000
Deduct one half 31st Dec. 1841 - -	2,835,000
	2,835,000
Deduct one half 30th June, 1842 - -	2,835,000

Thus the act proposes to reduce the excess 1,330,000 dollars in five years, and 5,670,000 dollars in six months. If the state of our finances did not oblige us to anticipate this reduction of our revenue, motives of policy should induce us to change this extraordinary and unequal process of reduction. With a foreign trade constantly and permanently increasing, our manufactures will be as much affected in 1842 as they will be in 1838. If they can, as is proposed, stand a reduction of near six millions of this excess in six months, they will certainly be little affected by taking off the third of seven millions every six for eighteen months. The committee, therefore, propose that one third of the excess should be reduced on the 30th September next; one half of the remainder on the 31st of March, 1838; and the other half on the 30th September, 1838. Assuming an excess of seven millions, the reduction would be, viz:

	$7,000,000
One third, September 30, 1837 - -	2,333,333
	4,666,667
One half, March 31, 1838 - - -	2,333,333
One half, September 30 1838 - -	2,333,333

Such a reduction would increase and diminish with the rise and fall of importations, and could not materially affect these branches of industry, producing annually, as is estimated, three hundred millions, and distributed, as this reduction would be, among them all. Besides, even after these high duties are reduced to twenty per cent., they will still, with the charges of importation, cash duties, and short credits, enjoy a protection of forty to fifty per cent., and on heavy and cheap merchandise much more. As to the proprietors of our salt works, iron works, and coal mines beyond the mountains, our imposts do not affect them, as they enjoy a natural monopoly, and regulate both the price and the quantity of their productions.

It is the vice of our plan of levying taxes for the support of Government, that we can make no change in our revenue laws without affecting some interest. In the progress of our legislation, and of our intercourse with foreign nations for the last half century, with our tariffs, embargoes, non-intercourse, and war, the burden and sacrifices have fallen on the non-protected, the profits on the protected, branches of our industry. A period has arrived when a measure of an opposite character is demanded by the highest considerations. It is the duty of all interests to yield to the paramount necessity of reducing the revenue of the United States to the wants of the Government; and the committee report a bill for that purpose.

A.

Statement of the revenue annually collected from the consumers of the United States, by duties on foreign merchandise.

March 4, 1789, to Dec. 31,		In 1815,	$7,282,942 22
1791,	$4,399,473 09	1816,	36,306,874 88
In 1792,	3,443,070 85	1817,	26,283,348 49
1793,	4,255,306 56	1818,	17,176,385 00
1794,	4,801,065 28	1819,	20,283,608 76
1795,	5,588,461 26	1820,	15,005,612 15
1796,	6,567,987 94	1521,	13,004,447 15
1797,	7,549,649 65	1822,	17,589,761 94
1798,	7,106,061 93	1823,	19,088,433 44
1799,	6,610,449 31	1824,	17,878,325 71
1800,	9,080,932 73	1825,	20,098,713 45
1801,	10,750,778 93	1826,	23,341,331 77
1802,	12,438,235 74	1827,	19,712,283 29
1803,	10,479,417 61	1828,	28,205,523 64
1804,	11,098,565 33	1829,	22,681,965 91
1805,	12,936,487 04	1830,	21,922,391 39
1806,	14,667,698 17	1831,	24,224,441 77
1807,	15,845,521 61	1832,	28,465,237 24
1808,	16,363,550 58	1833,	29,032,508 91
1809,	7,296,020 58	1834,	16,214,957 15
1810,	8,583,309 31	1835,	19,391,310 59
1811,	13,313,222 73	1836,	23,000,000 00
1812,	8,958,777 53		
1813,	13,224,623 25		*682,547,842 84
1814,	5,998,772 08		

* To which may be added the expenses of collection for 48 years.

SPECIE CIRCULAR.

Circular from the Secretary of the Treasury to Receivers of Public Money and to the Deposite Banks.

Treasury Department,
July 11, 1836.

In consequence of complaints which have been made of frauds, speculations, and monopolies, in the purchase of the public lands, and the aid which is said to be given to effect these objects by excessive bank credits, and dangerous if not partial facilities, through bank drafts and bank deposites, and the general evil influence likely to result to the public interests, and especially the safety of the great

amount of money in the Treasury, and the sound condition of the currency of the country from the further exchange of the national domain in this manner, and chiefly for bank credits and paper money, the President of the United States has given directions, and you are hereby instructed, after the 15th day of August next, to receive in payment of the public lands nothing except what is directed by the existing laws, viz: gold and silver, and, in the proper cases, Virginia land scrip; provided that, till the 15th of December next, the same indulgences heretofore extended, as to the kind of money received, may be continued for any quantity of land not exceeding 320 acres to each purchaser who is an actual settler, or bonafide resident in the State where the sales are made.

In order to insure the faithful execution of these instructions, all receivers are strictly prohibited from accepting, for land sold, any draft, certificate, or other evidence of money, or deposite, though for specie, unless signed by the Treasurer of the United States, in conformity to the act of April 24, 1820. And each of those officers is required to annex to his monthly returns to this Department the amount of gold and of silver, respectively, as well as the bills, received under the foregoing exception; and each deposite bank is required to annex to every certificate given upon a deposite of money, the proportions of it actually paid in gold, in silver, and in bank notes. All former instructions on these subjects, except as now modified, will be considered as remaining in full force.

The principal objects of the President in adopting this measure being to repress alleged frauds, and to withhold any countenance or facilities in the power of the Government from the monopoly of the public lands in the hands of speculators and capitalists, to the injury of the actual settlers in the new States, and of emigrants in search of new homes, as well as to discourage the ruinous extension of bank issues and bank credits, by which those results are generally supposed to be promoted, your utmost vigilance is required, and relied on, to carry this order into complete execution.

LEVI WOODBURY,
Secretary of the Treasury.

APPORTIONMENT OF THE SURPLUS.

Treasury Department,
January 3, 1837.

Sir: I seize the earliest occasion to inform Congress of the measures adopted by this Department since the 1st instant, in compliance with the 13th section of the act regulating "the deposites of the public money."

The balance in the Treasury on that day, which was subject to be apportioned among the different States, has, on the principles of the act, as construed by the Attorney General, and explained in my last annual report, been ascertained to be $37,468,859 97.

The division of this sum, in detail, among the several States, may be seen in the document annexed, and, including Michigan, equals $127,445 10 to each electoral vote.

In consequence of the proceedings of the last convention in Michigan, and the views expressed concerning them by the President of the United States, in his recent message communicating those proceedings to Congress, together with the provisions of the bill now pending in one House on this question, the Department has supposed her situation so far changed since November as to justify the assignment to her of a share of the public deposites, subject, however, entirely to the future decision of Congress upon the propriety of this step.

The payment of the share assigned to Michigan will, therefore, be postponed till some expression of opinion shall be given by Congress, which may either sanction its being made to her in the same manner as to the other States, or require its division among the other States in addition to the sums which have already been apportioned to them.

Twelve of the States have communicated their acceptance of the terms of the act, and accordingly transfers, equal in amount to the first quarterly deposite required under the law, are now issuing in favor of their respective agents. Which is respectfully submitted.

LEVI WOODBURY,
Secretary of the Treasury.

To the Hon. James K. Polk,
Speaker of the House of Representatives.

Apportionment among the several States of the Public Money remaining in the Treasury on the 1st January, 1837, excepting five millions of dollars.

States.	No. electoral votes.	Amount to be deposited during the year 1837.
Maine	10	$1,274,451 02
New Hampshire	7	892,115 71
Massachusetts	14	1,784,231 48
Rhode Island	4	509,780 41
Vermont	7	892,115 71
Connecticut	8	1,019,560 81
New York	42	5,352,694 28
New Jersey	8	1,019,560 81
Pennsylvania	30	3,823,353 06
Delaware	3	382,335 31
Maryland	10	1,274,451 02
Virginia	23	2,931,237 34
North Carolina	15	1,911,676 53
South Carolina	11	1,401,896 12
Georgia	11	1,401,896 12
Alabama	7	892,115 71
Mississippi	4	509,780 41
Louisiana	5	637,225 51
Missouri	4	509,780 41
Kentucky	15	1,911,676 53
Tennessee	15	1,911,676 53
Ohio	21	2,676,347 14
Indiana	9	1,147,005 92
Illinois	5	637,225 51
Arkansas	3	382,335 31
Michigan	3	382,335 31
		$37,468,859 97

Statement of the payments made to the States of Ohio, Indiana, Alabama, Missouri, Illinois, Mississippi, Louisiana, and Arkansas, out of the 5 per cent. of the nett proceeds of the sales of land within their respective limits; prepared in pursuance of a resolution of the House of Representatives of the 26th December, 1836.

States.	Proportion of 5 per ct. paid.	Amount paid.
Ohio	3 per cent.	$464,366 51
Indiana	Do.	388,102 61
Alabama	Do.	301,809 63
Missouri	Do.	146,929 20
Illinois	Do.	260,328 96
Mississippi	Do.	338,808 02
Louisiana	5 per cent.	106,535 19
Arkansas	3 per cent.	4,790 00
		$2,011,670 12

Treasury Department,
Register's Office, *December* 29, 1836.
T. L. SMITH, *Register.*

CLAIM OF UNITED STATES ON U. S. BANK.

Report of the Secretary of the Treasury, upon the subject of the claim of the United States against the United States Bank, &c.

TREASURY DEPARTMENT,
January 30, 1837.

SIR: In conformity with the suggestion contained in my last annual report, I proceed to submit a statement of the further proceedings which have been had for a settlement of the claims of the United States against the Bank of the United States chartered by Congress.

At that time, this Department flattered itself with hopes that the gentlemen engaged in this business, on the part of the Government, would be able to induce the committee, acting on the part of the bank, to agree with them as to the value of the stock owned by the United States on the 3d of March last, as well as the proper periods for paying into the Treasury what was then due the United States, on account of its large share in the capital stock of the bank, with the rate of interest and kind of security proper under all the circumstances of the case.

But it is greatly to be regretted that these hopes have been disappointed.

The detailed report of the agents or commissioners appointed by this Department, with the documents annexed, is herewith submitted to Congress. It presents a clear and succinct history of the efforts made by them, first to procure a payment in part of the amount due to the United States before the 1st of January, 1837, (the just extent of which they considered to have been about four millions of dollars,) and afterwards to be continued by payments in such other instalments, at subsequent periods, as the collections and assets of the bank might appear to justify. But, as will be seen, the payment of any sum whatever, in 1836, was declined by the bank. The alleged grounds on which the refusal rested, with the opinions of the commissioners as to their insufficiency, are fully exhibited in the documents before named.

The efforts which were next made to agree with the committee of the bank, as to the actual value of its stock on the 3d of March, 1836, with a view to a settlement on the basis of that value, it will be further seen, have proved altogether ineffectual.

The first committee appointed by the bank had estimated the value at only \$111 $47\frac{1801}{10000}$ per share.

But errors were discovered in their statements and estimates, which induced the second committee of the bank to agree to raise the valuation to \$111 87 per share.

The commissioners on the part of the Government, however, were satisfied that, upon the materials furnished by the bank, and on the data and reasoning which they have so ably presented in their report, the true valuation ought to be at least \$118 53 per share.

Taking former estimates, as exhibited on other occasions by the bank itself, with the subsequent profits, the value would now be computed to equal \$130 per share.

This latter sum would be higher than the views of the present committee of the bank, by an amount on the stock of the United States alone, of more than \$1,000,000; and exceeds the sum which the commissioners proposed to accept, on the part of the United States, quite \$788,585. The commissioners also differ from the present committee as to the whole value of the stock of the United States, nearly \$242,000, independent of the claim about the dividends withheld on account of the bill of exchange drawn on France.

Under such a disparity of opinions, little prospect of an amicable arrangement seemed to remain, though further efforts were made to effect one, by propositions to extend the time of payment by several instalments; and to fix the interest at a lower and different rate from that which had been allowed to the bank itself, in computing the value of its own securities, and much lower than any market rate of interest in this country at the present period. The bank itself, in selling out its branches some time since, had never given credit at so low a rate; and paid, in addition, commissions for collection and guaranty, as was proposed to be done in the present instance by the United States. The committee of the bank evinced a willingness to allow a larger amount upon each share, approaching the sum fixed by the commissioners, if the payments were long delayed, and the rate of interest was reduced from six to five per cent.; while the commissioners contended, and justly, that if the rate of interest was reduced, the gross value of each share should be increased still further, or any commissions for collection and guaranty should be relinquished, as had been required by the bank itself to be done in the sales of its branches.

Being unable to arrive at any conclusion mutually satisfactory, in which the value of the shares to be paid by instalments with 6 per cent. interest did not differ from the offers made by the committee of the bank by about \$242,000 upon the amount of the stock held by the United States, besides the dividends withheld, and not being willing to recommend so large a sacrifice as that, the commissioners have reported the result of their whole proceedings to this Department.

For the reasons assigned by the commissioners, in connexion with their high character and capacity for forming a correct opinion on this subject, and considering the thorough investigation which they have made of all the facts and principles of the case, this Department feels no hesitancy in approving the course they have pursued and the opinions they have expressed.

Anxious as this Department has been to obtain early payments in part of the amount due from the bank, and, after failing in that, to obtain specific offers for an arrangement which might be just to the United States, and, at the same time, not hard or embarrassing towards the bank, the undersigned feels much disappointment that no further prospect appears of being able to effect any adjustment with the bank, which shall not require the relinquishment of either principal or interest, amounting to something like \$242,000, besides four fifths of the dividends withheld by the bank on account of the bill of exchange on the French Government, equal to about \$136,000 more.

It is much regretted that neither the bank nor its trustee has yet communicated the information which this Department has twice requested under the act of Congress passed at the last session, in order that the Government might be better enabled to decide upon the true value of the stock, as well as what portion ought, before this time, to have been paid over to the United States, and to know the manner in which the trust has been conducted in relation to the assets, in which the Government is so deeply interested. The difficulties in making a satisfactory estimate have been increased by the course adopted by the bank, in not closing its concerns on the 3d of March last, at the expiration of its charter, in the customary manner; or, at least, in not requiring new books and accounts to be opened by its trustee, and in not retaining or cancelling its redeemed circulation, instead of reissuing it after the transactions of the bank chartered by Congress had ceased, and those owning one fifth part of its whole stock had been expressly excluded from any participation in the new corporation, to which its assets had been transferred.

Under these circumstances, without going into further details, this Department would respectfully represent to Congress, that, under the act of the 23d June last, relating to this subject, every step has been promptly taken which seemed to bid fair to obtain offers and estimates, as well as the necessary information for acting on them, which might

lead to an amicable adjustment of all the claims of the United States. But the probabilities of effecting any such adjustment, without the loss or sacrifice of nearly $378,000, have ceased; and, without the express direction of Congress, after the consideration of the facts and inferences contained in the report of the commissioners and the accompanying documents, it does not feel justified in acceding hereafter to any adjustment materially different in principle or amount from that recommended by them.

Unless, therefore, Congress shall think proper to give some direction, or the bank at an early day make some such offer, this Department can perceive no other course to be pursued, with justice to the United States, or consistent with its public duty, except to place the whole subject in charge of the proper officers of the Government, for prosecuting the public rights before the proper legal tribunals, with respect to the matters in controversy and the several claims existing against the bank.

I have the honor to be, very respectfully, your obedient servant,

LEVI WOODBURY,
Secretary of the Treasury.

Hon. James K. Polk,
Speaker of the House of Representatives.

Report on the debts and effects of the Bank of the United States, and the value of its capital stock on the 3d March, 1836.

Washington, *January* 25, 1837.

Sir: In pursuance of your letter of the 21st September, 1836, (see Appendix, No. 8,) enclosing the report of the joint committees of the late and present Bank of the United States, relative to the debts and effects of the bank on the 3d March, 1836, and requesting us to examine the materials on which that report is founded, and to make inquiry on the additional topics pointed out by you, the undersigned, and Mr. Lawrence, of New York, assembled in Philadelphia on the 30th of that month. Mr. Lawrence continued to act with us until the 1st November, when he conceived it expedient, in reference to his nomination as an elector of President and Vice President of the United States, to relinquish the present appointment.

On the 1st October we were met by Messrs. Caleb Cope, Richard Price, and Robert Toland, a committee on behalf of the bank. We informed them that, in conformity with the suggestions of the Secretary of the Treasury, in his letter of the 19th September, 1836, to the president of the bank, we had been appointed to make the investigation therein referred to, so as to arrive at the proper basis of a settlement between the Government and the bank; and that we were desirous, after mutual consultation, to agree, if practicable, in one view of the subject, or of any important parts of it, and report to the Department accordingly. This letter, and the correspondence accompanying it, (Appendix, Nos. 2, 3, 4, 5, 6, 7,) were read at our first meeting, in order that the views entertained by the Treasury Department, and the nature, character, and extent of the inquiries which it was contemplated mutually to make, might be fully understood at the outset.

In pursuing this object, it was considered proper, in the first place, to examine the details of the statement furnished of the debts and effects of the bank on the 3d March, 1836, in order to know, as far as could be, the actual amount of its property and its liabilities on that day; in the second place, to ascertain how much of that property had been since collected, and what portion of those liabilities had been since paid; and, in the third place, to determine whether it would be most expedient that periodical payments on the share of the United States should be made to the Treasury, to the extent of the nett collections which had accrued since the 3d March, and might in future accrue; or that a specific amount should be fixed upon as the estimated value of the whole property on that day, with an arrangement for the payment of the share of the United States in such proportions, at such future times, on such rates of interest, and with such security, as might be agreed on.

In this course the committee acquiesced; and, for the purpose of pursuing it, several conferences took place between us at the Bank of the United States, where the books and papers were submitted to our inspection, and the aid of the officers of the institution was afforded. On those points of inquiry about which information could not be furnished at the time, a memorandum was left with the committee, and replies were subsequently communicated. (Appendix, No. 13.)

1. In proceeding to examine the report, we compared the state of the bank on which that report had been founded, (Appendix, No. 35,) with the balances of the accounts on the general leger, and with the several office statements which had been selected by the committee on the part of the bank, in forming the report, on account, as they alleged, of their proximity to the 3d March. The latest semi-annual estimates of losses on suspended debt, on real estate, and upon banking-houses, made up at the bank and at its offices, were submitted to our inspection; and, also, some of the previous periodical returns, for the satisfaction of a comparative view. After this investigation, we found ourselves under the necessity of applying for various explanations of matter of account, which were furnished to us by the committee and the officers of the bank. They form part of the documents annexed to this report. It will be seen that they present a number of errors, to amounts of considerable magnitude, in the accounts of suspended debts, real estate, losses chargeable to the contingent fund, and in relation to the banking-houses. (Appendix, Nos. 27, 28, 43, 44, 45.) We are not, however, aware that these errors materially affect the value of the stock, except in the account of banking-houses, which will be afterwards adverted to.

2. At a very early period of our investigations, it became apparent to us that the principal object of our inquiry ought to be to ascertain accurately how much of the effects of the bank, on the 3d March, 1836, had been since that time actually realized, and how much of its liabilities paid. As a period of seven months had elapsed since that day, it was evident that an accurate knowledge of the amount which must have been, and had been actually, collected out of personal securities, domestic bills, and other assets on hand at the expiration of the charter, and immediately or shortly available; of the deposites then held by the bank, which had been since paid; of the notes then in circulation, which had been since redeemed; of the expenses that had been since incurred; and of any other claims which had been since actually paid by the institution, would have exhibited, in the plainest and simplest manner, the proportional share of the funds collected, which ought to be paid into the Treasury.

Of the total amount of assets on that day, being $76,570,393 08, it appears that $5,595,077 25 consisted of specie on hand; $7,188,181 80 of notes and debts of State banks, which the committee considered as already paid; $5,353,469 43 of notes discounted on bank stock and other securities, which were, of course, immediately available, and about the value of which there could be no doubt; of the residue of the total assets, $33,572,966 46 were bills discounted and domestic bills of exchange, which were considered in the report as falling due, on an average, in forty-four days and a half after the 3d March. To these sums we added $5,436,083 09 of loans drawing interest, in consequence of their being stated, in the report, to be either "payable on demand," or "when due immaterial." (Appendix, Nos. 34, 40.) Thus, of the aggregate assets of the bank, a sum of $57,145,778 03 we consider to be actually due, according to the report of the bank, and a

very large proportion of it was evidently of a nature to have been easily collected.

In forming, therefore, the proper basis of a settlement between the Government and the bank, it appeared to us most proper, as a first step, to ascertain the portion of the funds, actually collected, which belonged to the United States. This course, too, seemed to be most in accordance with the views of the Secretary of the Treasury, in his letter to the president of the bank on the 19th September, as well as in the instructions to ourselves, in which he frequently expresses his anxiety for an early payment or dividend on account.

It was our first desire to direct our examination to this object, but the books of the bank did not furnish us with this information. It appeared that the bank had, on the 2d March, made a transfer of all its funds to the Bank of the United States chartered by the State of Pennsylvania. (Appendix, No. 33.) No accounts of the bank were subsequently kept; the old books had never been posted up since the 3d March; the usual monthly statements of its affairs were not made out; and no existing accounts of the institution enabled us to ascertain what amounts of notes and bills belonging to it on that day had been since paid, renewed, or protested. (Appendix, Nos. 18, 20.) Nor was this all: the bank was not in fact closed when its charter terminated; no winding up of its business took place on the 3d March; its accounts were carried on, without interruption, previously and subsequently to that day; and its semi-annual settlement on the 1st July, 1836, embraced the entire transactions from the 1st January preceding, without reference to the change that had occurred in the mean time. We were informed by the committee that it would be possible to trace the business of the bank through the books of the new corporation, to which it had been transferred, though it would require the labor of some months; but as it was apparent that this business had not been wound up, but, on the contrary, had been blended with the affairs of the new institution, such a course, independent of the necessary delay, could not have furnished the requisite information.

Though an exact ascertainment of the sum due at this time was thus rendered impossible, yet a payment of the dividend belonging to the United States, after deducting the disbursements from the receipts of the last seven months, was a preliminary step in our proceedings, so obvious, as well as so much in accordance with the views heretofore communicated by the Secretary of the Treasury to the bank, that we proposed it to the committee, and asked from them a payment into the Treasury, to that extent, at the earliest convenient day. It appeared to us that a sum little short of four millions of dollars might have been paid into the Treasury by the 1st of January, 1837. We have already seen that, of the aggregate assets of the bank, a sum of $57,145,778 03 appeared to be due, according to its own report. By the same document, it will be seen that the total amount of its liabilities on that day amounted to only $29,253,610 27. Of this, the sum of $21,109,352 23 consisted of notes in circulation; $6,220,829 43 of deposites and debts to State banks and foreign bankers; $120,621 87 of funds for the redemption of public debt; and $253,937 43 of dividends unclaimed. These, together, make an aggregate of liabilities, on 3d March, of $27,704,740 96; which, after retaining a sum sufficient to cover the entire amount of the outstanding notes in circulation, deposites, and debts paid or unpaid, would leave a surplus of $29,441,037 07 for distribution. If a further deduction be made of the sum of $1,548,869 31, stated to be due from the bank and its offices to themselves, of which explanation had not then been furnished, and it be included among the actual debts of the bank, there would still be left a surplus of $27,892,167 76. From this surplus we struck off the sum of $7,892,167 76, in order to make the fullest allowance for omissions or miscalculations, and alleged, as we think most reasonably, that twenty millions of dollars ought to be estimated to have been collected from the assets of the bank in the course of seven months.

Under these circumstances, we thought that the Treasury Department, representing about one fifth of the capital stock of the late bank, was entitled to have received a dividend of nearly four millions of dollars before the 1st January, 1837. But when the nature of the allowances taken into this calculation is considered, when the actual payments and probable collections of the bank since the 3d March are examined, such an expectation is seen to be still more reasonable. In estimating that the surplus on hand should have been $27,892,167 76, the bank was allowed to retain the whole amount of its liabilities, of every kind, although, even supposing the entire amount of its deposites and other debts had been paid, it is yet admitted that $10,573,737 of its circulation and dividends remained unredeemed and unclaimed, and that, therefore, its actual payments since the 3d March were not, by one third, so much as we allowed. On the other hand, in estimating the surplus as we did, we excluded entirely from the receipts of the bank all its collections on account of its suspended debts, real estate, and banking-houses, though these had been considerable during the intervening period, and confined ourselves to those sources which were certain and immediately available. (Appendix, No. 19.)

To have made a payment of four millions, then, on the 1st of January, out of assets of such a nature, would certainly have required no extraordinary rapidity of collection during the interval that had elapsed since the termination of the charter. Out of the seventy-six millions of assets, (estimated by the bank itself, after every allowance for loss, guaranty, and expenses, as worth sixty-eight millions,) it was necessary to collect thirty-eight millions, or fifty per cent.; and, of this thirty-eight millions, the bank had on hand cash, consisting of specie, notes, and debts of State banks, which the committee consider as paid, to the amount of twelve millions eight hundred thousand dollars.

Our impression that such a dividend might have been made, under such circumstances, was strengthened by the fact that the former Bank of the United States paid over to its stockholders seventy per cent. of its capital within fifteen months from the expiration of the charter, besides meeting all the intermediate claims arising from its outstanding liabilities. The case of that institution, too, was one of actual collection and dividend to the whole amount, while in this instance they would have been merely nominal beyond the four millions belonging to the United States, since all the funds, debts, securities, and business of the bank, were transferred to and continued by the new institution.

To our proposal, made under these circumstances, that the bank should make a payment into the Treasury on account, the committee replied, that the aggregate collections since the 3d March had been only $22,727,579 60, including the specie on hand; and as their liabilities, for which they held themselves responsible on demand, amounted to $26,998,606 49, they had only to say that the amount collected not being enough to pay the charges, they had no surplus to divide. (Appendix, No. 20.) The amount stated to be collected did not appear, however, to be presented by the committee as a sum actually ascertained, but as a matter of estimate or calculation. The committee entered into an elaborate argument to show that it would have been impossible, without great hazard, to make collections, since the expiration of the charter, to an amount sufficient to pay any dividend into the Treasury. Our reasons for coming to a different conclusion have been stated: they are founded on the character of the assets and

liabilities of the bank, as given in its own report; and the Secretary of the Treasury will be enabled to judge of their force.

3. The committee having finally and explicitly informed us that not enough had been collected, since the expiration of the charter, to pay the charges, and that therefore, as yet, there was no surplus to divide, we were of course obliged to forego our wish to make the actual receipts the bases of settlement, and resort to what alone was left—an examination of the estimated value of the shares of the bank on the 3d of March, 1836. (Appendix, Nos. 21 and 22.)

This value was estimated by the committee, according to the report of the bank, to be $111 47 per share. They estimated the nett value of the assets on the 3d of March at $68,268,740 63, and the debts due on that day at $29,253,610 27, leaving a difference of $39,015,130 36; which, divided among the 350,000 shares constituting the capital stock, makes the value of each share, on the 3d of March, $111 47. The whole amount due on the 68,752 shares belonging to the United States was, therefore, estimated at $7,663,909 26. Of this sum, $80,210 67 had already been passed to their credit; leaving to be still paid, or secured to the Government, the further sum of $7,583,698 59.

The estimate thus made on behalf of the bank was founded on the following principles:

The total amount of assets, which was $76,570,393 08, consisted of the following items:

1.	Specie	$5,595,077 25
2.	Bonds and mortgages	56,037 67
3.	Foreign bills of exchange	1,303 95
4.	Cash notes of State banks	2,229,947 05
5.	Debts of State banks	4,958,234 75
6.	Domestic bills of exchange	16,413,144 26
7.	Notes discounted on personal security	17,159,822 20
8.	Notes discounted on bank stock	1,291,915 72
9.	Notes discounted on other securities	4,061,553 71
10.	Loans on bank stock	1,761,100 00
11.	Loans on other securities	13,222,567 37
12.	Debt of navy agent at Norfolk	40,144 17
13.	Cost of banking-houses	729,170 58
14.	Suspended debt and real estate	4,413,338 80
15.	Bad debts, disallowances, and deficiencies	4,470,187 44
16.	Expenses	166,803 16
		$76,570,393 08

From this aggregate sum, it was proposed, in the first place, to deduct all those allowances which were considered necessary in order to ascertain the fair and actual value of each of these items on the 3d of March.

It was not proposed to deduct any thing from the specie, bonds and mortgages, foreign bills of exchange, and notes and debts of State banks. From the domestic bills of exchange, and the notes discounted, the committee deducted the discount for the average unexpired time—namely, forty-four days and a half—making, altogether, a sum of $288,704 31. As all the loans on bank stock and other securities drew interest at different rates, and were payable at different times, they added to the principal $152,380 21, the interest which had accrued and was unpaid on the 3d of March, and deducted $296,110 01, being the difference between the amount and the par value of those bearing an interest less than 6 per cent.; so as to make the whole equivalent to a six per cent. loan, with the interest paid up to the 3d of March. The sum thus deducted, being the difference between them, amounted, altogether, to $143,729 80. From the debt of the navy agent at Norfolk they deducted 50 per cent., as the estimated loss thereon, amounting to $20,072 09. From the cost of the banking-houses they deducted, as the estimated loss, $254,513 51. On the suspended debt and other real estate an average deduction has been made, to the amount of $1,389,479 12, founded, as the committee state, on the estimates of the last semi-annual periods, namely, of June and July, 1836, which apply exclusively to debts suspended and real estate acquired before the 3d March, 1836. For the bad debts, disallowances, deficiencies, and expenses, amounting to $4,636,990 60, they claimed a deduction to their whole amount.

It thus appeared that, in order to reduce the assets to what was estimated to be their fair actual value on the 3d of March, exclusive of guaranty and expenses of collection, they proposed a reduction of $6,733,489 43, viz:

Discount for unexpired time	$288,704 31	
Less interest accrued on loans	152,380 21	
		$136,324 10
Difference between amount and par value of loans, to bring them to 6 per ct. interest		296,110 01
Loss on debt of navy agent		20,072 09
Loss on banking-houses		254,513 51
Loss on suspended debt and real estate		1,389,479 12
Loss on bad debts, &c., and expenses		4,636,990 60
		$6,733,489 43

This would leave the actual value of the assets on the 3d of March, $69,836,903 65.

The total amount of the liabilities, which were $29,253,610 27, consisted of the following items:

1.	Notes in circulation	$21,109,352 23
2.	Dividends unclaimed	253,937 43
3.	Debt to foreign bankers	371,777 40
4.	Deposite for redemption of public debt	120,621 87
5.	Deposites of public officers	203,629 91
6.	Deposites of individuals	3,390,418 34
7.	Debt to State banks	2,255,003 78
8.	Due to the Bank United States and offices in account	1,548,869 31
		$29,253,610 27

Deducting these liabilities from the estimated actual value of the assets, which has been stated above, it leaves the estimated value of the capital stock, independent of expenses and guaranty for the risk of collection, $40,583,293 38.

For these expenses and guaranty, a further deduction has been made in the report of the bank. On the specie, bonds and mortgages, and foreign bills of exchange, no charge was made. For the collection of the cash, notes, and debts of State banks, they deducted a commission of one per cent. on the whole sum, amounting to $71,881 81. For the collection of domestic bills of exchange, and notes discounted on personal security, they deducted two and a half per cent. on the total actual amount, being $839,324 15. For the collection of the notes discounted, and loans on bank stock and other securities, they deducted one per cent. on the total actual amount, being $203,371 36. For the collection of the suspended debts and real estate, they deducted fifteen per cent. on the estimated value which remained after the previous deduction of the estimated loss, being $453,585 70.

It thus appeared that, as an allowance for collecting the amount of assets which remained after all estimated losses were deducted, a further reduction was proposed of $1,568,163 02, viz:

1 per cent. on State bank debts and notes	$71,881 81
2½ per cent. on domestic bills and notes discounted on personal security	839,324 15

1 per cent. on discounts and loans on bank stock and other securities - -	$203,371 36
15 per cent. on the estimated value of the suspended debt and real estate - -	453,585 70
	$1,568,163 02

This sum, claimed for expenses and risk of collection, being deducted from the value of the capital stock, as above stated, viz: $40,583,293 38, leaves the nett amount for division among the stockholders, on the 3d of March, 1836, $39,015,130 36—equal to $111 47 per share.

In examining the various items which we have detailed as forming the basis of this estimate, the great disadvantage, already alluded to, arising from the manner adopted in the collection of the assets, becomes still more apparent; at least so far as a correct ascertainment of their value is concerned. Much must be left to conjecture which ought to be matter of certainty, and would have been so if the affairs of the institution had been closed, and a winding up of its business had taken place.

We have endeavored, however, by means of the examinations of the books and accounts of the bank which were afforded us by the committee, as well as by frequent conference and exchange of opinion with them, to arrive at such an estimate as we consider, on the whole, reasonable. We have also obtained a variety of documents, in much detail, which not only present the views of the committee on various points connected with the valuation, but also afford information useful, and indeed necessary, in making an estimate or forming an opinion as to the proper mode and terms of settlement. These we annex to this report.

Having explained the grounds of deduction and allowance adopted in the estimate of the bank, we shall proceed to state those which formed the basis of our estimate, so that a comparison of the two may enable the Secretary of the Treasury to decide on their relative correctness. (Appendix, No. 1.)

Taking the total amount of assets at the sum stated in the report of the bank, viz: $76,570,393 08, we shall point out the deductions and allowances which we consider fair, and even liberal. From this aggregate amount, we think there should be deducted a sum of $6,463,608 91, which consists of the reductions necessary in order to fix the fair value of the assets on the 3d of March, 1836.

Under this class, nothing has been claimed, nor of course is it necessary to make any deduction from the specie, foreign bills of exchange, or notes and debts of State banks.

From the domestic bills of exchange and notes discounted we allowed, as the committee had done, the discount for the unexpired time, amounting to $288,704 31. From this sum must be deducted the amount of interest accrued on loans up to the 3d of March, stated by the committee at $152,380 21, but found, on examination, to amount to $159,649 62, (Appendix, No 42,) leaving the sum of $129,054 69 to be deducted.

From the loans on bank stock and other securities the committee proposed, it has been seen, an allowance of $296,110 01, the difference between the amount and the par value of all loans under six per cent. interest.

We approved of this principle, which the committee (as is seen by their report) had been directed to adopt, of fixing the personal effects and real estate of the bank at a cash valuation on the 3d of March, 1836. Though it appeared to us just to make this allowance on loans due at no very distant period, yet we did not think it ought to be made in one case included amongst the loans in question; this was an investment in bonds of the Ohio Life and Trust Company, to the amount of $1,000,000, at five per cent., redeemable on the 1st of December, 1855, nearly twenty years subsequently. This investment having been evidently made, as was admitted by the committee, with the expectation that the bonds of this company would be shortly saleable at par, we suggested (although this expectation may not be realized for some years) that ninety-four per cent., in place of eighty-eight and a half per cent., might be a more equitable valuation. This would allow a deduction of $60,000, instead of $114,790 44. Nevertheless, being desirous to make our general valuation on the most liberal principles, we concluded to assent, as you will perceive, to the entire deduction proposed by the committee on this class of all allowances which they claim.

We had no means of judging of the correctness of the estimated loss on the debt of the navy agent at Norfolk; we therefore took it, as stated in the report, at $20,072 09.

The estimated loss on the banking-houses, in the report of the committee, is, we have seen, $254,513 51. We have already stated that the committee were guided, in their estimates of suspended debts and other real estate, by the periodical valuations; but, in this case, we find that they departed from that course, and increased the amount of loss beyond these semi-annual statements to the amount of $57,169 45. We also discovered, in the progress of our investigations, that there were material errors in this account, as will be seen by a corrected exhibit of it among the documents annexed. The cost of the banking-houses ought to have been stated at $780,331 27, instead of $729,170 58. Their valuation should have been $665,695 44, instead of $474,657 07; which, it will be perceived, reduces the committee's estimate of loss from $254,513 51 to $114,635 83, the amount which is now to be deducted. (Appendix, No. 43.)

The loss on the suspended debts and real estate, as fixed in the report, was $1,389,479 12. It appears from the explanatory and corrected statements which we obtained in the progress of our examinations, and which are among the documents annexed, to have been adjusted subsequently to the semi-annual settlement of July, 1836, and rendered applicable to the state of their accounts of the 3d of March preceding, in the following manner: The report of the committee states the suspended debts and foreign bills protested at the amount of $2,930,164 59; as corrected, it is $2,881,285 30. It states the real estate at $1,483,219 21; as corrected, it is $1,480,937 81. These explanatory accounts also show the amount of loss estimated on suspended debts and foreign bills protested at $1,192,665 70

No loss is estimated on the real estate, but on the contrary an average gain, which is deducted from the above to the amount of - - -	111,942 46	
Leaving the actual average loss on these -		$1,080,723 24
To this the committee appear to have added the difference on account of losses chargeable to the contingent fund, which are stated in the report to have amounted on the 3d of March to -	$4,315,123 18	
And on the 1st of July to - - -	4,623,879 06	
Being an increased loss to the large amount of		308,755 88
Thus arriving at their estimate of		$1,389,479 12

Although these important discrepancies do not, so far as we can see, make any difference in the final result of estimated loss, it is apparent that they added greatly to our

difficulty in forming any satisfactory valuation of these effects.

Another source of difficulty arose from the nature of the debts themselves. They consisted of bills discounted, and domestic and foreign bills of exchange protested, as stated in the report, and of real estate taken by the bank and its offices in payment of debts. Of these debts four fifths, and of the real estate three fourths, were held at nineteen remote departments of the bank. Thus scattered over the whole country, they were utterly insusceptible of any thing like a regular or detailed estimate and examination by us. To ascertain, in the city of Philadelphia, the probable means of payment possessed by numerous debtors residing all over the Union; or to fix the value of innumerable pieces of real estate, large and small, in every part of the country where the institution had dealings, was manifestly impossible; nor, if the delay were justifiable, would even such a personal inspection and inquiry as it was alone in our power to make have proved satisfactory. We could, therefore, do nothing but adopt the valuation of the bank. It appeared that examinations had been regularly made, at the bank and all the offices, at intervals of six months, by committees appointed for the purpose; that, in these examinations, each of the debts, and also portions of the real estate, were separately valued, and a specific sum affixed to each; and that every one was estimated at the amount which it was supposed would be realized from it, after an ample allowance had been made for probable loss and expense. These periodical reports, therefore, appeared to furnish the best attainable information; and, as they formed the basis of the report of the bank, no other course was left us than to adopt the same estimate of the probable loss. We assumed it, therefore, at the sum stated by them, -$1,389,479 12. From this, however, we deducted the interest on debts estimated by the various committees as good; which amounted at the bank, and at the offices at Baltimore, Richmond, and Cincinnati, and its agency, to the sum of $122,733 43. (Appendix, Nos. 46, 47, 48, 49, 50.) This leaves the deduction for loss on the suspended debts and real estate, $1,265,745 69, instead of the sum stated in the report.

In regard to the large deduction for bad debts, deficiencies, and disallowances, amounting to $4,636,990 60, the same observations may be made as on the subject of the suspended debt and real estate. The bad debts, stated to be $4,315,123 18 of this sum, are in general of the same sort, and constitute those from which the periodical committees have supposed nothing will ever be realized; as we have no means of confirming, so we have none of contradicting, their opinions, we must take them, at their estimate, as altogether worthless. The deficiencies, amounting to $149,796 94, are defalcations and losses, mostly of very long standing. We have obtained a statement of them, from which their character may be seen, and their value judged of. They are, like the bad debts, considered as worthless. (Appendix, No. 30.) The disallowance being a debt alleged to be due from the United States, amounting to $5,267 32, consists of interest of seven per cent. stock redeemed, and a charge for expenses attending the collection of the special deposite. (Appendix, No. 32.)

Of the expenses, stated to be $166,803 16, we have not been furnished with any particular account, but were informed by the committee that they consisted of the salaries and other charges and expenditures incident to the business of the institution and its offices. (Appendix, No. 32.)

It will thus appear that, in forming our estimate of the actual value of the assets on the 3d of March, we have made a deduction of $6,463,608 91, viz:

Discount for unexpired time, less interest due on loans up to the 3d March	-	$129,054 69
Difference between amount and par value of loans, to bring them to 6 per cent. interest	-	296,110 01
Loss on debt of navy agent at Norfolk	-	20,072 09
Loss on banking-houses	-	114,635 83
Loss on suspended debt and real estate	-	1,266,745 69
Loss on bad debts and expenses	-	4,636,990 60
		$6,463,608, 91

This leaves the actual value of the assets, on the 3d March, $70,106,784 17.

Having thus stated our opinion of the fair actual value of the assets on the 3d March, 1836, we proceed to show what we consider the actual liabilities to have been on that day.

The total amount of liabilities, as stated by the bank committee in their report, was, as has been seen, $29,253,610 27

With regard to the circulation we would remark, that in this statement no allowance has been made for the probable gain on the destruction of its notes. The amount of nett circulation is, of course, the proper basis of this estimate. This nett amount we find to be variously given by the committee. In the report, it will be perceived it is set down at $21,109,352; in the statement handed to us subsequently, it is alleged to be $20,680,435. In order to ascertain more satisfactorily this important matter, we procured from the committee a statement of the accounts of the bank, as they actually appeared on its books upon the 3d March; a view of its affairs which would have presented, in our opinion, a more desirable basis for the general valuation of the assets.

By this statement it appears that the amount of circulation, as it actually stood on the books, was $23,494,799 56, from which we deduct the amount of notes *in transitu*, $3,380,572 00; which shows the nett amount of notes outstanding and unredeemed on the 3d of March, at $20,114,227 56. (Appendix, Nos. 18, 34, 36, and 37.)

We are of opinion that a very large amount of profit will finally arise from the destruction of notes, which compose this immense amount of circulation. The committee were strongly of opinion that no allowance ought to be made, on the grounds, both that such gain would not probably be very considerable, and that the rate at which it was proposed to collect the assets was so low as to be a full equivalent to the United States for not participating in such gain, if it accrued. We dissented from the committee on both grounds. As to the latter, not only were we of opinion that the charges for collection were far more than adequate; but, had they not been so, it would still have been proper, in a valuation of the assets, to assign to each item its real value, rather than make the increase of one an equivalent for the deficiency of the other. That the gain from the destruction of the notes and drafts will be very considerable appears to us too plain to be argued. The immense extent of country through which they have been diffused, the great number that has been issued, and the vast proportion of those of smaller denominations, are circumstances which render it certain. We endeavored to ascertain the denomination of the notes and drafts comprising the circulation, but were unable to do so. The committee informed us that the manner in which the books of the banks were originally opened, and the forms of the returns required from the officers, made it impossible to furnish us with that information. The fact that $10,142,038 had been redeemed, in the interval which elapsed between the termination of the charter and the 12th of October, afforded us no guide by which to form an opinion; because the Bank of the United States chartered by the State of Pennsylvania, and charged with the redemption of the circulation, continued, during that time, to pay out the notes originally issued by the Bank of the United States chartered

by Congress. (Appendix, No. 26.) The only evidence on the subject, derived from the bank, was the allowance made by the committee of six directors appointed to make the valuation of the debts and effects of the institution. They fixed the probable gain from this cause at $300,000, about one and a half per cent. on the nett circulation on the 3d March. This voluntary admission, on the part of the bank, so clearly establishes the justice and propriety of a large allowance on the outstanding circulation, that no difference of opinion can exist, except in reference to the amount at which this gain ought to be estimated.

We consider the sum of $300,000, proposed at first by the committee, so entirely inadequate, that we thought it expedient to procure for our better guidance the experience of the first national bank. Through the politeness of its agent, we ascertained that, exclusive of post notes used as bills of exchange, the notes of that institution, in circulation at the expiration of its charter, amounted to $6,552,791; and that, on the close of its concerns by order of a court of chancery, in the year 1822, there still remained outstanding and unredeemed $203,591, equal to a nett gain of three and one tenth per cent. (Appendix, No. 54.) The much smaller circulation of that institution; the fact that it refrained from issuing any notes of a less denomination than ten dollars, except for a very short period; and the greatly less extensive range of country over which they were diffused, would make a similar allowance for the bank less liberal, perhaps, than it ought to be. We should, upon this point, as well as upon others, have abated to some extent our valuations, in order to have arrived at a mutual agreement; but we should have consented most reluctantly to estimate the gain on the circulation at less than $600,000. We accordingly deduct this amount from the liabilities.

The unclaimed dividends also form a probable source of gain, which, though small in comparison as to amount, is equally probable, according to experience, with that on the loss of bank notes. On the 3d March, 1836, the amount on hand was $253,937 43. We were unable to obtain a statement of the payments that had been since made on account of these dividends. The returns from the offices appeared not to distinguish between those and the subsequent dividends. According to an estimate furnished to us by the committee, about $218,597 43 have been paid since the 3d March. (Appendix, No. 18.) We therefore take their statements, and make a deduction of $35,000 from the liabilities for gain from this source.

It will thus appear that, in forming an estimate of the actual liabilities on the 3d March, we have made a deduction for gain from the destruction of bank notes $600,000
Gain from dividends remaining unclaimed - 35,000

In all - $635,000

This leaves the actual amount of the liabilities on the 3d March, 1836, $28,618,610 27. Deducting these liabilities from the estimated actual value of the assets, which has been stated above, viz: $70,106,784 17, it leaves the estimated value of the capital stock $41,488,173 90, equal to $118 53 per share on the 3d March, 1836.

The only point that remained was, what allowance was to be considered as proper for the risk and expense of the bank in making the collections.

It has already been seen that such deductions have been made from the amount of the assets, which bear different rates of interest, and are payable at different times, as make them equal to cash on the 3d March, 1836; and, of course, the amount to be collected ought to bear six per cent. interest from that day, after allowing to the institution a fair commission for the risk and expenses of collection. It has also been seen that deductions have been made to the full amount of the probable loss, where it could be estimated upon any reasonable grounds; of course, the commissions for risk and expenses of collection ought to be regulated accordingly.

There are two modes of making this allowance, both of which we suggested to the committee, and either may be adopted. A specific estimate may be made of such commission, on the several items to be collected, as will afford a reasonable compensation for risk and expense; which, we have seen, is the course adopted in the report of the bank; or an extension of the time of paying over the assets to the United States, with a reduction of the rate of interest below six per cent., equivalent to a reasonable compensation, may be allowed.

If the first course be adopted, we are of opinion that the bank ought to allowed a sum of $1,034,005 40, for the risk and expenses of collection.

It has been seen that it claimed nothing on the specie, bonds and mortgages, foreign bills of exchange, and debt due from the navy agent at Norfolk.

For the collection of the cash notes and debts of the State banks, a charge was made of one per cent. on the whole amount held by the bank, viz: $7,188,181 80; although it was, at the same time, indebted to the State banks in the sum of $2,255,003 78, which reduced the amount to be actually collected to $4,933,178 02.

We cannot see the propriety of any allowance for the collection of debts of this sort. They were equal to cash; and, indeed, the committee stated to us, as will be seen by the documents annexed, (Appendix, No. 18,) that they had been all assumed by the new bank, and were to be considered as collected and paid.

The charges made by the bank for the guaranty and expenses of collecting loans and bills discounted on personal security, and on stocks and domestic bills of exchange, were, as has been stated, $1,042,695 51. On examining and classifying these debts, the following arrangement seems to us more correct than that stated in the report of the committee:

1. Loans on stocks and other securities, and bank obligations, (Appendix, Nos. 20 and 29:)		
On bank stock - -	$3,053,015 72	
On other securities and bank obligations -	17,210,567 90	
Add this part of Ohio Life and Trust bonds, subsequently received -	600,000 00	
	20,863,583 62	
Deduct amount of contingent interest, (Appendix, No. 51;) account alleged to be included in the above - -	526,446 82	
Amount stated in the report - -		$20,337,136 80
Deduct this amount, which we find to be on personal security, taken in sale of debts at the office - - -		768,468 63
		19,568,668 17
To this amount we add the sales of the active debts at New Orleans and Mobile, not completed on 3d March, 1836 -		4,516,332 60
Which makes these loans amount to -		$24,085,000 77
2. Bills discounted on personal security are stated at - - -		$17,159,822 20
To this amount we add the personal security, deducted as above - -		768,468 63
Which makes - - - -		17,928,290 83

And from this we deduct the bank securities subsequently received, for sales of the active debt at New Orleans and Mobile, as above, (Appendix, No. 20)	$4,516,332 60
Which makes the amount of bills discounted on personal security - -	$13,411,958 23
3. Bills of exchange, as stated, amount to	$16,413,144 26

Our views as to an allowance for risk and expenses of collecting these sums we now proceed to state:

1. Loans on stock and other securities, and bank obligations, $24,085,000 77. With every disposition to make a suitable allowance for any responsibility incurred or agency rendered in collecting the assets of the bank, we cannot perceive that any demand exists, worth appreciating, in the case of these loans.

More than three millions of this amount are secured by stock of the Bank of the United States, and, additionally, by the responsibility of the borrowers. Twelve millions of these loans are debts of respectable banking institutions, equally secure as their notes in circulation. For the residue the bank holds personal liabilities, with collateral pledges of stock and other securities; of these, four millions were payable in forty-four days and a half from the 3d of March, 1836; and the solidity of the remainder may be inferred from the fact that nearly two millions of it are loaned at the low rate of five per cent. interest. (Appendix, Nos. 20, 38, 39.)

If any loans can be characterized as secure, these must be of that description; and, in regard to the trouble of collecting such debts, it is well known to be in the ordinary course of banking business, and always cheerfully rendered gratuitously. We therefore cannot think that any claim for guaranty and collection exists; but if it could be reasonably alleged, it will be seen that the whole allowances which we consider justly due amount to $1,034,005 40, while the abatement in interest to which we were willing to assent was equal to $1,244,645 31; leaving an excess of allowance, to cover this and all other claims, of $210,639 91.

2. Discounts on personal security, $13,411,958 23. We are of opinion that two and a half per cent. on the amount of these debts, for guaranty and collection, ought to be allowed, in the manner adopted by the bank in its sales of similar debts at its offices; that is to say, by an equivalent deduction in the rate of interest. This allowance will amount to $335,298 96. (Appendix, No. 41.)

3. Domestic bills of exchange, $16,413,144 26. It is believed that inland bills are estimated by banks to involve less risk than any other business paper; we therefore think that the guaranty should be much lower than on discounted notes; but, as a small portion of these bills may have been paid at inconvenient places, we suggest an allowance of two per cent. for guaranty and collection, to be adjusted on the principle already mentioned in the case of discounted notes. This allowance will amount to $328,262 88.

The charge made by the committee, of $453,585 70, for the collection of suspended debt and real estate, we consider too high. We have, however, already stated the difficulties in which these subjects are involved, and we are therefore disposed, under such peculiar circumstances, to accede to the rate of commission proposed by the committee, and to allow fifteen per cent. for guaranty and expenses of collection on the amount of suspended debt and real estate, the value of which yet depends upon estimates. These assets are estimated by the committee at $3,023,904 68, which valuation has been reduced, as already noticed, by the transfer of $51,160 69 to banking houses, to the sum of $2,972,743 99. We have ascertained that, of the amount of real estate estimated, there has been realized by sales the sum of $628,290 85, which is of course to be deducted, and reduces the value of the amount to be collected to $2,344,453 14. Upon this sum it is proposed to allow fifteen per cent., or $351,667 96; on the amount sold, though partly for cash, as well as on the interest on good debts, heretofore noticed, amounting to $122,733 43, it is proposed to allow two and a half per cent., or $18,775 60; making the allowance under this head amount to the sum of $370,443 56.

The liberality of these allowances will be made more manifest, if reference be had to the view taken by the committee in their report of the whole amount of the several classes of doubtful and desperate debts. These amount, in the aggregate, to $8,832,410 55, which the committee bring down to the comparatively small value of $2,570,318 98. Although, for the reasons already assigned, we are unable to form an opinion on satisfactory grounds, yet we cannot avoid thinking that debts of such variety and magnitude must eventually realize a larger proportion.

It thus appears that, as an allowance for collecting the amount of assets remaining, after all estimated losses were deducted, we propose the sum of $1,034,005 40, viz:

2 per cent. on domestic bills - -	$328,262 88
2½ per cent. on discounts on personal security - - - -	335,298 96
15 per cent. on suspended debt and real estate on hand - - - -	351,667 96
2½ per cent. on sales of real estate and interest on good debts - - -	18,775 60
	$1,034,005 40

If, therefore, a full allowance be made to the bank to this amount, for all charges and expenses of collection, and the same is deducted from the ascertained nett value of the assets, viz: $41,488,173 90, or $118 53 per share, it will fix the cash value of the assets of the bank, on the 3d of March, 1836, at $40,454,168 50, equal to $115 58 per share, subject to six per cent. interest from that time until paid.

Should the other mode of making the allowance be adopted, (that is, the time of payment extended, and the rate of interest diminished,) this deduction proposed, of $1,034,005 40, would not be made from the assets, but its equivalent given on the cash valuation of $118 53, in a credit of one, two, three, and four years from the 3d of March last, at the reduced rate of interest of five per cent.

4. Having thus given our views on the subject of valuation, we proceed to the only remaining point, the terms and mode of payment. We remarked to the committee, that their report fixed the cash value of the share, on the 3d of March, 1836, at $111 47 each, but it did not state the terms of settlement; and we wished to know the period of payment contemplated, the rate of interest, and the security which it was their intention to propose. They were desirous that no payment should be required earlier than the year 1838; but, on our objecting to this long postponement, they finally stated that it would not be convenient for the bank to commence payments till September next; and that they would give $111 47, with forty cents additional, per share, for the error in the valuation of banking-houses, in all $111 87, in four equal payments: in September, 1837, 1838, 1839, and 1840, with five per cent. interest, to be secured by the bonds of the Bank of the United States chartered by Pennsylvania. They did, indeed, subsequently inform us that the bank would be willing (if preferred) to transfer portions of its property in actual payment, to a greater or less extent; as, for instance, the bonds of the Ohio Life and Trust Company, already referred to, and the suspended debts and real estate, at their respective valuations, as given in the report. In regard to these proposals we stated:

1st. As to the security, it was a matter which must be left entirely to the Secretary of the Treasury.

2d. As to the credit, it was unusually long, being equa to three years; yet, in consideration of its convenience to the bank and the commercial community, it might be agreed to.

3d. As to the interest of five per cent. proposed, it was under the lowest market rate, and, if acceded to, it must, of course, to that extent influence the valuation of the stock. In the present state of money matters, the use of money, at the established and usually current rate of six per cent., could not fail to be profitable. In bringing all the loans of the bank, on the 3d of March, to six per cent., by a deduction of $296,110, 01, the inference was obvious and reasonable that the Treasury was justly entitled to the like interest.

The principle and practice of the bank, as evinced in the sale of its important branches, had been to make no other allowance for guaranty and collection than the advantage found in the credit and rate of interest. (See Appendix, No. 41.) The debts at these offices, amounting to more than fifteen millions of dollars, had been sold by the bank at their par value, without any actual deduction for the risk and expense of collection. Nearly six millions had been disposed of to respectable banks, on a credit of one, two, three, and four years, at six per cent. interest; five millions had been disposed of on the like security and credit, at five per cent. interest, equal to an allowance of two and a half per cent.; and it will be seen that the average of these entire sales did not exceed an abatement of one and two fifths per cent., equal to a credit of one year and two fifths at five per cent.

It will not be pretended that the active debts remaining, and which chiefly depend at Philadelphia, New York, and Boston, are of an inferior character to the debts adverted to at the various offices, which rested exclusively on personal security. It may, therefore, be presumed that the debts on which we have consented to make such liberal allowance for the risk and expense of collection might have been sold on equally favorable conditions at that period. Is it not reasonable that their adjustment now should conform to the course pursued at those numerous sales? It therefore results in this case, which is strictly analogous, that no abatement below the lowest current rate of six per cent. interest ought to be granted, unless it be applied to liquidate the various allowances proposed for the collection of the assets.

The deductions recommended amount, as has been stated, to $1,034, 005 40, which is about two and a half per cent. on $41,488,173 90, the estimated value of the assets. This is equivalent, in the mode suggested, to a credit of two and a half years, or $118 53 per share, (Appendix, Nos. 1, 53,) payable in one, two, three, and four years from the 3d of March, 1836, with five per cent. interest. It will be seen that the terms proposed by the committee, of eighteen, thirty, forty-two, and fifty-four months, being an average credit of three years at five per cent., are equal to three per cent. abatement, instead of two and a half. This would authorize an increase of one half of one per cent., or fifty-nine cents, making the shares worth $119 13; but it was so desirable to produce a mutual agreement as to price and terms, that this addition would not have been insisted upon.

The committee would not consent that this abatement from the current rate of interest should be thus estimated and appropriated. They were, however, unable to suggest the slightest objection to our views, other than by alleging that the bonds of the Bank of the United States chartered by Pennsylvania, bearing five per cent. interest, could be easily disposed of at par; an opinion in which we could not concur, and which was strikingly at variance with the estimate of the committee themselves, of eighty-eight and a half per cent. as the value of the bonds of the Ohio Life and Trust Company, with the like interest of five per cent.

Our best efforts were used, ineffectually, to induce the committee to assent to this equitable arrangement, which was conceived to be liberal in reference to the existing state and prospects of the money market, and just and reasonable from its conformity to the practice of the bank. Their acquiescence on this point would, in all probability, have produced an agreement as to a fixed price and terms for the shares belonging to the Government. The only other important difference, the gain on the notes in circulation, might have been settled in the equitable mode suggested by the Secretary of the Treasury; that is, to estimate all notes not redeemed on the 3d of March, 1838, as lost, and settle accordingly, with an obligation on the part of the Government to contribute proportionally to subsequent demands.

Having thus, in the progress of our various conferences, submitted to the committee the views on the whole subject which have been herein so fully explained, we regretted to find them immoveable, and apparently resolved not to depart in any degree from the deductions, charges, and valuations, set forth in their report, in regard to matters wherein accuracy was, according to our conception, evidently unattainable; and, consequently, that it was not practicable for us to agree with them in one detailed view of the subject. It is proper, however, to add, that the committee, at our last interview, offered the arbitrary sum of $113 44 per share, and gave such intimations as induced us to think that they would have advanced to $115 per share, on an average credit of three years, with five per cent. interest from the 3d of March, 1836, if such a proposition would have induced our concurrence. We could not feel ourselves justified in this great concession, though disposed to have yielded much, even against our own judgment, from an earnest desire to be instrumental in effecting a satisfactory arrangement, and in adjusting all unsettled accounts between the Government and the late Bank of the United States.

The committee were informed, at our first interview, and also at our last meeting, that, preliminary to a final adjustment of this interest, the Treasury Department would require that the bank should pay that portion of the dividend on the stock of the United States which had been withheld for damages on the draft drawn upon the French Government, retaining only the actual expenses incurred. The fact that we had been unsuccessful in arranging the important object of our conferences precluded us from ascertaining very distinctly the views of the committee, which, as far as communicated, were, in substance, that the sum had already been passed into the profit and loss account of the bank, and must there remain.

It was understood that the interest of the Government in the late Bank of Columbia, and in the special deposites held by the Bank of the United States, of which an account is among the documents annexed, might be easily adjusted. (Appendix, No. 55.)

The circumstances under which the affairs of the late bank have been presented to our consideration; the variety, extent, and dispersed nature of many of its concerns; the necessity of conjectural estimates of effects, great in magnitude and value, in place of their simple and easy ascertainment from actual results, involved difficulties which would seem to render material errors in valuations altogether inevitable.

It is obvious, if the report of the committee (transmitted to the Secretary of the Treasury on the 10th September, 1836) had been accompanied with a statement of the accounts of the late bank, brought up to the same period, that the valuations and various allowances might have been adopted and regulated with comparative ease, satisfaction, and accuracy. Adjusted accounts of the transactions of the bank, for six months subsequent to the 3d March, would have corrected many errors, and precluded

the necessity of the explanatory statements required. The immense balances existing under the title of "debts due to and from the bank and offices to each other," and constituting a liability to a large amount to be deducted from the assets, would have entirely disappeared, or have been so materially reduced as to be susceptible of convenient explanation. The amount of dividends likely to remain unclaimed might have been more satisfactorily ascertained; and the chief part of the entire effects of the bank having been sold or matured, no difficulty or discordance would have been experienced in fixing their true value. The amounts of real estate and of suspended debts since realized would have been a useful guide whereby to test the correctness of the periodical estimates; and the expenses thereon would have indicated the amount of commissions suitable for collecting the residue. The notes discounted on personal security, the domestic bills of exchange, and a considerable amount of the loans at interest, having reached maturity, regular accounts would have shown the portion of these debts which it was impracticable to collect, the conditions of renewal, and the prospects of final payment; thereby exhibiting clearly the value of the risk involved, and the deductions consequently appropriate for the collection of these obligations.

It is also evident, that if the books of the late bank had been posted up since the 3d March, the debts to it settled as they became due, the claims upon it paid, and the business wound up, without being mixed with that of the new institution, its accounts would have clearly shown what portion of the property outstanding on the 3d March, of which the United States own nearly one fifth, had been since received, and what portion of the liabilities then existing had been since paid; an adjustment of the sum which the Government ought to receive by way of dividend, and an arrangement, relative to future payments, might have been made with scarcely any difficulty; and there would, in such case, have been no necessity either for the committee or ourselves to make that matter of argument, which should have been simply matter of examination and fact.

We have not failed to advert to the valuations of the stock of the bank made on other occasions, and to which the Secretary of the Treasury particularly invited our attention; (Appendix, No. 12;) and we also submitted these estimates to the consideration of the committee of the bank. It appears, by the report of the special agent of the Treasury, on the 2d November, 1832, that the value of the stock of the bank was more than 20 per cent. above par; (Appendix, No. 56;) and according to the estimate of a committee of the bank, on the 2d January, 1833, its value was 23 per cent. (Appendix, No. 57.) The surplus profits realized since January, 1833, appear to exceed two and a half millions of dollars, or 7 per cent., (Appendix, No. 58,) which would increase the first estimate to 27 per cent., and make the valuation of the committee of the bank, in 1833, equal, at this time, to 30 per cent., or $130 per share.

Very respectfully, &c.

H. D. GILPIN.
JOHN WHITE.

Hon. LEVI WOODBURY,
Secretary of the Treasury.

Appendix to the report of the commissioners appointed to settle the claims of the United States against the Bank of the United States.

1. Statement of the value of the bank stock on the 3d March, 1836, by the commissioners.

CORRESPONDENCE.

2. The Secretary of the Treasury to the president of the bank, 25th June, 1836.
3. The president of the bank to the Secretary of the Treasury, 25th July, 1836.
4. Resolution of the directors of the bank, enclosed in No. 3.
5. The president of the bank to the Secretary of the Treasury, 10th September, 1836.
6. The Secretary of the Treasury to the president of the bank, 19th September, 1836.
7. The Secretary of the Treasury to the president of the bank, 20th September, 1835.
8. The Secretary of the Treasury to the commissioners, 21st September, 1836.
9. The commissioners to the president of the bank, 29th September, 1836.
10. The cashier of the bank to the commissioners, 30th September, 1836.
11. The commissioners to the committee of the bank, 30th September, 1836.
12. The Secretary of the Treasury to the commissioners, 6th October, 1836.
13. Points of inquiry suggested by the Secretary of the Treasury, and proposed accordingly.
14. The commissioners to the committee of the bank, 11th October, 1836.
15. The committee of the bank to the commissioners, 13th October, 1836.
16. The commissioners to the committee of the bank, 18th October, 1836.
17. The committee of the bank to the commissioners, 19th October, 1836.
18. Reply of the committee of the bank to the points of inquiry proposed by the commissioners.
19. The commissioners to the committee of the bank, requesting a dividend of the assets, 20th October, 1836.
20. The committee of the bank to the commissioners, 28th October, 1836.
21. The commissioners to the committee of the bank, 4th November, 1836.
22. Additional points of inquiry proposed by the commissioners.
23. The committee of the bank to the commissioners, 16th November, 1836.
24. The commissioners to the committee of the bank, 19th December, 1836.
25. The committee of the bank to the commissioners, 20th December, 1836.
26. Reply of the committee of the bank to the additional points of inquiry proposed by the commissioners.
27. Reconcilement of apparent deficiencies in loss in suspended debt and real estate.
28. Statement of loss chargeable to the contingent fund, in March and July, 1836.
29. Reconcilement of the New Orleans office account.
30. Account of deficiencies.
31. Final points of inquiry proposed by the commissioners to the committee of the bank.
32. Reply of the committee of the bank to the final points of inquiry proposed by the commissioners.

DOCUMENTS.

33. Resolutions of the bank, transferring its property, on the 2d March, 1836, (transmitted by the Secretary of the Treasury.)
34. Report of the committee of the bank, on the value of its capital stock on the 3d March, 1836.
35. State of the bank, as compiled by the committee from office returns, near the 3d March, 1836, and made the basis of their report.
36. State of the bank, as it actually stood on the books of the bank on the 3d March, 1836.
37. Comparative view of the state of the bank, as given in statements No. 35 and No. 36, (furnished by commissioners.)
38. Loans at interest on stocks and other securities.
39. Loans at interest on bank obligations received for debts at offices.

40. Loans at interest, and periods when payable, (furnished by commissioners.)
41. Sales of active debts at the offices, (furnished by commissioners.)
42. Corrected account of interest accrued on loans up to 3d March, 1836, (furnished by commissioners.)
43. Costs and sales of banking-houses.
44. Corrected account of cost and sales of banking-houses.
45. Suspended debts and real estate, with the estimated probable loss adopted in July, 1836, and applied to 3d March, 1836.
46. Losses on suspended debt in July, 1834, 1835, and 1836, and statement of interest on good debts, (furnished by the commissioners.)
47. Comparative view of probable loss at the bank in July, 1834, and January, 1835.
48. Similar view for January and July, 1835.
49. Similar view for July, 1835, and January, 1836.
50. Similar view for January and July, 1836.
51. Statement of contingent interest account.
52. Domestic bills of exchange, near to 3d March, 1836, and when payable, (furnished by commissioners.)
53. Statement of nett surplus profits, (furnished by commissioners.)
54. Statement of profit on circulation realized by the first Bank of the United States.
55. Statement of special deposites of the Treasurer of the United States.
56. Valuation, by the agent of the Treasury, of the capital stock on the 2d November, 1832.
57. Valuation, by the bank, of its capital stock on the 2d January, 1833.
58. Statement of surplus profits since 2d January, 1833, (furnished by commissioners.)
59. Statement of the nett profits of the late Bank of the United States.

No. 1.

Statement of the value of the capital stock of the late Bank of the United States, according to the report of the commissioners appointed by the Secretary of the Treasury to investigate its affairs.

	Amount of assets.	Interest, 44½ days, & deduction on loans under 6 per cent.	Interest accrued till March 3.	Amount of estimated losses.	Nett value of assets.	Allowance proposed.	
						Per cent	Amount.
Bills discounted on personal security,	$13,411,958 23	127,268 63	- -	- -	$13,284,689 60	2½ p. ct.	$335,298 96
Domestic bills of exchange,	16,413,144 26	121,730 81	- -	- -	16,291,413 45	2 do.	328,262 88
Loans on stocks, on other securities, and bank obligations,	24,085,000 77	39,704 87 / 296,110 01	$150,649 62	- -	23,908,835 51		
Suspended debt and real estate,	4,362,223 11	- -	- -	$1,389,479 12	2,972,743 99		
Amount since sold, $628,290 85	- -	- -	- -	- -	- -	2½ do.	15,707 27
Amount on hand, 2,344,453 14	- -	- -	- -	- -	- -	15 do.	351,667 96
Total value, $2,972,743 99							
Interest on "good debts,"	- -	- -	- -	- -	122,733 43	2½ do.	3,068 33
Banking-houses sold, $560,957 59,	780,331 27	- -	- -	114,655 83	665,695 44		
Navy agent at Norfolk,	40,144 17	- -	- -	20,072 09	20,072 08		
Bonds and mortgages,	56,037 67	- -	- -	- -	56,037 67		
Foreign bills of exchange,	1,303 95	- -	- -	- -	1,303 95		
Due by State banks,	4,958,234 75	- -	- -	- -	4,958,234 75		
State bank notes,	2,229,947 05	- -	- -	- -	2,229,947 05		
Specie,	5,595,077 25	- -	- -	- -	5,595,077 25		
Losses chargeable to the contingent fund,	4,315,123 18						
Deficiencies,	149,796 94						
United States, disallowed,	5,267 32						
Expenses,	166,803 16						
Dollars,	$76,570,393 08	- -	- -	Value of assets	$70,106,784 17	Allowances,	1,034,005 40
Nett assets,	- -	- -	- -	- -	- -	-	41,488,173 90
Capital stock,	- -	- -	- -	- -	- -	-	$40,454,168 50*
LIABILITIES OF THE BANK.							
Amount of notes in circulation,	- -	- -	- -	21,109,352 23			
Amount of dividends unclaimed,	- -	- -	- -	253,937 43			
Due to Barings, and Hope & Hottinguer,	- -	- -	- -	371,777 40			
Due to bank and offices,	- -	- -	- -	1,548,869 31			
Due to State banks,	- -	- -	- -	2,255,003 78			
Due for redemption of public debt,	- -	- -	- -	120,621 87			
Due to depositors,	- -	- -	- -	3,594,048 25			
				29,253,610 27			
Deduct estimated gain on circulation,	- -	- -	600,000 00				
Deduct estimated gain on dividends unclaimed,	- -	- -	35,000 00				
Deductions,	- -	- -	- -	635,000 00			
Deduct estimated amount of liabilities,	- -	- -	- -	- -	28,618,610 27		
The commissioners' valuation of the capital stock of the late Bank of the United States, March 3, 1836, which, on a credit of two and a half years with 5 per cent., would be an abatement of interest more than equal to the allowances,				$1,034,005 40	$41,488,173 90	or $118	53 per share.
The terms of payment proposed by the committee of the bank were, three years credit at 5 per cent., which is equal to 3 per cent. deduction on $41,488,173 90, or				1,244,645 31			
Add the difference between 3 per cent. abatement and the allowance proposed,				- -	210,639 91		
The capital stock would be worth,				- -	$41,698,813 81†		

* Or $115 58 per share, cash, on the 3d of March, 1836, with 6 per cent. interest until paid.
† Or $119 13 per share, if sold at 18, 30, 42, and 54 months' credit, from the 4th of March, 1836, with 5 per cent. interest, payable half yearly.

STATEMENT No. 1—Continued.

68,752 shares represented by the Treasury Department, at $119 13, amount to			$8,190,425 76
Deduct dividend credited to the Treasury in March,			80,210 67
Value of the Government interest,			8,110,215 09
68,752 shares, at $118 53,			$8,149,174 58
Deduct March dividend,			80,210 67
Value,			8,068,963 89
Valuation of this stock by the report of the bank's committee—68,752 shares, at $111 47 $\frac{1801}{10000}$ each, amount to			$7,663,909 26
Deduct dividend passed to the credit of the United States,			80,210 67
Sum yet due to the Government,			7,583,698 59

No. 2.

TREASURY DEPARTMENT,
June 25, 1836.

SIR: I enclose, herewith, a copy of an act of Congress, approved on the 23d instant, entitled "An act authorizing the Secretary of the Treasury to act as agent of the United States in all matters relating to their stock in the Bank of the United States," and will thank you to furnish me now, and monthly hereafter, the information on all the points required to be given by the second section of the said act. If any of the effects of the bank have been assigned in trust, you are requested to transmit copies of the assignments. If any of the information required by the section above named be not in your possession, but in that of your trustees, I desire you to procure and communicate it to me, as the agent authorized by the act to receive the same. You will confer a favor, also, by informing me when it is expected that the capital stock in said bank, or any part thereof, owned by the Government, will be paid over; what advance will probably be paid on the par value of the same account of surplus, profit, interest, &c.; and what mode is contemplated by the bank to ascertain the just amount payable to the United States, in order that the Department may be enabled to test the accuracy of the calculation, and the true sum to which the Government may be entitled.

I am, very respectfully, your obedient servant,

LEVI WOODBURY,
Secretary of the Treasury.

M. L. BEVAN, Esq.,
President Bank United States.

No. 3.

BANK OF THE UNITED STATES,
July 25, 1836.

SIR: Your favor of the 25th ultimo, with its enclosure, was submitted to the board of directors at their meeting this day, being the first meeting held since the receipt of your letter. In reply thereto, I have the pleasure of enclosing to you a certified copy of the resolution adopted by the board, which is so explicit as to leave nothing to add, except the assurance of respect of your obedient servant,

MATTHEW L. BEVAN, *President.*

Hon. LEVI WOODBURY,
Secretary of the Treasury, Washington, D. C.

No. 4.

BANK OF THE UNITED STATES,
July 25, 1836.

At a meeting of the board of directors, held this day, the following resolution was, on motion, adopted:

Resolved, That the president of the bank is hereby requested to inform the Secretary of the Treasury that, on the 2d day of March last, a transfer was made of all the funds of the institution to the Bank of the United States chartered by the State of Pennsylvania; which bank at the same time assumed all the obligations of this institution, and especially the settlement of the share of the assets due to the Government of the United States; that, in order to ascertain the value of said share, a joint committee of both boards is now engaged in making an investigation, which, it is understood, will result in an early communication to the Secretary; and that his letter will be transmitted to the board of directors of the Bank of the United States chartered by the State of Pennsylvania, from which it will doubtless receive a prompt and respectful consideration.

Extract from the minutes.

J. COWPERTHWAIT,
Acting Cashier.

No. 5.

BANK OF THE UNITED STATES,
September 10, 1836.

SIR: I have the honor to transmit to you the report of the joint committee composed of directors of the late and present Bank of the United States, and of all the arbitrators selected by them in conformity to the resolutions of the board of directors of the late Bank of the United States, which have been already communicated to you.

The report will sufficiently show the course and the result of the inquiry.

All the materials on which it is founded will, of course, be submitted to any examination which you may desire to make, either in person or in any other mode more acceptable to you; and I shall have great satisfaction in affording every facility for the most detailed investigation.

I shall be equally ready to adopt any mode which may be deemed expedient for making such a division of the assets of the bank as may assure to the Government its just and ample proportion of them.

In the mean time, I have the honor to be, very respectfully,

N. BIDDLE, *President.*

Hon. LEVI WOODBURY,
Secretary of the Treasury, Washington, D. C.

No. 6.

TREASURY DEPARTMENT,
September 19, 1836.

SIR: Since your communication of the 25th of July last, I have not had the honor to receive from the bank over which you preside any further information on the subject-matter of my inquiries, made the month previous; nor has any such information been received from any other quarter, except what is contained in a letter that reached me the 12th instant, from the president of the institution, officiating as your trustee, and in an accompanying report, which he enclosed. A copy of that report, it is presumed, has already been placed in your possession by the committee who prepared it, as they appear to have been acting partly in your behalf. It is not, therefore, deemed necessary to forward it; but from its contents, and from the letter before named, (a copy of which is herewith transmitted,) you will perceive that most of my former inquiries still remain unanswered; though, according to the resolutions of your board, enclosed to me in your former communication, I was led to suppose that they all had been referred to your trustee, with a view of having the desired information speedily communicated to me. At the time of those inquiries, I particularly wished, and am still solicitous, to obtain "monthly statements," since March last, of "information on all the points required to be given by

the second section of the act of Congress," a copy of which was forwarded to you as a guide on those points. All that information would probably be useful to me in the discharge of my agency for the United States, and some of it is now very material for the purpose of ascertaining the progress made since March last in the collection of the demands in favor of the bank chartered by the United States; and also the prospect of an early dividend being paid to the United States on its stock, as well as the probable amount of such dividend. "Copies of the assignment were likewise desired," if any of the effects of the bank had been transferred in trust; these have not been received; but the omission to forward them has been less material, as the Treasury Department has been apprized, by you, of the fact of an assignment having been made, and has been advised of its contents by one of the United States directors, so that its character is supposed to be correctly understood. I am unable, however, to use his communications as official documents, and copies of such assignments are, therefore, still desired from the bank. You were further requested to inform me when it was "expected that the capital stock in said bank, or in any part thereof, owned by the Government, will be paid over." Nothing definitive has yet been communicated by you or your trustee on this point, so very interesting, if we look to the large sum probably due to the United States, or to the financial estimates for the ensuing year, which must soon be prepared by this Department for Congress; and to the important apportionment of a large part of the receipts of the present year, which is to be made on the 1st of January next, and afterwards placed in deposite with the different States. The before-mentioned report of the committee, just forwarded to me, removes none of the difficulties on this point, though the question as to the time of payment seems to have been a material part of the subject referred to them. The report merely recommends that it be settled by subsequent negotiation between the parties; and Mr. Biddle, in forwarding that report so recently, though purporting to be made as long ago as last July, speaks only of his readiness to "adopt any mode which may be deemed expedient for making such a division of the assets of the bank as may assure to the Government its just and ample proportion of them," without saying any thing as to the time contemplated by him for making that division, or paying over that proportion; nor does he propose any time for such division or payment which he wishes to be negotiated about. I am, accordingly, without any intimation, from any quarter, as to the time when any payment to the United States is either contemplated or desired by the bank. The disappointment in relation to this particular is greater, because, independently of the fact before mentioned, that information on this subject was specially requested by this Department some months ago, and is very material to a correct performance of some of its duties, it was presumed to have been the corporate obligation of the bank (when the United States had entered into no different arrangement, nor had been desired to unite in making one) to proceed immediately after the 3d of March last, and cause its various claims to be diligently collected, and the nett proceeds, to any considerable amount, either to be divided as fast as practicable among those entitled to receive them, or at least a due share of them to be paid to the Government, which had been excluded from any participation in any new business or partnership contemplated by the rest of the stockholders. The adoption and continuance of the above course was therefore expected, until a different one should be agreed on by all the parties in interest.

In the absence of the information desired, concerning the present state of the funds of the bank, it is obviously not possible for me to decide, with certainty, whether suitable means have yet been obtained for making any dividends; but it was supposed that ere this most of the assets in possession of the bank on the 3d of March last, which did not consist of money, or mere real estate, or obligations for the sales of some branches, on long credit, had been collected. The usual length of bank credit must have expired two or three months ago; and the money received, with what was before on hand, it was hoped (though on conjectural grounds, without the information asked) would greatly exceed any intervening disbursements proper and necessary on account of the bank chartered by the United States. In this condition of things, it therefore was anticipated either that notice would have been received before this period of the actual making of a dividend to the United States, to some extent, on the capital stock, (whether the residue was left to be paid upon subsequent arrangements as to its full value, or otherwise,) or at least that some intimation would have been given of the time when it was intended or expected to make some payment to the United States towards its share, leaving the entire value of that share to be hereafter ascertained by mutual agreement, or by the final result of the whole collections and sales of the assets. For these reasons, and others before mentioned, as to the estimates for 1837, and the apportionment of the public deposites to be made next January, you will perceive that I must still be exceedingly anxious to have an early reply to my former inquiries on this part of the subject. At the same time, I feel happy to acknowledge that the report furnishes some valuable information in answer to another portion of my inquiries, concerning "what mode is contemplated by the bank to ascertain the just amount payable to the United States," and what "advance will probably be paid on the stocks on account of surplus profits, interest," &c.

From the report and some of the stipulations cited from the assignment, I infer that the mode preferred by the bank has not been the usual mode when the charter of a bank expires. The last I understand to be, for the bank itself to proceed seasonably to collect the debts due to it; sell its real estate; arrange all its outstanding concerns within the period allowed by law; and, from time to time, though as early as possible, make dividends to its stockholders of what it realizes, after deducting all necessary expenses; and, at the expiration of the period permitted for closing its affairs, to place whatever may be unfinished in the hands of trustees, for the benefit of the stockholders, or divide among them the assets remaining. This ordinary and natural mode appears to be that best calculated to do exact justice to all parties, both with regard to the times and the amounts of the respective dividends; and also obviates the numerous and embarrassing questions concerning guaranties, deductions, depreciations, securities, &c., which seem inseparably connected with the course thus far pursued by the bank in preparation to extinguish the interest of the United States in its capital stock. The usual mode appears likewise to have been that contemplated by Congress in granting in the charter two years after its expiration to collect and pay over the corporate funds to the stockholders. With regard to the interest of the other stockholders, the reasons may have been sufficient for adopting a different and novel mode, and that without previously consulting the United States, the only retiring partner from the concern. I understand, from the report, that the actual course of the bank has been to resort to an immediate assignment of all personal property to a trustee; to appoint committees on the part of the principal and trustee alone, though their interest, independent of the United States, were identical; to estimate the value of the personal property and real estate on the 3d of March last, and to obtain this estimate, not for the adjustment of claims between the only parties to it, but to be used, as the committee say, to show "what ought to be paid or secured to the United States;' or, as you say in your resolution of July 25, to ascertain the value of said shares of

the United States, or to be used like the doings of "arbitrators" on that subject, as Mr. Biddle seems to consider the committee, or a portion of them. But it is to be remembered, that no members of that committee, however respectable and intelligent, were selected by the Government, the value of whose large claim of seven or eight millions of dollars was thus to be fixed. Nor were any of them chosen by the Secretary of the Treasury, or by any persons deputed by either the United States or him for that purpose. Nor is it known that any body on behalf of the bank has ever, in any way or at any time, consulted the United States, or their agent, as to joining this committee with an equal number on their part, or as to their willingness to approve any exclusive mode of proceeding by one party alone for settling the value of their share in the funds which belonged to them in common, or in a certain ratio, as fully as to the other stockholders; or as to their views, during the progress of the subject since last March, on any of the principles adopted in valuing the property of the bank in which the Government was jointly and so largely interested. But the reasons for this unusual course, if supposed sufficient, not having been communicated to me, cannot properly be weighed. In their absence, the course pursued appears to me objectionable in behalf of the United States. It looks unequal, and has an apparent tendency to produce not only delay, but a valuation too low, and altogether unfavorable to the interests of the Government. But the materials on which that report purports to be based having been since offered by the trustee to be submitted to any examination I may desire, removes, in some degree, a portion of these objections, and renders it a duty, in the exercise of proper vigilance and care over the interests of the United States, to avail myself of the offer, as well for the purpose of detecting any possible inaccuracy of figures, as of testing the principles assumed in the report, and which might otherwise be considered as acquiesced in by the agent of the United States. But the effect of appointing committees, however reputable, by only one party, for the purpose of making an *ex parte* statement, intended in any way to operate on the interests of others, though the materials be afterwards offered for re-examination, still seems to be to procrastinate a final adjustment, to produce dissatisfaction, and to forestall opinion upon such points as may have been decided. Hence, I feel sensibly, and regret, the awkward and unfavorable attitude in which the Government is thus placed, but shall, notwithstanding, endeavor as soon as practicable to procure three gentlemen of high respectability and competent qualifications to investigate those materials, and report to me their views upon them, and also upon the proper basis of a settlement. Whether any essential error in computations, or in the principles assumed by the committee, has occurred or not, and whether the amount estimated in the report be or be not too small, if seasonably paid, with proper interest, it is important for the Government, representing the interests of the people of the United States in this claim, to have as full, fair, and satisfactory evidence in relation to its true condition as is practicable. It is highly proper, also, that a thorough scrutiny of its value be made by some agent on their part, before any consent is given to a course of settlement different from the usual one in similar cases, and before a decision is made on any offer of payment in full by the bank, provided it should hereafter propose to make one at any time of the amount reported by the committee, or of any other amount supposed to correspond nearer to the real value of the share of the United States. But as no specific sum has yet been offered by the bank, to be paid either in full or in part, at an early or remote day, no occasion has yet arisen for any such decision. Due efforts, however, will be continued to procure the proper information to act on, whenever the bank is ready to make or propose payments of any kind, so that nothing may be wanting on the part of the Government to insure due despatch in disposing of this embarrassing subject in the usual mode, or by a final arrangement, as soon as the bank is prepared for either course.

The great pressure of other official duties at the seat of Government will prevent my personal attention so fully as is desirable to many branches of this laborious inquiry, and I shall therefore request those gentlemen to report, among other things, besides the state of the before-named materials, their views on the correctness of the principles adopted by the former committee in coming to some of their conclusions, as well as their views about the best mode of now adjusting the amount to which the United States may be entitled in the assets of the bank; what in their judgment that amount is likely to be, if ascertained in the usual mode, and the proper amount, times of payment, rates of interest, and security to be now given, in the event that the bank shall be unwilling to proceed; and have dividends and payments promptly made to the United States, from time to time, as collections may warrant, until the whole concern be closed in the manner before mentioned, as most customary and most agreeable to this Department. Allow me to suggest, also, as a course which seems fair and eligible, both to produce a more rapid progress in closing this business, and to give fuller satisfaction as well to the bank as the Government, that an equal number of disinterested gentlemen be designated by the bank, to unite in the re-examination of the materials, and in an inquiry on the additional topics which will be suggested by me to the gentlemen selected by this Department, and, after mutual consultation, that they agree, if practicable, in one view of the subject, or of any important parts of it, and report accordingly. Such union of opinion would doubtless be calculated to have much weight with all parties, and, though not binding on either, would probably be decisive where the strongest reasons did not happen to exist to overrule it. In the mean time, as the agent of the United States, I beg leave to assure the bank of my readiness at all times, and indeed my anxiety, to receive, early as practicable, on account of the stock owned by the Government, any dividend or payment the bank or its trustee may be prepared to make towards the portion to which the Government shall in the end in any mode appear to be justly entitled. And if no other course can, during the two years allowed by the charter, be agreed on for settlement, except prompt periodical payments to the extent of the nett collections, the Secretary of the Treasury for the time being will doubtless be willing, as to all which shall remain uncollected and unpaid at the end of that period, to enter into a still further arrangement to divide ratably the assets remaining, or receive afterwards, as collected, a due portion of what shall be then outstanding. It may be proper to explain that this letter is addressed to yourself rather than your trustee, in consequence of the failure to obtain from you or any other person most of the material information requested last June, under the act of Congress passed in that month, and in consequence of the claim of the United States being in the first instance wholly on the bank over which you preside. The United States, as a stockholder, is likewise excluded from all interest in the institution which has been selected as your trustee, and, as a stockholder, is no party to either that selection or the assignment. Under the above act of Congress, the Secretary of the Treasury is also appointed agent to represent the United States as a stockholder only, and in that capacity commenced the correspondence with you of which this constitutes a part. But a copy of this letter will, for convenience and comity to all concerned on the part of the bank, be forwarded to the president of the institution to which your assets have been conveyed.

I am, &c. LEVI WOODBURY,
Secretary of the Treasury.

MATTHEW L. BEVAN, Esq.,
President Bank U. S. Philad.

No. 7.

TREASURY DEPARTMENT,

September 20, 1836.

SIR: I have the honor to acknowledge the receipt of your letter of the 10th instant, enclosing a report upon the affairs of the bank chartered by the United States, as those affairs existed on or near the 3d of March last.

I have cheerfully accepted your offer, as trustee of that bank, and in actual possession of its assets and books, to permit an examination to be made of the materials upon which that report is founded, in any mode most agreeable to me. For the manner in which it is proposed to conduct that examination, I beg leave to refer you to the enclosed copy of my letter of the 19th instant, addressed to the president of that bank, the principal in this case, and containing also some views in continuation of the correspondence heretofore commenced between him and myself in relation to the condition of the bank, to the information desired as to some of its concerns, and the time as well as the mode and amount contemplated for payment to the United States on account of their share in its capital stock, and in the surplus profits which have accrued thereon.

I am, sir, very respectfully, your obedient servant,

LEVI WOODBURY,
Secretary of the Treasury.

NICHOLAS BIDDLE, Esq.,
President of the Bank of the United States chartered by Pennsylvania, Philadelphia.

No. 8.

TREASURY DEPARTMENT,

September 21, 1836.

GENTLEMEN: As you have been selected to act on the part of the Secretary of the Treasury, for the purpose, among other things, of examining the materials on which the enclosed report (A) is founded, I wish that your inquiries may be commenced at the earliest convenient day.

Independent of the rights conferred on me by the 2d section of the act of Congress, passed June 23, 1836, in certain cases to "inspect and examine, or cause to be inspected and examined," certain accounts of the United States Bank, or "any trust" relating to them, the proffer has been voluntarily made to me to allow the examination of all those materials before mentioned, in any way most agreeable to this Department. This proffer is contained in a letter from the president of the Bank of the United States chartered by the State of Pennsylvania; a copy of which is enclosed. (B.) Copies of my reply thereto, and of another communication from me to the president of the United States Bank chartered by Congress, and relating to this and other topics, are herewith forwarded for your perusal and use. (C and D.)

In order that you may be acquainted with the whole correspondence since the passage of the above act of Congress, I also annex copies of my letter to the president of the bank in June last, and of his only reply thereto, dated in July following. (E and F.) In making that examination, and a report on the result, as well as on certain other matters hereafter enumerated, there may be associated with you another committee, selected by the old bank. It has been invited to do this, and, if acceding to the suggestion, it is hoped that you may be able to agree in a report on some if not all the points submitted to your consideration; otherwise it is desired that you will proceed alone, and present a separate report of your own views.

1. I wish, first, in the examination of those materials which form the basis of the enclosed report, to invite your attention to the following particulars, without intending to exclude thereby your researches, so far as may appear proper, into the whole of them. What portion of the assets of the bank on the 3d of March last consisted of obligations for the sales of its branches, and what was the length of credit given on them? What amounts of the personal securities and domestic bills on hand on the 3d of March, 1836, have since been collected, and what have since been received for the sales of real estate and banking-houses? Whether all the sums since received, with the money then on hand in bills of the other banks, specie, and balances due from other banks, have not exceeded the payments since made of balances due to other banks on the 3d of March, the amount of notes then outstanding and since redeemed, the deposites since paid, and the actual expenses incurred in transacting this portion of the business? If the receipts have exceeded the payments, I wish you to report the amouut, and the reasons, if any, why a due portion of the balance should not immediately be paid over to the United States, towards its share in the capital stock. You are further desired to examine, as carefully as may be, the character of the demands returned as loans and bills on the 3d of March, to see if any guarantee, or commissions for guarantee, as recommended by the report, are necessary and proper; and if so, on how many of them, and at what rate on any of them; and whether all doubtful debts had not been previously withdrawn and arranged under some different head, so as to render unnecessary any guarantee whatever. If any guarantee were ever proper on a part of them, you are requested to report if that part has not since been chiefly converted into money, so as to render a subsequent agreement to pay it improper on the part of the United States. The value of the real estate and banking-houses is an item on which a large deduction has been made in the report; and the ground for it, if any, considering that real estate has generally risen of late so much in value, I wish specially investigated. Some inquiry may be found expedient to ascertain if this property will not probably produce more than the cost; and, in connexion with this, an item for a fund to extinguish the cost of banking-houses requires fuller explanation. All these particulars might be satisfactorily arranged in any recommendation for settlement, by agreements to sell within two years, and pay over our rightful portion of the nett proceeds. The suspended or doubtful debts, under whatever heads, need a close scrutiny; and I would suggest whether any fair test of their true value can be fixed, except prompt and diligent collections, in full or in part, were practicable; and, in case of any arrangement hereafter, a covenant to pay to the United States its just ratio of what is afterwards actually obtained on them. From the item of outstanding notes or circulation on the 3d of March, only a small deduction has been proposed by any of the committee for such as may have been lost or destroyed during the past twenty years. Any materials to justify this ought to be specified, as the amount in circulation has generally been large, a long time has elapsed since they have been circulating, and the range of circulation has been very wide and unusually exposed to losses. A great deduction for losses would therefore seem to be proper, unless facts exist on this point now unknown to me.

In case of no immediate arrangement, except to pay over to the United States its share of the nett collections from time to time, during the two years allowed by the charter to close up the concerns of the institution, the most safe and just rule on this subject of the outstanding circulation which has occurred to me is, that the parties, at the end of the two years, should presume all the old notes unpresented to be lost, and settle accordingly, with an obligation on the part of the Government to contribute proportionally towards the reimbursement for the redemption of any bills subsequently presented. The unclaimed dividends can then be equitably adjusted in the same manner; or, if an estimate be now made of their character, it is probable that, on a careful inquiry into their large amount and situation, it will appear that a considerable deduction ought to be made for such as may never be claimed. The large iten

of profit and loss will require a close analysis as well as that of the contingent fund, contingent interest, and deficiencies.

Though the former committee may have dissected and placed a proper estimate on all of these, and the materials on which they rest, yet the details do not appear in so full and satisfactory a manner as is desirable. On the item of the contingent fund, it may further be proper so far to examine retrospectively into the materials as to ascertain that no mistake has been inadvertently made in the application of any part of it to subjects connected in any way with the new institution chartered by the State of Pennsylvania, and in which, as the United States have no interest, they should of course, on account of it, suffer no charge or loss. A careful inquiry of the same kind, and with the same and other legitimate views, might properly be carried into some other items, such as profit and loss, and discount, exchange, and interest. In the next place, the nett balance due to the Bank of the United States and offices from its branches, amounting to about one million and a half, is charged by the committee among the sums to be deducted. The propriety of this seems to be very questionable, without further explanation. The apparent value of the stock, on the statement of the condition of the bank in March last, is so much greater than the estimate made by the committee, the sales in the market have often been so much higher, and the opportunities enjoyed to dispose advantageously of most of the branches and to collect the debts due to the others have been so unusual and great, that particular vigilance seems necessary to ascertain if some essential error does not exist in a number of the data which constitute the basis of that report, and which reduce so low the estimated value of the stock.

2. After a proper scrutiny of all the materials and items relating to this subject, whether before enumerated or not, you are requested to inquire into the principles applied to them by the committee, and especially those of charging a large sum for a guarantee on all or any of the demands, whether since collected or not, and whether clearly good or doubtful, and other large sums also for commissions. It seems questionable whether either of them, under the circumstances of this case, be proper: the first, for reasons before named; and the last, because the actual expense of collecting these demands, during two years, would seem to have been intended by the charter to be incurred by the old bank, and to be performed by its officers for their usual compensations or salaries, and who are now supposed to be left almost destitute of employment of any kind. Whether performed by the old bank or its trustee, the sum actually expended on this business, or a fair portion of the whole actual expenses of the institution while engaged in it, seem to be the proper ones, and appear to me not likely to amount, with demands so peculiarly situated and secured as most of them are, to more than a small fraction of the gross amount of from one to two millions, proposed in the report.

After the two years, any bank acting as trustee would really incur but a small trouble or expense in aiding to collect what might then be outstanding, and, it is presumed, would be willing to make only a moderate charge therefor.

3. You are next desired to report on what, in your opinion, is the best mode of adjusting the proper amount due to the United States—whether by immediate payment of our share of the nett actual collections, and by subsequent dividends as collections accumulate, from time to time, till the charter expires, and then by an equitable division of the remaining assets, or a sale of them with covenants as to certain items before named; or by an estimate made now of the value of the whole assets on the 3d March last, and an agreement to receive payment of our share of that estimated value at such times and on such interest since the 3d March, and in such instalments and with such security as may seem to you reasonable. On these points I have nothing more to suggest for your consideration than what has before been expressed in this letter, and more in detail in that to the president of the bank on the 19th instant.

Should you recommend the last course, or not, it is still desirable that your views, and the reasons on which they are founded, should appear in your report, so far as regards the whole proper amount, the times of payment, rates of interest, and the security to be given, in case that course be eventually adopted.

4. It is further wished that, in forming an opinion of the value of the assets of the bank on the 3d of March, you should take into consideration the amount of dividends due to the United States which has been withheld and applied by the bank in payment of a claim for damages on the draft or order drawn by the Department on the French Government. Under all the circumstances of that case, this Department cannot recognise the right of the bank to any thing except the actual expenses incurred by it in consequence of the failure by the French Government to pay the draft, with the usual interest thereon, while the bank had not the use of the money, provided it did not have the use of it during the whole period till its formal repayment. For further particulars on this question, reference can be had to the printed opinions of the Attorney General, and the views of this Department in the annual reports to Congress, December, 1834. It would therefore seem proper, and it is submitted to your consideration, and that of any committee uniting with you on the part of the bank, whether the claim for constructive damages had not better be relinquished by the bank, and only a full indemnity for any actual loss be received, and the value of the stock be estimated on that basis, the bank in the mean time paying over the dividends to the United States which were withheld in 1834.

5. All the special deposites on the part of the United States, it is supposed, will of course be understood (in any detailed arrangement proposed) as proper to be returned or accounted for, independent of the share to which the United States are entitled in the capital stock and the profits made thereon. So of all funds or demands held under special contract with the United States, as in case of the Columbia Bank of Georgetown, District of Columbia. I make suggestions on these topics of the dividends withheld, and the special deposites and special contracts, in order to prevent, if possible, any future misapprehension or litigation concerning them, should they not be expressly provided for in any arrangement proposed. I take the liberty to designate the 20th instant as the day of your meeting at Philadelphia, and forward this to Mr. Gilpin, the resident in that city, for your joint use, with a request that he will apprize the other gentlemen of the time and place designated, as well as the two banks; and, if not convenient to all, that he make arrangements, mutually agreeable, as to some other early day on which to commence your inquiries.

I am, gentlemen, very respectfully, your obedient servant,

LEVI WOODBURY,
Secretary of the Treasury.

To C. C. Cambreleng,
H. D. Gilpin, and
John White,
} *Esquires.*

No. 9.

Philadelphia, *September* 29, 1836.

Gentlemen: Having been selected by the Secretary of the Treasury, in conjunction with Messrs. C. W. Lawrence, of New York, and John White, of Baltimore, to examine the materials on which was founded the report of the joint committee of directors of the late and present Banks of the

United States, transmitted to him on the 10th instant, I am requested by him to inform you of the time and place designated for our meeting, in order that, if not convenient to all, such as are so may be fixed upon. We propose to meet at 10 o'clock, on Saturday morning next, the 1st October, at the North American Hotel.

The letter of the Secretary of the Treasury of the 19th instant, communicated to the president of both banks, explains his views of the course he deems most eligible. It is therefore only necessary to add, that we are desirous to make, with as little delay as possible, arrangements mutually suitable to all parties.

Very respectfully, &c.

H. D. GILPIN.

To the PRESIDENT AND DIRECTORS
of the Bank of the U. S. chartered by Congress.

A duplicate of the above was addressed "To the President and Directors of the Bank of the United States chartered by Pennsylvania."

No. 10.

BANK OF THE UNITED STATES,
September 30, 1836.

SIR: I am instructed to inform you, in reply to your letter of the 29th instant, that Messrs. Caleb Cope, Richard Price, and Robert Toland, have been appointed a committee, on behalf of the two banks, to meet the committee appointed by the Secretary of the Treasury, to re-examine the report referred to in his letter of the 19th instant.

I am, very respectfully, yours,

S. JAUDON, *Cashier.*

H. D. GILPIN, Esq., *Walnut street.*

No. 11.

PHILADELPHIA, *September* 30, 1836.

GENTLEMEN: I received the letter of Mr. Jaudon of this date, mentioning that you were appointed a committee, on behalf of the two banks, to meet Messrs. Lawrence, White, and myself. Those gentlemen have arrived in town, and, if convenient, we shall be obliged by your meeting us at my office, to-morrow morning at 10 o'clock.

Very respectfully, &c.

H. D. GILPIN.

To Messrs. CALEB COPE,
RICHARD PRICE, and
ROBERT TOLAND.

No. 12.

TREASURY DEPARTMENT,
October 6, 1836.

GENTLEMEN: In my letter to you of the 21st ultimo allusion was made to the sales and valuation of the stock of the Bank of the United States at a price much greater than the estimate in the report of the committee of the bank, fixing its value per share at only $111 47. This topic was alluded to as furnishing a circumstance which indicated that the estimate made in the report was much too low. In addition to that circumstance, and what was before suggested in connexion with it, I would now invite your attention to the report of the special agent of this Department, as to the actual value of the stock of the bank in 1832, and the report of the Committee of Ways and Means of the House of Representatives, founded upon that report, and upon the oaths of the directors of the bank, as to the true value of the stock in January, 1832. The first of these reports, as understood by me, made the real value of the stock of the bank to be at that time more than 20 per cent. above par, and the latter report more than 23 per cent. above par. For the particular grounds upon which these valuations were made, you are respectfully referred to the reports themselves.

I am, gentlemen, very respectfully, your obedient servant,

LEVI WOODBURY,
Secretary of the Treasury.

To C. W. LAWRENCE,
HENRY D. GILPIN, and } *Committee, &c.*
JOHN WHITE, Esqrs.,

No. 13.

Points of inquiry particularly suggested by the Secretary of the Treasury, and proposed accordingly.

SEPTEMBER 30, 1836.

1. What portions of the assets of the bank on the 3d of March, 1836, consisted of obligations for the sale of its branches, and what was the length of credit given on them?

2. What amount of the personal securities and domestic bills on hand on the 3d of March, 1836, has been collected?

3. What was the amount of sales and receipts of the real estate and banking-houses since the 3d of March, 1836?

4. What has been received, since the 3d of March, 1836, of the amount in bills of other banks then on hand, and of balances then due from other banks?

5. What amount has been paid, since the 3d of March, 1836, for the liquidation of balances then due to other banks; for the redemption of notes then outstanding; for the deposites since paid; and for the actual expenses of conducting the business of the institution since that time?

6. What has been the amount lost or destroyed of notes issued by the bank since its first establishment, according to the best information in its possession?

7. What amount of dividends unclaimed on the 3d of March, 1836, has been since paid?

No. 14.

PHILADELPHIA, *October* 11, 1836.

DEAR SIR: I promised Messrs. Lawrence and White to inform them when the residue of the information and statements, requested in the memorandum we gave you, will probably be furnished. If the committee are yet able to fix a time, I shall be obliged by your letting me know.

Very respectfully, &c.

H. D. GILPIN.

To CALEB COPE, Esq.

No. 15.

PHILADELPHIA, *October* 13, 1836.

DEAR SIR: Your note of the 11th is received. On application at the bank, I learn that the officers have not as yet been able to make out all the required statements, on account of the pressure of other duties. The cashier assures me, however, that they will be ready on Monday morning next.

Yours, very respectfully,

CALEB COPE.

HENRY D. GILPIN, Esq.

No. 16.

PHILADELPHIA, *October* 18, 1836.

GENTLEMEN: From the note of Mr. Cope to Mr. Gilpin, we were under the expectation that the information therein referred to would have been furnished to us yesterday. Not having received it, we take the liberty of asking it at your earliest convenience, and shall be much obliged if you will let us have such of it as is prepared at as early an hour to-morrow as you can, it being our desire to

proceed with the necessary investigations as soon as possible.

Very respectfully, &c.

H. D. GILPIN.
C. W. LAWRENCE.
JOHN WHITE.

To Messrs. CALEB COPE,
RICHARD PRICE, and
ROBERT TOLAND.

No. 17.

PHILADELPHIA, *October* 19, 1836.

GENTLEMEN: I am duly in the receipt of your communication addressed to the committee of the Bank of the United States, appointed to meet you in the existing examination of the subject-matter of their late report.

I regret that an indisposition in Mr. Cowperthwait's family (who promised to give his personal attention to the matter) has prevented an earlier compliance with your request. I did not suppose, however, that the tenor of my note to Mr. Gilpin conveyed an impression that the answers to your inquiries would be furnished at any other place than at the bank.

It is only within the last few minutes that I have received the enclosed document; and, anxious that you should have it at the earliest possible moment, I have concluded to send it to you without conference with my colleagues.

Yours, very respectfully,

CALEB COPE.

To H. D. GILPIN,
C. W. LAWRENCE, and } *Esquires.*
JOHN WHITE,

No. 18.

I. The amount of the sales of the debts, &c. at the offices, was $14,839,034 71. Some of the sales were not finally closed until after the 3d of March, although the negotiations had commenced, and in some cases agreements had been concluded, before that time. The credit may be stated, generally, at one, two, three, and four years, with five per cent. interest. In one case, four, five, six, and seven years were given on $250,000, and in another, twenty years on $1,000,000. Besides the long paper arising from these sales, loans for one or more years were made both at the bank and its offices, principally with a view to the employment of the funds during the process of winding up. These loans amounted at the parent bank (including those transferred from Baltimore and Charleston, and other offices which had closed their active business) to $12,111,774 52. At the office at New York, the amount of such loans is $1,673,480 08. The total amount of long loans is therefore $28,624,289 31, and there are others at some of the other offices which it would take time to ascertain.

II. The old books have not been posted up since the 3d of March, and therefore it would take some time to ascertain what amount of notes and bills have been paid since that date; but the materials for so doing are, of course, all in our hands, and this information can be furnished, if necessary. It may be proper to add, that, of the active debt on the 3d of March, at one office only, $405,280 37 have been protested for non-payment, and still remain in the suspended debt—being upwards of ten per cent. on the whole debt.

III. The sales of real estate, (other than banking-houses,) since March 3d, amount to $628,290 85. The usual terms of sale are, one fifth cash, and the balance in notes at one, two, three, and four years; but, in some cases, one, two, three, and four years are given, without any cash payment. Of the banking-houses which were in the statement of the 3d of March, sales have been completed to the gross amount of $450,600. To this must be added the banking-house at New York, (erroneously placed in the column of real estate,) which sold for $189,500.

IV. The State bank notes and balances may be considered as paid. If all the balances had been required to be remitted to Philadelphia, at the current rates of exchange, there would have been a large deduction from the amount, particularly of the Western balances—in some cases as much as 2½ per cent.

V. The balances due to State banks were all assumed by the new bank, and are or may be considered as paid The same is the case as to all deposites, excepting the sum of $2,442 18, which remains to the credit of the Treasurer of the United States.

The nett circulation of the notes of the bank was, on the 3d of March - -	$20,680,435
And on the 12th of October - -	10,538,397
Showing the redemption of - -	$10,142,038

The expenses paid from the 3d March to the 1st October amount to $225,471 59. The precise portion which belongs to the business of the old bank it would take some time to ascertain; but we presume that the expenses of merely winding up the business of the old bank would have been four fifths of this amount.

VI. There are very few data in the bank on which to found an estimate of the notes that have been lost or destroyed. The nearest approach to any accurate statement is what is given by the circulation of the old offices at Cincinnati and Chillicothe. The total issues of notes at these offices was $1,050,000; of which $1,048,085 have been paid and cancelled; leaving still outstanding $1,915. What part of these will be presented for payment it is impossible to say; but if even one half should be supposed to be destroyed, the per centage of loss on the issues would be about one tenth of one per cent.

VII. Of the unclaimed dividends, amounting, on the 3d of March, to $253,937 43, the exact sum paid cannot be accurately stated, as the returns from the offices do not distinguish between those and the subsequent dividend; but the best estimate which we can make is, that $218,597 43 have been paid.

No. 19.

PHILADELPHIA, *October* 20, 1836.

GENTLEMEN: We received yesterday afternoon Mr. Cope's letter, enclosing a statement in reply to several inquiries suggested by the Secretary of the Treasury, which we left with you at our last interview on the 3d instant. It will be perceived that a principal object of those inquiries was to ascertain accurately what amount of personal securities and domestic bills on hand, when the charter expired, has since been collected; what amount of deposites then held by the bank has since been paid; and what amount of the notes then in circulation has been since redeemed. As this period now exceeds seven months, it is evident that an accurate knowledge of these facts would have enabled us not only completely to verify a very large proportion of what is matter of estimate in the report transmitted to the Secretary of the Treasury of the value of the property of the bank on the 3d of March last, but would have exhibited, in the plainest manner, what sum the United States are now entitled to receive as their share of the funds collected.

We regret extremely that it has not been in your power to furnish this information, and that (as you state) the books of the bank have not been posted up during the last seven months. Had its accounts been so kept as to show what portion of its property outstanding on the 3d of March last has since been received, and what portion of its liabilities has since been paid, an adjustment of the sum which the United States ought now to receive, and an arrangement relative to future payments to them, might have been

made with scarcely any difficulty. You are aware, from the letter of the Secretary of the Treasury to Mr. Bevan, the president of the bank, on the 19th September, that he has been anxious that payments should have been made, from time to time, towards the entire portion which belongs to the United States, and that he is particularly desirous now to receive their share of the collections, with a view to the approaching deposite of a large part of the receipts of the year with the different States. Besides, a payment of the dividend belonging to the United States, after deducting from the sums received during the last seven months the actual disbursements, seems to be the first step, and one equally usual, obvious, and correct.

In doing this, it would have undoubtedly been preferable to take the exact amount of such dividend from the books and accounts of the banks since the 3d of March, had it been in your power to furnish it. However, after the investigation we made with you, and an examination of such documents as we did receive, we believe this can be so ascertained that you will see the propriety of making a considerable payment on account.

Taking, as the basis of our calculations, the report made by the bank itself of the value of its property on the 3d of March last, we arrive at the following result as to its collections and disbursements since that day:

1. *The active debt*, estimated, in the report, to be due in 44½ days after the 3d March, 1836, is as follows:

Bills discounted on personal security -	$17,159,822 20	
Domestic bills of exchange - -	16,413,144 26	
Notes discounted on bank stock - -	1,291,915 72	
Notes discounted on other securities - -	4,061,553 71	
		$38,926,435 89

2. *Loans drawing interest*, as follows:

At 6 per cent. due 8th February, 1836 -	$466,300, 00	
At 6 per cent. due 8th November, 1835 -	1,296,678 00	
At 6 per cent. due 8th December, 1835 -	3,317,605 09	
At 6 per cent. due 20th December, 1835 -	355,500 00	
		5,436,083 09

3. *Available funds.*

Due by State banks -	4,958,234 75	
Notes of State banks -	2,229,947 05	
	7,188,181 80	
Deduct due to State banks	2,255,003 78	
Balance of available funds		4,933,178 02
4. *Specie* - - - -		5,595,077 25
Making a total of assets due shortly after the 3d of March - - -		54,890,774 25

The liabilities of the bank on the 3d of March were as follows:

1. Notes in circulation	$21,109,352 23	
2. Dividends unclaimed	253,937 43	
3. Due Barings, &c. -	371,777 40	
4. Public debt -	120,621 87	
5. Deposites - -	3,594,048 25	
Making a total amount of liabilities on the 3d March, 1836 - -		25,449,737 18
Deducting, therefore, the total liabilities of the bank from the above assets, it leaves a surplus of - - -		$29,441,037 07

It thus appears that the sum which has become due, after an allowance for the payment of the entire amount of deposites and the whole circulation outstanding on the 3d of March last, has been about twenty-nine millions of dollars, of which the United States are entitled to receive for their share upwards of five millions seven hundred thousand dollars.

Should even so large a portion as ten millions of the sum estimated in your report as due before the 1st of May last, be yet uncollected, it will still leave a sum little short of four millions of dollars that may be at once paid over to the United States.

The Secretary of the Treasury is, as we have remarked, particularly desirous that whatever dividend is due should be immediately ascertained and paid over, so as to be deposited in conformity with the act of Congress; and we may add, that it appears to us to be the most equitable and simple mode of proceeding.

In conclusion, therefore, we have to ask, through you, the payment by the bank, into the Treasury, of that portion of the funds collected since the 3d March last, which belongs to the United States. If it cannot be done forthwith, we shall be obliged by your naming the earliest day.

We are, very respectfully, your obedient servants,

H. D. GILPIN.
C. W. LAWRENCE.
JOHN WHITE.

To Messrs. Caleb Cope, Richard Price, and Robert Toland, *Esquires.*

No. 20.

Philadelphia, *October* 28, 1836.

Gentlemen: We are in receipt of your letter of the 20th instant. The views it presents are so new and unexpected, that it becomes necessary to recall your attention to the peculiar relations in which we stand to each other.

The Bank of the United States was anxious to settle with the Government, and for that purpose to adjust and pay its proportional share. But as the institution was not closed, but continued, on the retirement of a single partner, no winding up, technically speaking, could take place; and the obvious course of settlement was, to estimate the value of the shares at the time of separation, and let the bank pay it; collecting the debts afterwards, so as to press lightly on the community. This was accordingly done. A committee of the late and present bank, with the aid of another committee acting as arbitrators, made an estimate of the value of the stock, which they decided to be worth $111 47 per share. This estimate was forwarded on the 10th of September, by the president of the bank, to the Secretary of the Treasury, with a declaration that "all the materials on which it is founded will of course be submitted to any examination which you may desire to make." The Secretary answered, on the 20th of September, "I have cheerfully accepted your offer as trustee of that bank, and in actual possession of its assets and books, to permit an examination to be made of the materials upon which that report is founded in any mode most agreeable to me." And in the letter from the Secretary to the president of the late bank, dated the 19th of September, he says that he would appoint three gentlemen "to investigate those materials, and report to me their views upon them, and also the proper basis of a settlement;" and accordingly, in the letter to the bank of the 29th of September, announcing your appointment, you say that you had been selected "to examine the materials on which was founded the report of the joint committee of directors of the late and present Banks of the United States.

From courtesy, and a desire to facilitate that investigation, we were named to meet you. We did so; and have endeavored to explain to you our views in making our estimate. After a number of conferences, occupied exclu-

sively with that subject, you withdrew, and, after an interval of some days, returned and addressed to us the letter we are now answering; in which, without any allusion to the subject of our past interviews, or any invitation to resume them, and without apprizing us whether your estimates differed from ours, so that we might discuss and perhaps reconcile them, you start an entirely new topic, and say that the bank has collected fifty-four millions of debt within the last seven months, and insist upon the immediate payment into the Treasury of $5,700,000.

Now, supposing all this to be exactly as you state; the obvious answer to it, on our part, is, that this is not our affair; and that, if you wish to make any such claim upon the bank, we are not the proper channel for presenting it. We understood that you came here to examine our statement. We met you for that purpose, and for that purpose only; and if you do not wish to pursue the inquiry, we are quite willing to drop it. Lest, however, our silence should be misconstrued into an acquiescence in your statements, we think it right to make a few remarks on them:

First. The books of the late bank were not posted up to the present time, for the simple reason that it was wholly unnecessary to do so. The new bank was mainly interested in the old debts, and intended to collect them at the same time that it continued its own business. It saw no use in keeping up double accounts for the same debt; nevertheless, we apprized you that, if you wished, it should be done. You now express only regret that it was not done, but no wish to have it done.

Second. In our various conferences you distinctly intimated the belief that the Treasury Department did not wish for an immediate payment from the bank; that, on the contrary, the Secretary, looking forward to the probable wants of the Treasury, would prefer to postpone the payments till the years 1839, 1840, and 1841. We are surprised, therefore, now to learn from you the "particular desire" of the Secretary to receive immediate payments before the 1st of January next. This question not being within our competence, we offer no opinion of the probable consequences of withdrawing nearly six millions from the commercial business of the country at this moment; and we advert to it now merely to express our surprise at the change in your views.

Third. But the part of your letter which appears to us the most singular, is that in which you state the amount of the collections of the bank, and your plans for distributing them. Your letter, for instance, presents the following view:

The active debt of the bank on the 3d of March last was - - -	$54,890,774 25
The total liabilities of the bank on that day were - - - -	25,449,737 18
Leaving a balance of - -	$29,441,037 07

which, you say, "has become due," and you request that $5,700,000 be at once paid to the United States.

Now, this calculation is founded on the presumption that within the last seven months the whole of these fifty-four millions have been paid by the debtors to the bank. That such an event could occur during a period of pecuniary pressure almost unexampled in the history of the country, is not only improbable, but wholly incredible. The error seems to arise from this: for the purpose of reducing to their cash value the thirty-eight millions in the first class, they were assumed in the report to be due in 44½ days. But you make these debts not only due at that time, but as actually paid within that time; a difference on which it is superfluous to insist, with regard to the payment of such an amount in so short a time. This will be evident from an analysis of the very items on which your statement is founded:

1st. Thus, the first class amounts to $38,926,435 89. Now, the whole collections from this class amount to only $13,299,324 33, as will be seen by taking up the items in the order in which you have presented them. The first item is "bills discounted on personal security, $17,159,822 20." Now, it has already been explained to you, that, of this sum, there were sales of some of the branches on credits of several years agreed to; but, owing to their distance, not finally completed until after the 3d of March. The sales of the branches at New Orleans and Mobile embraced, as you will see by the general statement, the sum of - - - - $4,516,332 60

And there were also, as has been already explained to you, "long loans" at New York amounting to - - - 1,673,480 08

Making - - - $6,189,812 68

besides other "long loans," which require more time than we have at this moment at our command to particularize, and which are therefore omitted. Deducting these two sums, there will remain of current debt $10,970,009 52. Looking to the long credits which it was deemed necessary to give on the sales of the branches, and to the ordinary course of the reductions in banking business, especially in the troubled state of the moneyed concerns and the removals of a considerable part of the loans, with a reduction of ten per cent. or less, it will be an ample allowance to place one fourth of this sum as actually paid, say $2,742,502 38

The receipts from sales of the branches must be added to this sum; they amount to 2,350,249 82

$5,092,752 20

The second item consists of domestic bills, amounting to $16,413,144 26.

Of these, you were already informed that $405,280 87 were under protest at a single branch. At other offices, bills at long dates were taken in payment of doubtful debts, and are not yet at maturity. Taking into view these circumstances, in connexion with the course of business in direct renewals of bills, or in the discount of new bills to enable the parties to take them up, it is a moderate estimate to suppose that one half the amount remains still unpaid. This would leave, as actual payments, $8,206,572 13.

The third and fourth items, consisting of

loans on bank stock - -	$1,291,915 72
And on other securities - -	4,061,553 71
Amounting to - -	$5,353,469 43

have been, in fact, all renewed, with recently a small reduction. These, therefore, must of course be omitted. The whole actual collections from this class, then, are only $13,299,324 33.

2. Your second class is of loans drawing interest, amounting to $5,436,083 09.

In this you have mistaken the column of the report giving the date to which "interest has been paid," for the date of the maturity of the loans. These are, in fact, all "long loans," made in order to invest the funds during the two years of winding up; and they remain just as they were on the 4th of March. Of course, these must be stricken from your list.

3. The third class is of State bank debts, amounting to $4,933,178 02.

Of this sum, the general statement submitted to you shows that $1,093,181 62 was due to Louisville. It arose from the collections of the discounted notes of the branch at Louisville, which were deposited with the Bank of Kentucky until the 4th of March; when this debt, now amounting to $1,100,000, was converted into the notes of that bank, at one, two, three, and four years. This, therefore,

must be struck from your list of collections, leaving $3,833,178 02.

The whole of the collections, therefore, will be—

From bills discounted -	$2,742,502 38	
From sales of branches -	2,350,249 82	
From domestic bills of exchange - -	8,206,572 13	
		$13,299,324 33
From State banks - - -		3,833,178 02
		17,132,502 35
Add specie used in paying debts -		5,595,077 25
Making an aggregate of -		$22,727,579 60
Against these collections you have placed as debts, for which the bank has to hold itself responsible on demand, the sum of - - - -		$25,449,737 18
But you have omitted one item in the general statement, namely, the balance due by Banks United States and offices in general account, amounting to - - - -		1,548,869 31
Making an aggregate of -		$26,998,606 49
From the view thus presented, it results that the bank has paid and is bound to pay - -		$26,998,606 49
It has collected for that purpose -		22,727,579 60
It has not, therefore, collected the amount of its liabilities by the sum of -		$4,271,026 89

This will not surprise any one familiar with the great hazard of hastening collections from an embarrassed community.

The first Bank of the United States, which expired in 1811, made no dividend for fifteen months. More than four years elapsed before it divided its nominal capital; and the subsequent dividends were made at six, nine, and twelve or more years after the termination of its charter; so that the proposition to settle at the rate of $111 47 per share, (adding, of course, about forty cents per share to correct the error in the estimate of banking-houses,) should be regarded as highly reasonable and liberal; and if this were paid on the terms upon which the bank has sold its branches—say one, two, three, and four years—so as to collect it gently from the community, all parties would be benefited.

In conclusion, we repeat what we have already stated. We have formed an estimate of the value of the shares of the bank on the 4th of March. If you incline to form your own estimate, we are quite ready to resume the inquiry that has been interrupted. If you wish to make the actual receipts the basis of the settlement, we can only say that not enough has been collected to pay the charges; and that therefore, as yet, there is no surplus to divide.

We are, very respectfully, CALEB COPE.
RICHARD PRICE.
ROBERT TOLAND.

To H. D. Gilpin,
C. W. Lawrence, and } *Esquires.*
J. White,

No. 21.

Philadelphia, *November* 4, 1836.

Gentlemen: We received your letter of the 28th of October. It is not necessary to discuss your views of the peculiar relations we stand in to each other. Being authorized, as you admit, "to investigate and report on the proper basis of a settlement" between the United States and the bank, our inquiry, whether the bank would pay into the Treasury that portion of the funds collected since the 3d of March last which belongs to the United States, was not merely usual and correct as a first step, but clearly within the scope of our mutual relations.

Your letter has two assertions which we must correct in the outset:

1st. You say our conferences were occupied exclusively in examining your estimate of the 3d of March last; that we then withdrew, and that on our return we started an entirely new topic. On the contrary, the transactions of the bank, and the result of its business since the 3d of March, were the first and principal subjects of our inquiry, and our adjournment was to give your officers the opportunity necessary for them to prepare the requisite information, which they could not furnish at the time. All this appears by your own letters of the 13th and 19th of October, and the paper enclosed in the latter. These allude explicitly to the causes of adjournment, and communicate, in reply to our inquiries, information which scarcely relates at all to your estimate, but almost entirely to the subsequent collections and disbursements of the bank.

2d. You say we intimated that the Secretary of the Treasury preferred postponing the payments by the bank. On the contrary, not only did we tell you repeatedly that our recommendation of the mode of settlement (whether by prompt payment of the amount collected, or by an estimate of the value of the assets) would depend on the investigation we were then making; but besides, at our first interview, we read you the letter of the Secretary of the Treasury of the 19th of September, as the basis of our action; and it was on the table and constantly referred to at all our conferences. In that letter he expressly and repeatedly states that anxiety for an early payment which you now inform us you are so surprised to learn.

We correct these erroneous assertions made by you, lest our silence should be misconstrued into an acquiescence in your statements.

We do not agree in your calculation of the assets that have become due since the 3d of March last, nor accede to your views of the course pursued by the bank in regard to them. As, however, you say, finally and explicitly, that not enough has been collected to pay the charges, and that therefore, as yet, there is no surplus to divide, we must, of course, forego our wish to make the actual receipts the basis of settlement, and resort to what alone is left—an examination of the estimated value of the shares of the bank on the 3d of March last. This we desire to do. The investigations already made, and documents furnished, lead us to the opinion that the valuation ought to be higher than that in the report of the bank. There are some points, however, on which our information may be more perfect. If you will furnish it, we will complete our valuation, and pursue with you, at an early day, such further examinations as will enable us to arrive at a satisfactory estimate.

We enclose a memorandum of the points to which we refer.

Very respectfully, your obedient servants,

H. D. GILPIN.
JOHN WHITE.

I consider the above statement, made by Messrs. Gilpin and White, in regard to the proceedings and intercourse of the committee on behalf of the Secretary of the Treasury, with the committee on the part of the bank, to be perfectly correct.

C. W. LAWRENCE.

To Caleb Cope,
Richard Price, and } *Esquires.*
Robert Toland,

Memorandum of points on which information is desired.
November 4, 1836.

1. Losses.

In the report on suspended debt and real estate, you say that you have been guided by the estimates of the last

semi-annual period, viz: of June and July of this year. That estimate of total loss is $5,867,282 16; the estimate of the 3d of March is $5,968,735 07; making an over-estimate in March of $101,452 91. We desire an explanation of this difference, and of the particulars composing the $308,755 88 charged to losses chargeable between March and July.

2. Bank notes.

What was the amount of notes of the bank and offices *in transitu* on the 3d of March, 1836?

What was the amount of State bank notes *in transitu* at that time? What denomination of notes composed the nett circulation of the bank at that time?

Have any of the notes of the bank been reissued since the 3d of March, 1836; and if so, to what amount?

Have the $13,324,917 of notes on hand on the 3d of March, 1836, and the $10,142,038 since redeemed, been cancelled?

3. Bank and office balances.

We are yet without a statement of the items which constituted the balance of this account, viz.: $1,548,869 01, on the 3d of March, 1836. We will thank you to furnish it.

4. Discounts, exchange, and interest.

We wish to know the amount of profits reported by the dividend committee at each semi-annual period since July, 1834, and the various appropriations thereof.

5. Deficiencies.

We wish a statement of this account, and estimate of its value.

6. General statement of the bank and offices.

We wish a copy of this account, as it stood on the books of the bank on the 3d of March last.

No. 23.

Philadelphia, *November* 16, 1836.

Gentlemen: We duly received your letter of the 4th instant, and as we find that it will be some time before replies can be furnished to the queries which you have proposed, we deem it proper at once to reaffirm the contents of our letter of the 28th October, especially in reference to the "two assertions" which you have undertaken to "correct."

1. We must repeat most distinctly our understanding "that you came here to examine our statement;" and that "we met you for that purpose, and for that purpose only." It was stated in the plainest manner by *the officers of the bank*, before we commenced the examination, that if a settlement on the basis of *winding up* the affairs of the bank were insisted on, the examination must be postponed until the old books could be posted up; but that if you were disposed to settle upon the basis of a *valuation*, we could at once proceed. We concurred in this statement, and you acquiesced in it, and accordingly proceeded with the examination of the *estimate of the value* of the stock, and the documents upon which it was founded. The object, therefore, we must believe, was to make a *valuation*, and not to ascertain whether the affairs of the bank had so far been wound up as to entitle the stockholders to a dividend.

2. We must repeat, also, that you distinctly expressed the opinion that the Secretary of the Treasury, "looking forward to the probable wants of the Treasury, would prefer to postpone the payments till the years 1839, 1840, and 1841," on the ground that a serious decrease in the revenue might be apprehended from the operations of the tariff laws in the first and last named of those years, which the payments from the bank would serve to make up.

Having thus stated, as concisely as possible, what we consider necessary to vindicate ourselves from the charge of having made "erroneous assertions," we have only to add, that it will give us great pleasure to resume with you "such further examination as will enable us [you] to arrive at a satisfactory estimate."

The answers to your queries will be transmitted to you as soon as they can be prepared.

We are, very respectfully,

CALEB COPE.
RICHARD PRICE.
ROBT. TOLAND.

To Henry D. Gilpin, John White, and C. W. Lawrence, } *Esquires.*

No. 24.

Philadelphia, *December* 19, 1836.

Gentlemen: Being desirous to complete, with you, the examination of the estimated value of the shares of the bank, referred to in our last correspondence, and towards which we asked for the information promised in your letter of the 16th November, we shall be glad to be furnished with it, and to pursue with you such further examination as may be necessary. It will be a great convenience to us if this can be done to-morrow; if not, we must ask you to name the earliest day.

Very respectfully, &c.

H. D. GILPIN.
JOHN WHITE.

To Messrs. Caleb Cope, Richard Price, and Robert Toland.

No. 25.

Philadelphia, *December* 20, 1836.

Gentlemen: We are this day in receipt of your communication of the 19th instant, and have now the pleasure to enclose you the information which you requested might be furnished per your letter of the 4th ultimo.

We shall be glad to pursue with you "such further examination as may be necessary," in regard to the "estimated value of the shares of the bank," whenever it may be most agreeable or convenient to you to do so.

We are, very respectfully,

CALEB COPE.
RICHARD PRICE.
ROBERT TOLAND.

To H. D. Gilpin, John White, and C. W. Lawrence, } *Esquires.*

No. 26.

Answer to the "memorandum of points on which information is desired" by Messrs. Gilpin, White, and Lawrence, which "memorandum" was enclosed in their letter of November 4, 1836.

1. The difference of $101,652 91, between the estimated losses in March and July, is explained in the accompanying statement, (marked A,) by which it will be seen that this sum is made up of increased estimates of loss on sundry banking-houses, of deficiencies, counterfeits, &c. The statement marked B explains the charge of $308,755 88 to the account of "losses chargeable, &c.," the principal item being the losses at Charleston, which were accidentally omitted in the March statement, amounting to $205,129 10; another large item is the loss on *sale* of the suspended debt of the office at Cincinnati, amounting to $140,846; and a third is the loss of $85,657 34 on the banking-house at Baltimore.

2. The amount of the notes of the bank and offices *in transitu*, on the 3d of March, 1836, as shown by the general statement, was $3,380,572.

The amount of the State bank notes *in transitu*, at that date, cannot be ascertained without writing to all the offices. Such information was of no importance for the general purposes of the bank, and such statements were, therefore, never made or required. The denomination of the notes composing the nett circulation of the bank cannot be ascertained; the manner in which the books of the bank were originally opened, and the forms of the returns required from the offices, render it impossible to make such a statement. No notes of the bank have been reissued since the 3d of March, 1836, because none have been paid in to the bank. The Bank of the United States chartered by the State of Pennsylvania has, it is understood, done as other banks have done—paid out the notes of the Bank of the United States; but of this, the Bank of the United States has no official knowledge; nor has it any concern in the matter, as the new bank is bound to redeem all the notes of the old bank.

Since the 3d of March, $4,475,493 26 of the old issues have been burnt; and $3,076,590 have been cancelled, and will be burnt shortly; making a total of $7,552,083 26 destroyed and cancelled.

3. To make a statement of the items which compose the $1,548,869 01, it would be necessary to get a copy of all the accounts of each office with every other, with a copy of the "reconcilement" of all these accounts, amounting to some 400 or 500 copies of accounts; and all these would have to be examined and compared, so as to extract from the aggregate debit balances of $30,894,499 99, and the aggregate credit balances of $29,345,630 68, the resulting balance of $1,548,869 31. It would seem to be sufficient to state, what must be well known to at least one member of your committee, that the items composing this balance are of precisely the same sort as those which compose the balance due by State banks, viz: bills of exchange, notes, and checks. The accounts of the parent bank with its offices, showing the general nature of all the accounts, may be seen by an examination of the general leger of the bank at any time; and as a specimen of the "reconcilements" of the accounts of the bank and offices with each other, showing the outstanding items charged or credited at each, but not received and entered at the other, we transmit the document marked C, which is a copy of the "reconcilement" of the account of the parent bank with its office at New Orleans, on the 1st of February, 1836.

4. The amount of profits, and the appropriations thereof, since July, 1834, have been as follows:

	Nett profits.	Appropriations.		Banking-house fund.	Profit and loss.
		Dividend.	Contingent fund.		
Jan., 1835	$1,368,110 86	$1,225,000 00	$16,347 19	–	$126,763 67
July, 1835	1,743,356 51	1,225,000 00	7,092 56	$242,375 84	268,888 11
Jan., 1836	1,456,055 45	1,225,000 00	27,978 40	–	203,077 05
	4,567,522 82	3,675,000 00	51,418 15	242,375 84	598,728 83
		51,418 15			
		242,375 84			
		598,728 83			
		4,567,522 82			

This is also shown by the copies of the profit and loss accounts, which have been regularly transmitted to the Secretary of the Treasury.

5. The statement herewith, marked D, contains a list of the "deficiencies," which are mostly of very long standing, and are considered a total loss.

6. A copy of the general statement of the bank and offices, as made out at the bank on the 3d of March, and sent to the Treasury Department, is also furnished. The dates of the returns from several of the offices vary according to the time of the mail; and, for the sake of bringing all the accounts up as near as possible to the 3d of March, the general statement, which formed the basis of the report of the joint committee of valuation, was subsequently made; the latter statement has already been handed to you.

No. 27—(A.)

Statement of losses at the Bank of the United States, its offices and agencies, on the 3d of March and on the 1st of July, 1836.

The losses on "suspended debt and real estate," per semi-annual returns of July last, were as follows:			
"Ascertained" losses, say "losses chargeable to the contingent fund"		$4,623,879 06	
"Estimated" losses, exclusive of "cash deficiencies"	$1,080,723 24		
"Cash deficiencies"	105,313 48		
		1,186,036 72	
Total on the 1st of July			$5,809,915 78
In the general statement of the 25th of July, adapted to the 3d of March last, they stood thus:			
"Ascertained" losses, say "losses chargeable to contingent fund"		$4,315,123 18	
"Estimated" losses, exclusive of "cash deficiencies"	$1,389,479 12		
"Cash deficiencies," included in "deficiencies"	105,197 48		
		1,494,676 60	
Total on the 3d of March			5,809,799 78
The amount in March being less than that in July, by			116 00

which is composed of $15 counterfeit at Nashville, reported after March 3d, and $101 at Hartford, reported as "cash deficiencies" in the semi-annual returns of July, but not as such in the weekly statement containing the materials for the monthly statement of March 3d.

With this unimportant difference: the estimates for March 3d and for July 1st, of the losses on "suspended debt and real estate," are identical, as intimated in the report of the 25th of July.

But the general statement of that date contains other matters on which losses arise, and which are not included in "suspended debt and real estate."

The explanation desired by the Secretary's committee is given as follows:

1st. Banking-houses.—These have always been treated, in the statements of the bank, distinct from other real estate; and as the valuations affixed to them at the offices were known not to have been periodically revised with the care bestowed on the valuations of other real estate, the joint committee, therefore, in the report made by them on the 25th of July, availed themselves of the personal

knowledge possessed by some of their own number, and by the officers of the bank, to affix such estimates as they believed would indicate their fair value.

The result was as follows:

The estimated loss, per the semi-annual returns, was	$57,366 38	
The loss estimated by the joint committee was	114,535 83	
Showing an addition, by the committee, of		$57,169 45

2d. "Deficiencies."—Under this caption, in the weekly and monthly statements, are embraced cash deficiencies, counterfeits, over-drafts, &c., of which, from want of uniformity in the practice of the offices, a part only are reported in the semi-annual returns of suspended debt.

Thus, the "deficiencies," per monthly statement, March 3d, amount to	$149,796 94	
While the "cash deficiencies," per semi-annual returns, July 1st, amount to	105,313 48	
Showing a difference of	44,483 46	
not reported in the semi-annual returns, and therefore not estimated in the losses of the 1st of July; and as the whole amount of "deficiencies" is considered totally lost, it was necessary to add this difference to the estimated losses, per the July returns		44,483 46
Making, together, an addition, in the estimated losses, for March 3d, of		$101,652 91

RECAPITULATION.

July 1. "Losses chargeable to the contingent fund"			$4,623,879 06	
"Estimated" losses, exclusive of "cash deficiencies"	$1,080,723 24			
"Cash deficiencies"	105,313 48			
		1,186,036 72		
Estimated loss on banking-houses			57,366 38	
July 25,				$5,867,282 16
for Mar. 3. "Losses chargeable to contingent fund"			4,315,123 18	
"Estimated" losses, exclusive of "deficiencies"	1,389,479 12			
"Deficiencies"	149,796 94			
		1,539,276 06		
Estimated loss on banking-houses			114,535 83	
				5,968,935 07
Difference				$101,652 91

No. 28—(B.)

Losses chargeable to the contingent fund at the Bank of the United States, its offices and agencies, on the 3d of March and 1st of July, 1836.

Bank United States, &c.	March 3.	Between March 3 & July 1. Charged.	Between March 3 & July 1. Credited.	July 1.	Remarks.
Bank United States	$511,428 57	$16 52	$6,525 33	$504,919 76	The charges arise from losses and gains on sales of real estate.
Office, Portland	20,087 87	–	–	20,087 87	
Portsmouth*	109,282 07	–	–	109,282 07	
Boston	38,494 56	–	–	38,494 56	
Providence	925 65	976 00	–	1,901 65	Desperate debt charged.
Hartford*	35,887 57	–	–	35,887 57	
New York	78,064 12	–	–	78,064 12	
Baltimore	1,734,970 80	–	85,657 34	1,649,313 46	The loss on banking-house at Baltimore was charged at the office, before May last, to "losses chargeable, &c." afterwards counter-entered and transferred to the U. States Bank, where it is charged to banking-house fund; the amount of said loss being $85,657 34.
Washington	257,428 63	2,854 60	423 25	259,857 98	Debits: losses on compromised debts and sales of real estate. Credits: gains on sales of real estate.
Richmond	34,550 45	–	4,560 74	29,989 71	Credits: gains on sales of real estate.
Norfolk	239,147 75	–	474 32	238,673 43	Credits: gains on sales of real estate; amount recovered out of an old "desperate" debt.
Fayetteville	112,734 23	–	–	112,734 23	
Charleston	–	–	–	205,129 10	
Savannah	159,401 61	–	–	159,401 61	
Mobile	456 52	–	–	456 52	

No. 28—(B)—Continued.

United States Bank, &c.	March 3.	Between March 3 & July 1. Charged.	Between March 3 & July 1. Credited.	July 1.	Remarks.
Office, N. Orleans	$49,209 98	–	–	$49,209 98	
Natchez					
St. Louis					
Nashville	1,991 28	–	–	1,991 28	
Louisville	203,423 57	$33,081 10	$1,500 00	235,004 67	Debits: losses on compromised debts and sales of real estate. Credits: gains on sales of real estate.
Lexington*	423,481 17	192 78	–	423,673 95	Debits: sundry costs, legal fees, &c., in old cases; account rendered and paid after March 3.
Cincinnati	–	140,846 00	–	140,846 00	Debit: loss on sale of all the suspended debt of the office.
Pittsburg*	72,900 19	–	371 00	110,580 18	Credit: gain on sales of real estate.
	38,050 99	–	–	–	$38,050 99 is the loss on the sale of the residue of suspended debt at the office at Pittsburg, and was charged at the Bank of the United Sates before 3d March. $72,900 19 was the previous balance of "losses chargeable, &c." at the office, and this latter sum was not transferred to the Bank of the United States until after 3d March.
Buffalo*	7,345 31	–	–	7,345 31	
Utica					
Burlington	200 00	24,093 32	–	24,293 32	Debit: loss on sale of suspended debt and real estate of the office.
Agency, Cincinnati	47,379 70	83,554 00	82,475 56	48,458 14	Debits and credits: losses and gains on sales of real estate, except $100 recovered from old debt.
Agen. Chillicothe*	138,282 59	–	–	138,282 59	
	4,315,123 18	285,614 32	181,987 54	4,623,879 06	
Charleston omitted in monthly statement, March 3	205,129 10				
Correct amount for March 3	4,520,252 28				
Charges between March 3 & July 1	285,614 32				
	4,805,866 60				
Credited between March 3 & July 1	181,987 54				
Amount, per semi-annual returns, 1st July	4,623,879 06				

* *Office accounts of "losses chargeable, &c." transferred to Bank United States, as per monthly statement of March 3, viz:*

Office, Portsmouth	$109,282 07	
Hartford	35,887 57	
Lexington	423,481 17	
Pittsburg	38,050 99	
Buffalo	7,345 31	
Agency, Chillicothe	138,282 59	
	752,329 70	
Amount arising on business of parent bank, as above	511,428 57	
Bank United States, as per monthly statement of March 3	1,263,758 27	

Differences.

Charged, as above	$285,614 32
Credited, as above	181,987 54
Excess of charges	103,626 78
Charleston omitted, March 3	205,129 10
Resulting difference	308,755 88

No. 29—(C.)

Reconcilement of office at New Orleans account with Bank of the United States to 1st February, 1836.

Bank U. States: balance due by office to Bank U. S.		$3,584,565 69
Deduct items charged by Bank U. States not entered in office account, viz:		
Difference in remittance	$1,300 00	
C. Abercrombie's check	76 00	
Sandford's check on office	5,153 72	
Sandford's check on office	10,000 00	
D. Sprigg's check on office	4,700 00	
W. W. Frazier, cashier, check on office	100,000 00	
Remittance of notes to the office	961,940 00	
		1,083,169 72
		2,501,395 97
Deduct items charged by office at New Orleans not entered by Bank U. S., viz:		
Difference in French bill	01	
Subscription to the N. Orleans Price Current	6 00	
French bills purchased at the office for account Bank U. S.	31,185 18	
		31,191 19
		2,470,204 78
Add items credited by Bank United States not entered by office at N. Orleans, viz:		
Check of Bank U. S. on office, No. 108	$293 00	
Do. do. No. 6	37 36	
Do. do. No. 59	150 00	
Remittance of notes	10,000 00	
Office Savannah balance assumed by Bank United States	35,665 35	
Draft on S. Comly	25,000 00	
J. Hand	3,933 48	
J. L. Hodge	5,000 00	
Black	5,076 14	
R. & J. Phillips	40,000 00	
Edmonson	5,076 14	
Morton	2,300 00	
Mudlove	1,000 00	
Chapin	7,400 00	
Brown & Co.	20,000 00	
Comly	5,364 39	
Budd	5,000 00	
Morton	4,000 00	
Comly	65,000 00	
Brown & Co.	25,000 00	
Hobson	20,000 00	
Hodge	6,000 00	
Jackson & Co.	7,500 00	
Hodge	5,000 00	
Bainbridge	1,507 50	
Biddle & Co.	19,000 00	
		324,303 36
		2,794,508 14
Add items credited by office at N. Orleans not charged by Bank United States, viz:		
Chillicothe check, No. 50	75 71	
N. Orl'ns office check, No. 1554	500 00	
No. 1030	1,000 00	
No. 2427	88 09	
No. 1046	500 00	
No. 80	150 00	
No. 1071	750 00	
No. 998	248 13	
N. Orl'ns office check, No. 1244	$664 19	
No. 472	500 00	
No. 1275	4,000 00	
No. 474	500 00	
No. 1276	929 90	
No. 318	1,278 62	
No. 1348	5,000 00	
No. 595	500 00	
No. 709	500 00	
No. 711	508 14	
No. 710	500 00	
No. 694	196 04	
No. 783	238 10	
No. 811	1,000 00	
No. 812	1,000 00	
No. 813	1,000 00	
No. 814	1,000 00	
No. 815	1,000 00	
No. 816	1,000 00	
No. 934	2,000 00	
No. 970	500 00	
No. 982	500 00	
No. 1027	1,000 00	
No. 1028	1,000 00	
No. 1029	1,000 00	
No. 1362	1,000 00	
No. 1475	1,000 00	
No. 1476	1,000 00	
No. 1477	1,000 00	
No. 1489	372 62	
No. 1492	215 23	
No. 1494	320 08	
No. 1498	3,395 00	
No. 1547	676 61	
No. 1596	79 28	
No. 1605	1,122 93	
No. 1607	173 30	
Collection account of office at Charleston	1,246 61	
Draft on W. L. Page	50 00	
Notes of office at St Louis remitted	15,400 00	
Notes and drafts for cancellation	105 00	
		$57,783 58
Balance due by the office at New Orleans to Bank U. S., as per their account to 1st February, 1836		2,852,291 72

No. 30—(D.)

"*Deficiencies*" *Bank of the United States and offices, March 3d*, 1836.

Providence—Cash deficiency		$976 00
Baltimore—Default of J. W. McCulloch, cash'r		34,075 65
Washington—Cash deficiency		2 5 60
Richmond—Default of Julius B. Dandridge, cashier	$2,886 74	
Default of James C. Allen, first teller	66,490 09	
		69,376 83
Mobile—Cash deficiency	2,189 52	
Individual over-drafts	24,500 00	
		26,689 52
New Orleans—Cash deficiency		15,003 52
St. Louis—Individual over-drafts		518 54
Nashville—Counterfeit notes and dollars		745 00
Cincinnati—Cash deficiency	395 40	
Individual over-drafts	790 88	
		1,186 28
Pittsburg—Abstracted from a package between Pittsburg and Natchez, or New Orleans		1,000 00
Total of deficiencies		149,796 94

No. 31.

Memorandum of final points of inquiry proposed to the committee.

I. Why is not the amount of $3,380,572, stated to be *in transitu* on the 3d March, 1836, deducted from the amount of $21,109,352 23, stated to be the circulation on that day in your report submitted to the Secretary of the Treasury, as in the previous mode of estimating the circulation?

II. The "fund to extinguish the cost of banking-houses" is stated to be $1,104,223 09. It was in July, 1834, $976,019 59, to which it is stated there has been since added $242,375 84, and the loss on the Baltimore banking-house deducted, $85,657 34; leaving the fund of $1,132,738 09. What is the cause of this difference of $28,515?

III. What are the items that compose the expense account, stated to amount to $166,803 16?

IV. Of what does the sum stated to be "due from the United States" (disallowed) consist?

No. 32.

I. "*Notes in transitu*" are notes taken out of the cash of one office, *immediately charged* to the office which originally issued them, and sent to that office. Owing to distances, and the want of suitable opportunities of forwarding these notes, they frequently remain *in transitu* for months; and as the office to which they are sent can take no account of them until they are received, the *debit* which has been made at the first office has no corresponding *credit* at the other office, while these notes *remain in transitu*; but as soon as they are received, the proper credit is given.

Suppose, therefore, that three millions of notes were *in transitu* at the dates specified in the general statement upon which the report was founded, and that they were all received the next day, regularly entered, and a new statement made out—what would be the result? Simply this: the cash (*i. e.* the notes on hand) would have been charged, and the remitting offices would have been *credited*, with this amount. In other words, the notes on hand would have been increased three millions, and the apparent circulation would have been reduced to $18,109,352 23; and the debt due by the offices would of course have been augmented by the same sum to $4,548,869 31. The actual situation of the bank remains unchanged; it stands precisely where and as it did before. What was apparent circulation yesterday is an office debit to-day. The *amount* of *notes in transitu* has always been estimated from memoranda furnished by the offices, and it has been copied for some years upon the monthly statements sent to the Treasury, merely for the purpose of showing what we considered the nett circulation of our notes.

Such estimates and memoranda formed no part of the accounts of the bank, and could not have the slightest influence upon any valuation of its property. It was totally unnecessary, therefore, to make an estimate of the notes *in transitu*, at the rates of the returns from which the general statement, forming the basis of the "report," was made; and none such has ever been made or thought of. It would be perfectly useless for any purposes of valuation.

II. The "fund for extinguishing the cost of banking-houses"

amounted in July, 1834, to		$976,019 59
By an appropriation in July, 1835, of		242,375 84
It was increased to		1,218,395 43
This being the amount of the *cost* at that period of all the banking-houses.		
From this has been deducted the loss on the sale of the banking-house at Baltimore	85,657 34	
Leaving (as stated by Mr. White) a balance of		$1,132,738 09
But there were other banking-houses sold before the 3d of March, 1836, with the following results, viz:		
Banking-house at Charleston—loss on sale	$37,727 78	
Banking-house at Lexington—loss on sale	12,180 23	
	49,908 01	
Banking-house at Buffalo—gain on sale	$12,412 85	
Banking-house at Cincinnati—gain on sale	8,981 16	
	21,393 01	
Balance of loss deducted from the fund, (being the amount of "the difference" noticed by Mr. White)		28,515 00
Leaving the balance of the "fund" on the 4th March, 1836		1,104,223 09

Bank of United States, *January*, 7, 1837.

III. The expense account consists of the salaries and other expenses incident to the business of the institution, at the parent bank and its offices.

IV. Of the following items, viz:

1. The charge of interest on the 7 per cent. stock, redeemed on the 3d of November, 1817	$2,153 52
2. The charge for expenses attending the collection of the special deposite	3,113 80
Together	$5,267 32

January 13, 1837.

No. 33.

At a meeting of the president and directors of the Bank of the United States chartered by the State of Pennsylvania, March 2, 1836:

Resolutions of the president and directors of the Bank of the United States, adopted this day, were laid before the board, of which the following is a true copy, to wit:

Whereas the stockholders of the Bank of the United States, at a general meeting duly convened on the nineteenth day of February last, did, among other things, adopt the following resolutions, that is to say: "*Whereas* the Legislature of Pennsylvania, by an act entitled 'An act to repeal the State tax on real and personal property, and to continue and extend the improvements of the State by railroads and canals, and to charter a State Bank, to be called the United States Bank,' have incorporated the present stockholders of the Bank of the United States, (excepting the United States and the Treasurer of the United States,) and such other persons as may become stockholders, agreeably to the by-laws made for that purpose, upon the terms and conditions in the said act set forth and contained, a copy whereof has been exhibited to this meeting: *And whereas* it is provided in the said act, that nothing therein contained shall take effect until the several sections and provisions relating to the Bank of the United States shall have been accepted by the stockholders thereof, at a general meeting: *And whereas* it is deemed expedient by the stockholders of the Bank of the United States, duly convened in general meeting, to accept the said charter, and the several sections and provisions of the said act relating to the Bank of the United States:

"*Therefore, be it resolved, and it is hereby resolved, by the stockholders of the Bank of the United States, convened in general meeting according to law,* That they do hereby accept the several sections and provisions relating to the Bank of the United States, contained and set forth in the act of the Legislature of Pennsylvania, entitled 'An act to repeal the State tax on real and personal property, and to continue and extend the improvements of the State by railroads and canals, and to charter a State bank, to be called the United States Bank;' and that the president be, and he is hereby, authorized and requested to make known this acceptance to the Governor of the Commonwealth of Pennsylvania, according to the provisions of the said act.

"*And be it further resolved, by the stockholders aforesaid,* That the president and directors of the Bank of the United States incorporated by the United States be, and they are hereby, authorized to pay, transfer, and deliver, to the Bank of the United States incorporated by the State of Pennsylvania, all and singular the shares, parts, purparts, interest, and property whatsoever, of the stockholders so incorporated by the State of Pennsylvania, of and in the goods, chattels, moneys, effects, and estate, real and personal, of the present Bank of the United States:" *And whereas* the said Bank of the United States incorporated by the State of Pennsylvania is now organized and ready to commence operations, and is capable of receiving and acting in conformity with the said resolutions: therefore,

1. *Resolved,* That all and singular the shares, parts, purparts, interest, and property whatsoever, of the stockholders so incorporated by the State of Pennsylvania, of and in the goods, chattels, moneys, effects, and estate, real and personal, of this bank, be, and they hereby are, paid, transferred, and delivered, to the president, directors, and company of the Bank of the United States incorporated by the State of Pennsylvania.

2. *Resolved,* That all and singular the money, goods, chattels, rights, credits, and personal estate whatsoever, owned by or belonging to, or in the custody and possession of this bank, wheresoever the same may be, together with all evidences and securities for the same, be, and the same hereby are, assigned, transferred, and conveyed, to the president, directors, and company of the Bank of the United States incorporated by the State of Pennsylvania, for the following considerations and upon the following trusts and conditions: that is to say, 1st. That the president, directors, and company of the Bank of the United States incorporated by the State of Pennsylvania will, with and out of the same, pay, satisfy, and discharge, all debts, contracts, and engagements owing, entered into, or made by this bank, as the same shall become due and payable; and fulfil and execute all trusts and obligations whatsoever, arising from its transactions, or from any of them, so that every creditor or other rightful claimant shall be fully satisfied.

2d. That they will pay and discharge, or furnish the means of paying and discharging, the necessary expenses of conducting and winding up the business of this bank during the remaining term of its charter, in such sums and at such times as shall be called for by the president and directors.

3d. That they will pay and satisfy the Government of the United States for their share, and the share of the Treasurer of the United States, which they may be entitled to have and receive, or which they, by mutual arrangement, may agree to accept in satisfaction and discharge of their part or portion of and in the capital stock of this bank, according to the number of shares in the said capital stock holden by them on the day when the charter from the State of Pennsylvania was accepted by the stockholders.

4th. That they will hold all the residue for the benefit of the president, directors, and company of the Bank of the United States incorporated by the State of Pennsylvania, and the stockholders therein.

3. *Resolved,* That upon authentic evidence being furnished of the assent of the president and directors of the Bank of the United States incorporated by the State of Pennsylvania to the next preceding resolution, and of their engagement to fulfil the trusts and comply with the terms and conditions thereof, a transfer and delivery shall forthwith be made of all money, goods, chattels, rights, credits, and personal estate, as aforesaid, and of all evidences and securities for the same, together with an agreement or covenant on the part of this bank that they will, from time to time, whenever thereto required, make and execute all such assignments, conveyances, and assurances, as may be devised and deemed necessary to carry the same resolution into effect.

4. *Resolved,* That, as soon as it is reasonably practicable, a general statement shall be made by a committee of three of this board, in conjunction with a committee of equal number of the directors of the Bank of the United States incorporated by the State of Pennsylvania, (if the president and directors of that bank should agree to appoint one,) taking to their aid three or more judicious citizens of the United States, (not being stockholders of either of the said banks,) of the money, goods, chattels, rights, credits, and personal effects, so transferred and delivered, and a just estimate shall be made also of the value thereof, and of the time or times when the same ought to be considered as cash, and a like estimate of the value of the real estate belonging to this bank, and of the time or times when the same ought to be considered as cash, so as to fix the nett value or price of the whole of the effects of the bank, after all debts and charges shall be paid, (including the expenses hereafter to be incurred,) and also to fix the credit which ought to be allowed, and the instalments in which the said nett price or value ought to be paid; and especially to fix and ascertain the amount or sum which ought to be secured or paid to the United States, and the time or times when the same ought to be paid; which said statement and estimates shall be mutually reported.

5. *Resolved,* That the real estate belonging to this bank be sold, and disposed of as soon as may be reasonably practicable, and the proceeds of sale and securities therefor be, as the same shall be received, paid over, transferred, and delivered, to the president, directors, and company of the Bank of the United States incorporated by the State of Pennsylvania.

6. *Resolved,* That a copy of the above and foregoing resolutions, duly certified under the common seal of this bank, signed by the president and attested by the cashier, by sent to the president, directors, and company of the Bank of the United States incorporated by the State of Pennsylvania.

Whereupon, on motion of Mr. Sergeant, it was

1. *Resolved,* That this bank does hereby assent and agree to the said resolutions, and to each and every part thereof, and to all and singular the trusts, terms, and conditions, in the said resolutions, and each and every of them, contained; and does hereby engage and bind itself to do, perform, and execute, the several duties and engagements therein stipulated to be performed and executed, and will, when thereunto required, make and execute any other assurance that may be deemed necessary.

2. *Resolved,* that a committee of three members be appointed, who, in conjunction with the president and cashier, shall be authorized to receive all moneys, goods, chattels, credits, and personal effects, evidences and securities, and other things that may be transferred and delivered to this bank, by or in behalf of the Bank of the United States incorporated by the United States.

3. *Resolved,* That a committee of three members be appointed, on behalf of this bank, to do and execute the several matters and things to be done under the fourth of the said recited resolutions.

4. *Resolved*, That certificates of stock be issued, in the form stated below, to each and every of the stockholders in the Bank of the United States incorporated by the United States, (except the United States and the Treasurer of the United States,) for the same number of shares which are standing in their names on the books of the said bank: *Provided*, That, before any such certificate shall be issued, the certificate or certificates of said bank, for such share or shares, shall first be deposited in this bank, there to remain until the final end and expiration of the charter of the said bank incorporated by the United States, and then to be cancelled.

5. *Resolved*, That a copy of the above and foregoing resolutions, duly certified, signed by the president and attested by the cashier, be sent to the president, directors, and company of the Bank of the United States incorporated by the United States.

The president appointed the following members to serve on the committee, under the second resolution, to receive the cash and effects, &c.:

Messrs. Eyre, Lippincott, and Brown.

And the following members to serve on the committee, under the third resolution, to make a valuation of the property transferred to this bank:

Messrs. White, Newkirk, and Price.

No. 34.

Report of a joint committee of the boards of directors of the late and present Bank of the United States.

The undersigned submit to the board of directors of the Bank of the United States chartered by the Government of the United States, and to the board of directors of the Bank of the United States chartered by the State of Pennsylvania, the following report:

On the 2d of March last, the following resolution was adopted by the board of directors of the Bank of the United States chartered by the Government of the United States, (being one of a series of resolutions providing for the transfer of the effects of that bank to the Bank of the United States chartered by Pennsylvania:)

Resolved, That, as soon as reasonably practicable, a general statement shall be made by a committee of three of this board, in conjunction with a committee of equal number of the directors of the Bank of the United States chartered by the State of Pennsylvania, (if the president and directors of that bank should agree to appoint one,) taking to their aid three or more judicious citizens of the United States, (not being stockholders of either of the said banks,) of the money, goods, chattels, rights, credits, and personal effects, so transferred and delivered; and a just estimate shall be made, also, of the value thereof, and of the time or times when the same ought to be considered as cash; and a like estimate of the value of the real estate belonging to the bank, and of the time or times when the same ought to be considered as cash; so as to fix the nett value or price of the whole of the effects of the bank, after all debts and charges shall be paid, (including the expenses hereafter to be incurred,) and, also, to fix the credit which ought to be allowed, and the instalments in which the said nett price or value ought to be paid, and especially to fix and ascertain the amount or sum which ought to be secured or paid to the United States, and the time or times when the same ought to be paid; which said statement and estimates shall be mutually reported.

And, on the same day, the following gentlemen were appointed the committee under the resolution: John Bohlen, Caleb Cope, and Robert Ralston, jr.

On the same day, the said resolution was adopted by the board of directors of the Bank of the United States chartered by the State of Pennsylvania, and the following gentlemen appointed the committee under it: Ambrose White, Richard Price, and Matthew Newkirk.

These gentlemen, in compliance with the resolution, called to their aid the following gentlemen: John Moss, Benjamin W. Richards, and Robert Toland.

The board of nine members, thus organized, proceeded to the execution of their duties. They began by taking as the basis of their operations the monthly statement of the bank on the 3d of March last, which is herewith submitted. That statement being made from reports from the several offices, which require various periods for transmission to the bank, of course does not represent the actual condition of the offices at the precise period of the 3d of March. The committee, therefore, caused another statement to be made from the subsequent reports of the offices of the dates nearest to the 3d of March, so as to present the exact state of the bank, as near as possible, on that day. This statement is also submitted herewith. They then proceeded to an investigation, in detail, of all the assets of the bank, beginning with—

1. *The active debts.*—The greater part of the active debt of the bank consists of bills and notes, on which the *discount* has been paid in advance, and included in the amount of "discount, exchange, and interest," which forms a part of the surplus funds of the bank. So much of the discount so paid in advance as is applicable to time elapsing after the 3d of March last should therefore be deducted from the amount of the bills and notes, in estimating their value on that day. By comparing the amount of the "discounts received" with the amount of "bills discounted" at the parent bank in the six months next preceding the 3d of March, it is ascertained that the *average running time from the date of discount*, of all the notes discounted in that interval, is eighty-nine days. It may therefore be assumed that, on any given day, (say the 3d of March,) the average time of maturity of all the notes then on hand was 44½ days (or half the original running time) after such given day. These averages of the *running time* and *time of maturity* have been applied by the committee to all notes and bills *discounted*, on whatever security, both at the bank and at the offices.

Another portion of the active debt consists of *loans drawing interest* at rates varying from four to six per cent. per annum, and payable at the expiration of the times on which it accrues. In computing the value of these loans, the interest accrued and unpaid on the 3d of March should be added to the principal, and a deduction should be made of the difference between the *amount* and the *par value* of those which bear inferior rates of interest. To effect these objects, it was found necessary to divide the gross amount of loans into distinct portions, with reference to their several rates of interest, &c., and then, by a process with which accountants are familiar, the average maturity of the items composing each of these distinct portions was carefully ascertained, together with the average time to which interest had been paid. The manner in which these elements have been used in bringing out the results is shown in the statement imbodied in this report.

Of the residue of the active debt, the only important items are the notes and balances due by State banks; in regard to which no remark is at present necessary.

2. *The suspended debt and real estate.*—The value of these having been the subject of periodical examination by committees appointed for the purpose, at the parent bank and at the offices, their reports furnish, of course, the best attainable information. The committee have, therefore, been guided by the estimates of the last semi-annual period, namely, of June and July of this year, which apply exclusively to debts suspended and real estate acquired before the 3d of March last.

After several conferences, involving a full and free discussion of all the subjects referred to them, they have com

pressed the result of their investigations into the following statement:

[Here follow sundry tabular statements of the debts and effects of the bank, numbered from 34 to 59.]

Memorial of the President and Directors of the Bank of the United States, praying a settlement of the accounts of the said bank with the United States.

[February 24, 1837.—Referred to the Committee on Finance.

To the Senate and House of Representatives in Congress assembled:

The memorial of the president, directors, and company of the Bank of the United States, respectfully represents:

That having recently seen among the documents printed by Congress a report of the Secretary of the Treasury, in which he laments that he has not been able to settle with the bank, and invokes the aid of Congress, they deem it proper to state that they are now, as they always have been, ready and anxious to settle; and that not the slightest delay nor the least obstacle of any kind can justly be ascribed to them. This they propose to render obvious in a few words.

In a settlement between the Government and the bank, one of two courses was necessary. The first was to wind up the whole business of the institution, and divide the proceeds; a mode inevitable, had the bank ceased its operations on the 4th of March. But as the institution continued, with no change except the retirement of a single partner, it was deemed a process equally harsh and useless to force the country to pay sixty millions of debts at a moment of general embarrassment, merely to balance the books of the bank; and the second mode was therefore preferred—that of estimating the value of the stock on the 4th of March, and paying the Government its proportion. This was the easiest, and simplest, and fairest mode of adjustment. It was obviously the mode contemplated by Congress, who, on the 23d of June, 1836, authorized the Secretary of the Treasury to receive payment "in such instalments, and payable at such times, and with such rates of interest, as he shall see fit to agree to." To estimate the value of the stock was, therefore, the first step towards the settlement. Accordingly, soon after the Secretary received his authority from Congress, a report was made by a joint committee of three members of the late bank, three of the new, and three impartial umpires, connected with neither, stating the value of the stock. This valuation on the part of the bank was transmitted to the Secretary, with an offer "that all the materials upon which it is founded will, of course, be submitted to any examination which you may desire to make;" and that the bank "would be equally ready to adopt any mode which may be deemed expedient for making such a division of the assets of the bank as may assure to the Government its just and ample proportion." To this communication the Secretary answered, on the 19th and 20th of September, as follows: "I have cheerfully accepted your offer to permit an examination to be made of the materials upon which that report is founded;" and will appoint three gentlemen "*to investigate those materials, and report to me their views upon them*, and also the proper basis of a settlement." These commissioners accordingly visited the bank, and, after nearly four months, reported. It was naturally presumed that, when they made their report, the Secretary would inform the board of directors whether their valuation accorded with that of the bank, or in what respect it differed, so as to enable the board to accept the terms, or to offer others, or in some mode advance the settlement. It is much to be regretted that such a course was not pursued. But, since the month of September, when the Secretary apprized the board of the coming of the commissioners who were to report their estimate to him, no communication of any kind whatsoever was made to them by the Secretary; but while they were waiting to know whether their valuation was acceptable to him, or in what it was deemed deficient, they were surprised by a communication, not to them, but to Congress, stating the failure of his negotiation. They regret this, because, if the board had been made acquainted with the wishes of the Government, as explained in the report now made to Congress, they would have instantly and cheerfully acceded to them. That regret is deepened by another measure of the Secretary, which seems alike unauthorized and unfortunate.

The act of Congress of the 23d of June, 1836, directed the Secretary to "receive the *capital stock* belonging to the United States in the late Bank of the United States, in such instalments, and payable at such times, and with such rates of interest, as he shall see fit to agree to, and also to settle and adjust the claim for *surplus profits*, accruing on said *capital stock*, on such terms as he may think proper."

When this act passed, it was perfectly well known to every member of Congress that, for nearly four years preceding, there had been a disputed question of law between the Government and the bank, in regard to damages on a bill of exchange, which the bank had in vain urged the Executive to pursue before the judicial tribunals. The subject had been often before Congress—before the Committee of Ways and Means in 1833, who proposed no measure in regard to it—before the Committee of Finance of the Senate, who, in their report of the 18th of December, 1834, declared that the right of the bank was "founded in strict law"—that "the retainer was avowedly made to procure a submission to the courts and juries of the country"—and that "if the Government thinks itself wronged by such proceedings, the law prescribes the manner in which it shall seek redress." With the full knowledge of these facts when Congress authorized the Secretary to settle with the bank for the capital stock and the surplus profits, they certainly could not have intended to refuse the receipt of this capital stock and surplus profits, unless the bank should surrender, unconditionally, its right to a judicial trial of a question which one of their own standing committees had decided in favor of the bank. Yet, without any the slightest authority from Congress, the Secretary, as appears by the public documents, has determined that he will never settle with the bank without a previous surrender of its rights—declaring that, "*preliminary* to a final adjustment of this interest, the Treasury Department would *require* that the bank *should pay* that portion of the dividend on the stock of the United States which had been withheld for damages on the draft upon the French Government." Now, it is manifest that this is a proceeding which Congress did not authorize, and can scarcely sanction. It cannot be that the Congress of the United States, after passing a law declaring the mode in which questions between the Government and the citizens are to be adjudicated, and after seeing the bank pursue exactly that mode, will now endeavor to force the institution out of the path of law, by refusing to adjust other interests, which have no connexion whatever with that controversy.

The original claim of damages was a necessary act of duty by the bank in favor of the Government, who, if there was any right to draw the bill, had an equal right to the damages. The pecuniary interest involved was and is a matter of indifference. It was only the tone assumed in regard to it, and the evident design of forcing the bank to abandon its rights, which gave importance to the claim, and forbade the surrender of it. The board of directors would deem themselves faithless, not merely to the institution, but to the cause of constitutional freedom, if they could be thus driven from the courts of justice by any menace from an executive officer. They have ac-

cordingly decided the question deliberately and irrevocably. If the proffer of a judicial decision is accepted by the Government, the bank will cheerfully abide the result. But until then, there should not be, and there cannot be, any surrender, or concession, or compromise.

The board of directors will now make one final offer to settle, and they make it directly to your honorable bodies, so as to avert the hazard of any further mediation. They learn, from the printed report of the Secretary, that the commissioners would have recommended the following terms of settlement:

To value each share of the stock at $115 58, and receive payment for it by equal instalments, payable in September, 1837, 1838, 1839, and 1840, with six per cent. interest until paid.

The board of directors agree, at once, to those terms, and are ready to carry them into execution.

They do not stop to inquire whether this be not too much. They prefer that it should be too much. They will never differ with Congress about mere sums of money, and are specially anxious to terminate their connexion with the Government in a manner satisfactory to all parties.

By order of the board.

N. BIDDLE, *President.*

Documents in relation to the joint resolution (S. 11) "authorizing the Secretary of the Treasury to receive, from the Bank of the United States under the Pennsylvania charter, payment for the stock of the United States in the late Bank of the United States."

SENATE CHAMBER,

Washington, February 25, 1837.

DEAR SIR: I find this moment, upon my table, a printed copy of the memorial of the bank, presented to the Senate on yesterday, and referred to the Committee on Finance. As Monday is the regular day of meeting of the committee, and the period of the session admonishes us to avoid delay, I enclose to you herein the copy of the memorial, and request from you any facts, within the possession of yourself or of the Department, touching the complaints put forth in the memorial of want of frankness and courtesy on the part of the agents of the Government; and also your views as to any and what action the memorial may call for from the committee or from Congress. In great haste.

I am, most respectfully, your obedient servant,

SILAS WRIGHT, JUN.

The Hon. LEVI WOODBURY,
Secretary of the Treasury.

TREASURY DEPARTMENT,

February 27, 1837.

SIR: Your note of the 25th instant, enclosing a copy of the memorial to the Senate concerning the claim of the United States against the bank, and which had been referred to the Committee on Finance, has been received. At this late period of the session of Congress, I refrain from delaying its action on this subject, which is so very desirable before an adjournment, and shall, therefore, not consume time by entering into any very detailed views concerning certain topics connected with the memorial.

The documents relating to this claim, and to the efforts made for its settlement by this Department, which were annexed to the last annual report, and to the special report made by it to both Houses on the 30th of January last, contain sufficient explanations on many of those topics. They will fully show whether most of the complaints stated in the memorial are not, as is there averred in respect to some of the measures of this Department, "alike unauthorized and unfortunate."

The memorialists seem dissatisfied at the course of the Department in referring the whole subject to Congress, though it was not done till after all the attempts for a settlement had failed, which are explained in those documents. They further assert that, on the part of the bank, in relation to this subject, there has not been "the slightest delay," or "the least obstacle of any kind."

But the facts enumerated in the reports and papers before mentioned show that, during the last summer, no reply whatever could be obtained from the bank concerning a settlement, till a second letter was addressed to it by this Department. They show, likewise, that, on the 25th of July, when a resolution of that date was enclosed to me by the bank, holding out the expectation of making an early communication as to a settlement, in consequence of the expected report of their committee, the report was made on the same day, but was not forwarded to this Department till the 10th of the ensuing September; and that certain information, desired in my first letter in June, to aid me in making an arrangement, and the request repeated again in September, has not, after the lapse of so many months, been yet communicated. Without going further into any details as to any delays or obstacles on the part of the bank in the preliminary correspondence, it appears, further, that the Department, in its letter of September last, as well as through its agents or commissioners in their subsequent letter, urged the bank to pay over, soon as practicable, any portion of the sum to which the United States might in the end be found entitled; and that the bank has notwithstanding delayed to make any such payment, though the agents of the Department considered that a large sum, amounting to some millions of dollars, was both just and proper to be paid before the 1st of January last.

Another ground of regret expressed in the memorial, and of apparent complaint, is, that a copy of the report of the agents of this Department was not furnished to the bank chartered by Pennsylvania before it was submitted to Congress; intimating that, in such event, that bank would have "instantly and cheerfully acceded" to the wishes of the Government, as explained by this Department.

How well-founded any complaint may be on that ground can with ease be ascertained, since it appears, by the documents annexed to the above-named report, that, on the request of this Department to the Bank of the United States chartered by Congress, to appoint a committee to unite with ours for the purpose of endeavoring to bring about an arrangement of the claim in question, a committee was appointed by that bank, in conjunction with the Bank of the United States chartered by the State of Pennsylvania. This last committee, it seems, conferred and corresponded with ours freely and frequently during the whole inquiry. The grounds of difference were fully discussed and explained; and, after all reasonable efforts had failed to bring about an agreement upon terms mutually acceptable, then, and not till then, did our agents make a separate report. A full statement of all these proceedings appears in that report and the accompanying correspondence. Yet now it would seem that the president of the Bank of the United States chartered by the State of Pennsylvania regrets a copy of the report was not transmitted to that bank, to show the views of the committee, before it was sent to Congress; though these views had been fully and explicitly developed while at Philadelphia to the joint committee of that bank and the bank chartered by Congress. He further asserts that, if the views of our committee had been made known to his bank, the terms expressed by them to be proper would have been "instantly and cheerfully acceded to," though his own committee distinctly refused to accede to them; and his bank, to which they probably reported in full, has never signified, until this memorial, any inclination to differ from the grounds before assumed by its committee, or to accede to what they, acting in its behalf, had deliberately and distinctly declined.

But it is a source of much satisfaction to this Department now to learn that, after more mature deliberation, one of the banks in behalf of which that committee acted has determined to accept the terms recommended by our agents as to the valuation of the shares, and has thus given a sanction to the correctness of their course in making and insisting on a much higher estimate of the value of the shares of the United States than the first or the second committee of the bank were willing to adopt.

The other subject referred to in the memorial, viz: the damages upon the bill of exchange drawn on the French Government, and the dividends sequestered and withheld upon that pretension, has been heretofore so fully discussed that I forbear now to enter at all into the consideration of its merits. But it is a matter of some surprise that the authority or course adopted by this Department in attempting to make an adjustment on that subject, under the act of June last, should appear to be impugned by the memorial, on the ground that the power conferred by the act did not warrant its proceedings. The power extends to the settlement and adjustment of the "capital stock" and "surplus profits." But it is to be observed that the dividends withheld on account of the damages claimed by the bank chartered by Congress had been carried to the *profit and loss* account, as was stated by the committee of the banks, or in effect had been added to the amount of *surplus profits*, and now constitute a part of those surplus profits. Is it not, therefore, obvious, that before the whole amount of *surplus profits* realized by the bank chartered by Congress can be correctly ascertained, and the value of the share of the United States in those profits settled, it should first be determined, if possible, whether the bank shall retain the whole of those dividends or not?

It therefore became proper to attempt the arrangement of that question in the first instance. Hence, in the instructions to the agents of this Department, they were requested to urge the bank to pay over the dividends withheld, except the sum equitably due to the bank for interest and any actual expenses incurred. But they were not directed, as represented in the memorial, to insist on that as a "preliminary" indispensable to the receipt of any portion of what was due, or indispensable to an agreement as to the value of the shares. Had the bank acceded to this request, the profits, now forming a part of the basis of a proposed arrangement, would then have been reduced to the extent of the difference, or probably about $160,000, and the share of the United States to about one fifth of those profits would have been estimated proportionably less. But, instead of receiving only one fifth of it as profits, they would have obtained, as dividends due, the whole of the other four fifths, being over $130,000 more, and which have so long been withheld from them by the bank.

Hence the agents very properly deemed it a "preliminary" question to settle, if practicable, how much of those dividends should be included among the profits, and accordingly used the language in their report, which is incorrectly attributed in the memorial to this Department. But though the committee of the bank declined paying over any of those dividends, and insisted on holding the whole as profits, this circumstance did not, as my instructions show, or as the course of the agents of the Treasury proves, prevent the agents from proceeding to make an examination, and to attempt an agreement as to what ought to be considered the true value of the shares. Neither of the committees regarded the failure to agree to pay any of the dividends as a preventive to an arrangement of the rest of the subject. They proceeded, therefore, to estimate that value on the basis assumed by the bank, that the whole of the dividends withheld were to be regarded as among the surplus profits, and the agents of the Department tried in vain to bring the committee of the bank, even on their own basis, to place an estimate on that value equal to what the bank now offers. So far, therefore, from any "menace," or any thing which common fairness could torture into an attack on "constitutional freedom," having, as the memorial intimates, been used in any of the communications from this Department connected with this attempt at an adjustment of any part of our claims, not the slightest pretence exists for the charge in the instructions on this point, the whole of which were as follows:

"4. It is further wished that, in forming an opinion of the value of the assets of the bank on the 3d of March, you should take into consideration the amount of dividends due to the United States which has been withheld and applied by the bank in payment of a claim for damages on the draft or order drawn by the Department on the French Government. Under all the circumstances of that case, this Department cannot recognise the right of the bank to any thing except the actual expenses incurred by it in consequence of the failure by the French Government to pay the draft, with the usual interest thereon, while the bank had not the use of the money, provided it did not have the use of it during the whole period till its formal repayment. For further particulars on this question, reference can be had to the printed opinions of the Attorney General, and the views of this Department in the annual reports to Congress, December, 1834. It would therefore seem proper, and it is submitted to your consideration, and that of any committee uniting with you on the part of the bank, whether the claim for constructive damages had not better be relinquished by the bank, and only a full indemnity for any actual loss be received, and the value of the stock be estimated on that basis—the bank, in the mean time, paying over the dividends to the United States which were withheld in 1834."

But though the agents of this Department properly proceeded to effect a future amicable adjustment, if possible, in full or in part, notwithstanding the refusal to pay the dividends withheld, yet they did this, not with a view of abandoning the claim of the Government for the whole of those dividends, after deducting any interest or actual expenses due; because it was a claim always insisted on by this Department as just, a claim so well sustained by equitable and legal principles, and a claim which had been so ably supported by the official opinions of the highest law officers of the Government. Nor can the Department now recommend to Congress any relinquishment or compromise of it. In respect to the right or propriety of the bank chartered by Pennsylvania to arraign the course of this Department on the present subject, even had it been so "unauthorized and unfortunate" as the memorial supposes, I shall not now stop to inquire, because Congress must be well aware that the signer of that memorial is not, and for near a year has not been, president of the United States Bank chartered by the General Government; that this Department has opened no correspondence with him or the State bank in respect to this claim and its settlement, but merely replied with courtesy to any communication he might choose to volunteer on the subject. The efforts of this Department have rather been directed to induce the Bank of the United States chartered by Congress, and its officers, to make a seasonable and just arrangement upon this embarrassing affair.

The United States own no stock in the bank in behalf of which this memorial has been presented to Congress; indeed, they are expressly excluded by the terms of its charter from any direct interest in it. Unless Congress may choose to release its claim upon the bank chartered by itself, and accept the bank chartered by the State of Pennsylvania as its debtor, either in the capacity of trustee or substitute, the United States have no immediate claim whatever upon the latter institution. The bank chartered by Congress is still in existence for the purpose of settling its affairs and paying over what is due to its stockholders.

It has a president and all other necessary officers, and it is for Congress to decide whether a new debtor—a new corporation, over which it possesses less legal control—shall be substituted for the bank originally chartered by its own authority, and which has not heretofore made, and does not now make, directly, any specific offer of payment or compromise.

But the corporation created by the State of Pennsylvania is represented to have become the trustee of that one chartered by Congress, and may be now acting in its behalf, though it never has become its trustee by the consent of the United States or of this Department. If regarded as amply able and safe for the fulfilment of any obligation it may enter into with regard to this claim, whether with or without collateral security, it would seem to be proper that authority should be given, by some law or joint resolution, to accept its obligations, under such limitations as sound prudence may dictate, considering the character of the institution and the great amount of the debt.

Without such authority, the Treasury Department would not of course feel justified in making any arrangement whatever with the State bank in question, or with its officers, in respect to this important claim, and by such "unauthorized" course to change the debtor of the Government, and perhaps lessen what Congress might consider its present legal security for eventual payment.

Whether the bank will or "will never differ with Congress about mere sums of money," and whether in respect to the French bill "the pecuniary interest involved was and is a matter of indifference" or not, after its two committees differed so much from the views of ours, and "the pecuniary interest involved" has been insisted on till now, and after its large contested claim to withhold the dividends was and is yet persisted in, though so manifestly inequitable, might have been deemed questionable but for the declarations in the memorial, which, it is hoped, may be happily successful in removing all future doubt or difficulty on those points. But should any misfortune, so much to be deprecated, prevent that desirable result, certain it is that the bank cannot be more anxious than this Department "to avert the hazard of any further mediation" connected with it, and to enable the president and directors of the institution chartered by Congress, at the earliest possible moment, "to terminate their connexion with the Government."

Respectfully, yours,

LEVI WOODBURY,
Secretary of the Treasury.

Hon. Silas Wright,
Chairman of Committee on Finance of the Senate.

NOTES OF THE BANK OF THE U. STATES.

House of Representatives, February 22, 1837.

Mr. Galbraith, from the select committee to which the subject had been referred, made the following report:

The select committee, to which were referred certain memorials relative to an amendment of the constitution of the United States in relation to banking corporations in the States, and in relation to the reissues of the notes of the Bank of the United States, beg leave to report in part, viz: on that portion of the said memorials in relation to the reissues of the notes of the late Bank of the United States.

At the first meeting of the committee, the propriety of addressing a communication to the directors of the Bank of the United States chartered by Congress, with a view of ascertaining whether the notes of that institution, returned and redeemed since the 3d of March, had been reissued, and if so, to what extent, and of what donomination of notes, was suggested. The committee decided, with great unanimity, that such a course would be entirely useless and unavailable as to obtaining any information of the fact; that no information would be obtained of service in their investigation, or leading to any satisfactory result. That the committee should so unanimously come to this conclusion will not be matter of surprise, on a recurrence to the history of the conduct of the officers of that institution for the last few years. It may not be improper to refer to a few of these instances, furnishing a justification of such inference.

Passing over the concealment of matters from the committees of both Houses of Congress in 1832, and the exclusion of the directors appointed on the part of the Government from any participation in its transactions or knowledge of its affairs in 1833, a reference will be here made to other acts of a more recent date. In January, 1834, the officers of that institution refused to deliver over, on the order of the Secretary of War, the books, papers, and funds, connected with the disbursements to be made to the officers and soldiers of the revolutionary war, under the pension law of the 7th June, 1832. (See vol. 2. of Reports of Committees of the House of Representatives of 1833-'4, No. 263, and particularly the letter of its president, Mr. Biddle, of the 23d January, 1834, in which he reports the decision of the directors, distinctly refusing to comply with the order of the Secretary of War.) On the 4th of April, 1834, a resolution, reported by the Committee of Ways and Means in the House of Representatives, was adopted by the House, providing for the appointment of a committee to investigate the affairs of the bank, under the 23d section of the act of Congress incorporating it, of the 10th April, 1816, which provides that "it shall, at all times, be lawful for a committee of either House of Congress, appointed for that purpose, to inspect the books and to examine into the proceedings of the corporation hereby created, and to report whether the provisions of this charter have been violated or not," &c. This committee was clothed with power to send for persons and papers, and proceeded to the banking-house in the city of Philadelphia, and resorted to every fair means to obtain the necessary information for the action of Congress; but the officers of the bank refused permission to the committee to inspect the books or examine its proceedings, and even refused to be sworn to give evidence on the subject, or furnish any information whatever, on the ground that they were not bound to *criminate themselves;* and entered into a system of special pleading in excuse, and boldly set at defiance the power and the rights of the people, through their representatives in Congress. (Vol. 4, Rep. of Com. H. Reps. 1833-'4, No. 481.) On the 13th July, 1834, the Secretary of the Treasury addressed a letter to the president of the bank, relative to the seizure and detention, by its officers, of the money in its possession belonging to the United States. To this letter no reply was given until the 28th of November, a period so late as to defeat an opportunity of that reply being submitted to the President of the United States in time for his remarks upon it, and the lawless and indefensible conduct of the officers of the bank in that act, in his annual message of that year. The high and aristocratic tone of that communication, made after four months' delay, manifests any thing else than a disposition to furnish any satisfactory information, whenever it may not be the interest of the bank that it should be afforded. (Vol. 2, Ex. Doc. of 1834-'5, No. 21.) A similar tone plainly marks the conduct of the bank and its officers in the correspondence between its president and the Secretary of the Treasury, in relation to the *branch drafts* which had been illegally and unlawfully imposed upon the public by the bank. (Vol. 2, Ex. Doc. of 1834-'5, No. 42.) Again, on the 14th October, 1834, the President of the United States addressed a communication to the Government directors of the bank, requesting them "to report to him,

with as little delay as possible, the gross profits made by the bank, of every description whatever, for each half year since the 1st January, 1832—the deductions in detail made from those profits," &c.—in order that "he might be able to take a proper view of the subject of the public revenues in his communication to Congress." After various fruitless efforts to examine the books of the bank, the Government directors were informed by the second assistant cashier (the cashier himself having kept out of the way) that the book they particularly desired was locked up in the vault, the key of which he then had in his pocket, but refused to deliver to them. (Vol. 2d, Ex. Doc. of 1834-'5, No. 45.)

The commissioners appointed by the Secretary of the Treasury, in carrying out the provisions of the act of Congress of the 23d June last, to examine the affairs of the bank, on the 4th November, gave to the committee appointed on the part of the bank a memorandum of points on which they desired information, embracing, among other things, the only matter of which it would have been proper for your committee to seek information from the officers of the bank. The same evasive, technical, and unsatisfactory course was adopted by these officers which had heretofore distinctly characterized them. The points of that memorandum referred to are these: "What denomination of notes composed the nett circulation of the bank at that time?" (3d March, 1836.) "Have any of the notes of the bank been reissued since the 3d of March, 1836; and if so, to what amount?" To these points the committee on the part of the bank replied: "The denomination of the notes composing the nett circulation of the bank cannot be ascertained." * * "The Bank of the United States chartered by the State of Pennsylvania has, it is understood, done as other banks have done, paid out the notes of the Bank of the United States; but of this the Bank of the United States has no official knowledge; nor has it any concern in the matter, as the new bank is bound to redeem all the notes of the old bank."

With this continued history of systematic concealment, on the part of the bank, of all information from the Government and its officers, agents, and committees of Congress before them, your committee have deemed it vain and useless to seek for any satisfactory information on the subject to which their inquiry would necessarily lead, by opening a correspondence with the officers of the bank, if even they should ask and obtain power to send for persons and papers. Your committee have therefore entered upon the consideration of that branch of the subject relating to the reissue of the notes of the Bank of the United States since the expiration of its charter on the 3d of March last, to which their attention has been called by the memorials, with the best lights before them.

Although your committee cannot speak with official certainty in relation to the fact of the notes of the Bank of the United States, which had been returned to the bank and redeemed since the 3d of March last, having been reissued, and again thrown upon the community, or to what amount such reissues have taken place, yet it is believed there can exist no doubt of such having been the case, to the extent of almost the entire issues of the State bank of the same name since that period, and that no new issues have been made excepting a single emission of the denomination of ten dollars. The whole concurring testimony inevitably leads to that conclusion. It has been asserted over and over again, in the public prints, for more than nine months past; it was asserted on the floor of the House of Representatives, by the chairman of the Committee of Ways and Means, as early as May or June last, on the authority of letters from a respectable source; gentlemen of the first respectability from the city of Philadelphia, the location of the bank, have spoken of it as a matter generally known and conceded; and it has never, as the committee have seen, been denied. It is also stated, by the commissioners appointed by the Secretary of the Treasury, on the 21st September last, to investigate the claim of the Government upon the bank, after their investigation as far as permitted, in their communication to the Secretary of the 25th January last. (See Doc. No. 118, Ho. of Reps., of the present session.) They say at page 6 of that document, "the bank was not in fact closed when its charter terminated; no winding up of its business took place on the 3d of March; its accounts were carried on without interruption, previously and subsequently to that day; and its semi-annual settlement on the 1st of July, 1836, embraced the entire transactions from the 1st of January preceding, without reference to the change that had occurred in the mean time;" and they speak of the business of the bank being "blended with the affairs of the new institution," "to which the books had been transferred," &c. At page 14, speaking of the denomination of notes comprising the circulation, they say: "The fact that $10,142,038 had been redeemed in the interval which elapsed between the termination of the charter and the 12th of October afforded us no guide by which to form an opinion; because the Bank of the United States chartered by the State of Pennsylvania, and charged with the redemption of the circulation, *continued during that time to pay out the notes originally issued by the Bank of the United States chartered by Congress.*" From this testimony your committee believe, as before observed, there is no doubt of the existence of the fact of the reissues of the notes of the Bank of the United States, as suggested in the memorials; but it is claimed as a matter of right to reissue such notes since the expiration of the charter.

Your committee distinctly and unhesitatingly deny the existence of any such right, and proceed to examine the grounds on which it is claimed.

This claim of right is sought through an alleged charter, obtained from the Legislature of the State of Pennsylvania, by an act passed by that body on the 18th February, 1836, entitled "An act to repeal the State tax on real and personal property," &c. The second section of that act provides that "the present stockholders of the Bank of the United States, excepting the United States and the Treasurer of the United States, and such other persons as may become stockholders, agreeably to the by-laws made for that purpose, to an amount not exceeding in the whole the present capital of the said bank, their successors and assigns, be, and are hereby, created a corporation and body politic, by the name and style of 'the president, directors, and company of the Bank of the United States,' and shall so continue until the third day of March, in the year one thousand eight hundred and sixty-six," &c. The stock of the United States, about $7,000,000, was thus excluded, by the terms of this State act, and the institution authorized to take in, by its by-laws, other stockholders instead of it, not to exceed the original amount of capital, $35,000,000. Shortly after this alleged act of the Legislature of Pennsylvania passed, an election was held by the individual stockholders, for directors of the Bank of the United States chartered by Congress; and another election, by the same stockholders, for directors of the same institution, as alleged to be continued by the State of Pennsylvania. On the 2d day of March, 1836, the day previous to the expiration of the charter granted by Congress, the directors of that institution, thus elected by the individual stockholders—the Government of the United States, although owning one fifth of the stock, having no participation in the election—transferred to the directors of the new or continued bank, a majority of them being the same men, all the funds of the institution, of every description, including, of course, all its notes, bills, property, &c., and the latter directors, for the new bank, assumed all the obligations of the bank chartered by Congress; in other words, the individual

directors of the bank chartered by Congress, by the formal ceremony of a resolution of one board of directors elected by them, transferred to *themselves*, through another board, of nearly the same men, elected by them, adopting another resolution accepting the transfer, all the funds, shares, estate, property, &c., of the institution, assuming, by the latter resolution, all the obligations of the Bank of the United States chartered by Congress; thus virtually becoming its trustee, or assignee, voluntarily charged with all the obligations and duties incumbent upon the expiring institution.

The funds and property of the bank chartered by Congress, including its notes, its Government stock, moneys, effects, and estate, being thus transferred to the alleged new institution, constituting its entire stock and funds, on the accepted condition and voluntary assumption of discharging all the obligations and performing all the duties of the expiring bank, the whole matter is resolved to the single point of inquiry: What are the obligations and duties of the bank chartered by Congress, under its act of incorporation, after the 3d of March, 1836, the day on which it expired for all active business purposes, as clearly provided in the 7th section of the act of the 10th April, 1816? The 7th section fixes the termination of its active existence on the 3d of March, 1836; the 21st section provides that, "notwithstanding the expiration of the term for which the said corporation is created, it shall be lawful to use the corporate name, style, and capacity, *for the purpose of suits, for the final settlement and liquidation of the affairs and accounts of the corporation*, and for the sale and disposition of their estate, real, personal, and mixed; *but not for any other purpose, or in any other manner whatsoever*, nor for a period exceeding two years after the expiration of the said term of incorporation." From the terms of this section, taken in connexion with those of the 7th, the intention of the act of Congress chartering the bank is too clearly expressed to be mistaken by any body; that, up to the 3d of March, 1836, it was enabled to perform all the functions for which it was created—such as discounting notes and bills of exchange, issuing and reissuing its notes, &c.; that after that period it could perform no act but such, and such alone, as should be necessary to the "*liquidation of the affairs and accounts of the corporation*," and the sale and disposition of its property; the winding up of its concerns—such as calling in its bills in circulation, redeeming and cancelling them, collecting its debts, and settling with its creditors and stockholders. The reissuing of its notes is the same thing as the original issuing, and requires the exercise of precisely the same function—the performance of an active business duty—either employs the "*name, style, and capacity*," for *another* purpose, and in *another* manner, than that for the "*final settlement and liquidation of the affairs*," &c., and therefore clearly forbidden by the terms of the 21st section of the act. It is also indicated that this business of "*the liquidation of the affairs and accounts of the corporation*" shall be performed within the limited period of two years—a period supposed to be sufficient to redeem all the paper in circulation, and collect all the debts due, and settle with all creditors. This could never be done if the redeemed notes of the bank should continue to be reissued as before the expiration of the charter. Indeed, it is contended by many, that those who happen to be the holders of the notes of that bank, after the expiration of the two years, (3d March, 1838,) could not recover the amount from the bank, construing the limitation of "*suits*" to apply to the capacity of *being sued* as well as *suing*. Your committee do not consider it necessary to decide that question; but the position is not without plausibility, inasmuch as the provision in the 21st section may be viewed as giving notice to the community, holding the notes, to return them within that period for redemption, or suffer the loss. If the construction be correct, it imposes the obligation so much the more strongly upon the institution, and indirectly upon Congress, to relieve the community from a description of circulation which may become dead and valueless in their hands. If it be a duty incumbent upon the bank chartered by Congress to redeem and cancel the notes returned since the expiration of the charter on the 3d March last, it is equally obligatory upon any individual or corporation, State or national, charged with the performance of its duties, to do the same thing. The position, therefore, that there is or can be a right any where to reissue the notes of the bank chartered by Congress, returned since the 3d of March last, and redeemed with the funds of that institution, either by its own officers directly or through the instrumentality of a trustee or assignee, your committee cannot but regard as both false and dishonest. That, on the contrary, such reissues are a cheat upon the community, a fraud upon the Government, and in direct contravention of the plain and undoubted intention of the act of Congress granting the charter.

To illustrate and simplify this, let us suppose a similar case of individuals. A and B enter into a partnership for the purpose of carrying on any particular business, say merchandising, for a certain period, and to terminate on a given day prescribed by their agreement. A vests in the concern $7,000, and B four times that sum, $28,000; and B assumes the management and control of the entire concern. It is agreed that, at the expiration of the time stipulated, the name and style of the firm shall be used for *the purpose of suits for the final settlement and liquidation of the affairs and accounts of the partnership*, but for no other purpose, nor in any other manner. B appoints as many clerks or agents as are necessary to conduct the affairs of the concern—they issue promissory notes, &c., in the name of the firm "A and B." The day previous to the expiration of the partnership, one of the clerks appointed by B, for the firm, transfers all the effects and funds of the firm to another of the clerks, for the use of B, he engaging to discharge all the obligations and duties, and pay all the debts due by the firm of A and B, and particularly the original stock due to A. After the expiration of the partnership, the business is continued by B. The notes of the firm are presented, paid out of the funds of the partnership, and reissued by the clerks of B, under his direction, thus rendering the funds of the partnership again liable for their payment; and besides, B refuses to settle or pay over to A the amount of his stock invested. Who would have the hardihood to defend this as an honest transaction, either towards the other partner or the community, upon whom the notes of the firm were thus thrown, after being redeemed out of the funds of the partnership? The individual who would attempt such a transaction could not sustain a character in any commercial community where character is regarded. If it did not constitute a forgery, so that he might be indicted for that crime, yet it would approach near to it, and probably constitute the crime of "*cheating with false pretences.*" It would, at all events, justly stamp such individual with infamy in any correct community, as entirely unworthy of all trust or confidence. Is the same thing less unjust or fraudulent because committed by a corporation? The right to reissue the notes of the Bank of the United States, returned since the 3d March, is just the right, and no other, that any one has for the commission of a glaring and palpable fraud. It cannot be derived through the transfer from the directors of the old bank, made on the 2d March, 1836, to the directors of the alleged new bank, representing precisely the same stockholders, as its last will and testament, because they possessed no such right to transfer; but, on the contrary, were bound by the terms of the charter to settle and wind up the affairs after the 3d of March, or, in other words, were forbidden to issue or reissue their notes after that period. The directors

of the old bank, not having any right to issue notes, could transfer no right to their assignee. It cannot be derived through the charter granted by the Legislature of the State of Pennsylvania, because, first, the act of Assembly of that State does not profess to vest any power in the bank to reissue the notes of the old bank; and because, secondly, if it did, it would, so far, be absolutely null and void, being in express contravention of the act of Congress. It is not the purpose or within the duty of the committee to inquire into the manner and means by which the charter was obtained from the State, or into its provisions; but it may not be out of the way here to remark that, so far from the Pennsylvania act authorizing the bank to reissue the notes of the Bank of the United States chartered by Congress, it interdicts a large portion of such reissues as have taken place since the 3d of March last. The 6th article of the 4th section of the act of the Legislature of Pennsylvania provides: "And the notes and bills which shall be issued by order of said corporation, or under its authority, shall be binding upon it, and those made payable to order shall be assignable by endorsement, *but none shall be issued of a less denomination than ten dollars.*" Now, inasmuch as the notes of the old bank constituted nearly the entire issues of the bank professed to be chartered by the State, and a large portion of those issues consisted of notes of a less denomination than ten dollars, such issues were not only in contravention of the act of Congress, but in direct and gross violation of the very act of the State Legislature through which the right of reissuing those notes is claimed for it. In the reply of the committee of the bank, before quoted, they say: "The Bank of the United States chartered by the State of Pennsylvania has, it is understood, done as other banks have done—paid out the notes of the Bank of the United States;" placing that bank on the same footing with others receiving the notes of the old bank in the course of their own regular business. The error committed here is too glaring and manifest to be attributed to mere misconception or misapprehension of the relation in which the Bank of the United States, chartered by the State, stands both with regard to the old bank and the Government. That a bank or an individual, receiving the notes of the bank which had expired on the 3d of March, in the ordinary course of their own business, might pay them out again in the same way, no one would pretend to deny; but what child does not at once perceive the different position occupied by that institution, and that occupied by all other institutions and individuals, both with regard to the Government of the United States and the Bank of the United States chartered by Congress, in this particular? If they receive such notes, they receive them as their own, and on their own account; the Bank of the United States chartered by the State of Pennsylvania, receiving the Government stock and moneys belonging to the United States, and all the funds of the bank chartered by Congress, is placed in possession of its notes, under a special trust to discharge all the obligations of the old bank, one of which is to wind up is affairs, or, in other words, *not to reissue its notes;* and it cannot reissue them but in violation of that trust.

The committee having, as they believe, satisfactorily shown that the notes of the Bank of the United States chartered by Congress, returned and redeemed from the funds of that institution since the expiration of its charter, have been since reissued and put again into circulation, and that such reissuing is without right, fully sustaining the views of the memorialists, it remains to inquire into the mischief, and the power of Congress to provide a remedy, and what remedy is most proper and appropriate.

One of the mischiefs arising from this reissuing of notes, once redeemed from the source upon the responsibility of which they were originally issued, is the deception practised upon an unwary community. It is true they are not strictly counterfeit notes, being genuine in point of form, signed by the persons whose signatures they bear, and originally what they purport on their face, but spurious in substance, having been once redeemed from the basis originally liable for their redemption, and that basis removed and transferred to another corporation, created by State legislation, which may or may not redeem them, at the pleasure of its officers, or as their interests may determine; and after the 3d of March, 1838, beyond which they will of course continue to circulate, if continued to be reissued, still rendered more doubtful of payment by the additional legal obstacle interposed to their recovery, should payment be refused. It may be said, however, that the Bank of the United States chartered by the State of Pennsylvania, to which the funds and property of the Bank of the United States have been entirely transferred, has undertaken to pay all debts due from it, and to discharge all its obligations. But to whom is that undertaking made? Not to the holders of the notes. There is no privity between them and the new corporation; and, on the presentation of such notes to its officers, they might reply, without a greater violation of obligation than they have often before committed: "It is true we had undertaken to discharge the debts of the bank chartered by Congress, but that was only an arrangement for our own convenience among ourselves, and we have already redeemed more of its notes than the amount of funds received from that source, and we cannot redeem any more;" and, in the complicated state of its affairs, it would be hopeless for any one to show to the contrary; and if he could, the cost might overrun the recovery, to say nothing of the delay and disappointment. A new and a different responsibility from that expressed on the face of the notes is substituted, without the holder's consent, and not necessarily within his knowledge, which may or may not turn out insolvent, which is unjust to the country.

The example is calculated to have a pernicious effect upon the commercial community. If a trick of this kind, practised by the officers of the bank, should pass unnoticed and unpunished, others, even less honest, may be tempted to even greater outrages upon commercial fairness and integrity, until all commercial confidence be destroyed.

The stock of the Government of the United States in the bank, estimated by a committee of the individual stockholders themselves at $7,583,698 59, and by the commissioners appointed by the Secretary of the Treasury at $8,110,215 09—the money of the people of this country—is withheld from them, and placed, without their consent, at the disposal of a few bank directors, in whose selection they have no participation—to be wasted or speculated upon, at the pleasure of bank officers, of whom the people know nothing. The people's money is thus siezed upon and detained for the purpose of redeeming notes over and over again, reissued in violation of law and obligations voluntarily assumed. Had this sum been paid over to the United States, or even half of it, a large increase would have been made to the amount deposited with the different States, to be applied to the purposes of the country, under the deposite act of June last. Without expressing any opinion here of the policy of that act, your committee deem it their duty to assert the right of the Government, under the control of the people, to the possession of what is due to it, to make such disposition of it as the people may direct, without the hinderance or obstruction of any board of bank directors. It may be said that the Government have a security, in the obligation of the Bank of the United States chartered by the State of Pennsylvania, for the payment of its shares in the stock of the Bank of the United States chartered by Congress. Your committee reply, that this undertaking is not given directly to the Government; and if it were, there is a difference between obligation and payment; and in the instance under consideration, that

difference may be very important. It appears by the report of the commissioners appointed by the Secretary of the Treasury, already referred to, that on the 3d of March last the bank stood as follows: Notes in circulation, $12,109,352 23; specie, $5,595,077 25: and by the return made to the Auditor General of the State of Pennsylvania, by the bank chartered by that State, in November following, it stood thus: notes in circulation, $9,733,032 28; specie, $3,275,292 36: being reduced nearly one half in specie and more in circulation, although it had in the mean time contracted a loan in Europe of $6,788,194 44, and its liabilities equal to its entire resources. Since that time it has still further dwindled down in specie and in business; and should the redeemed notes of the expired corporation continue to be reissued, as they have been, in a few months the whole resources out of which the claim of the Government ought to have been paid must be abstracted, and an entirely different responsibility substituted, and one of a very doubtful character.

In proposing remedies against the mischiefs here adverted to, we are met with the objection that the reissues have been made by the bank chartered by the State of Pennsylvania, which, being a State institution, is beyond any control or legislative action by Congress. Your committee concede, to the full extent, that Congress possesses no power to legislate directly over institutions purely of a State character, and unconnected with the Government of the United States. The answer, however, is, that a remedy may be provided without interfering with the relations between the Government of the United States and the State institutions, further than has been done heretofore without objections. Congress has heretofore directed the description of circulation which should be received in payment of public dues, regulated the deposite of the public money in State banks, and passed other acts which, in their operation, affected indirectly more or less the institutions incorporated by the States. But again, the Bank of the United States chartered by the State of Pennsylvania, as already seen, has connected itself with this Government more intimately than any other institution of the kind, having, without the request or consent of the Government, taken possession of more than $8,000,000 belonging to the people of the United States, and added it to its own stock, and voluntarily assumed the payment to the Government of the United States, but has refused to pay it or to settle the amount, and continues to reissue the notes of the Bank of the United States in which the Government was a stockholder, and for the redemption of which notes the money of the Government in its hands is liable. Its relation to the Government, therefore, is peculiar, and of its own seeking; being a voluntary and unsought depository of the public money, and placed in possession of the funds in which the Government have an interest, and thus by its own act brought within the legitimate control of Congress.

Your committee believe it to be not only the right but the duty of Congress to protect the community from the deception of a circulation spurious in its character, bearing the authority of the United States, being the same, in effect, as counterfeit paper. By directing that such circulation shall not enter into the collection of the public revenues, it is believed a large portion of it will be thrown out of the circulation of the country, and its true character made generally known. By this means, the intention of the act of Congress, that all the notes of the Bank of the United States should be called in and redeemed within the two years after the expiration of its charter, may be at least in part carried into effect.

With this view, they propose a joint resolution for the adoption of the House, excluding such notes from circulation, so far as regards the collection of the public revenues.

Your committee are also fully satisfied of the power of Congress to render penal any future act violating the provisions of an act of Congress, and having a mischievous tendency upon the currency of the country, calculated to destroy or lessen the funds of the Government, or weaken the securities for the collection of the public revenues, or to deceive and impose upon the people of the United States; and, under this view of the matter, beg leave to report a bill providing for the punishment of the reissuing the notes of the Bank of the United States once redeemed, by those in whose possession they are after redemption, and who are charged, by their own assumption, with their payment.

Joint resolution relative to the notes of the Bank of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That until the notes of the late Bank of the United States which may have been returned since the third day of March last, and redeemed out of the funds of the said bank, shall have ceased to be reissued by its officers, directors, trustee or trustees, and until the amount due to the Government from said bank shall be settled to the satisfaction of the Secretary of the Treasury of the United States, the notes of said bank, and the notes of any bank to which its funds and estate may have been transferred in trust for the payment of its debts and the discharge of its duties and obligations, shall not be received in payment of any debts due to the Government of the United States, or taken in exchange or on deposite in any of the banks selected as depositories of the public money; and the Secretary of the Treasury is hereby directed to adopt such measures as he may deem necessary to carry this provision into effect.

A bill providing for the punishment of reissuing the notes of the late Bank of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if any officer of the Bank of the United States shall reissue, or cause or permit to be reissued, any note or notes of the said bank which had been redeemed at the said bank, or the trustee or assignee of said bank, out of the funds belonging thereto, since the third of March last, it shall be deemed a misdemeanor; and, on conviction thereof in any district or circuit court of the United States, the offender shall pay a fine of one thousand dollars; the one half thereof to the use of any person who shall prosecute the same, and the other half to be paid into the Treasury of the United States.

BANKING COMPANIES.

House of Representatives, March 3, 1837.

Mr. Galbraith, from the select committee to which the subject had been referred, made the following report:

The select committee to which were referred certain memorials suggesting an amendment of the constitution of the United States in relation to banking companies, and against the reissuing of the notes of the United States Bank, beg leave to make their final report:

At the time of the adoption of the constitution of the United States, there were but three banks in all the States, with a capital, in all, of $4,550,000: the Bank of North America, in Philadelphia, with a capital of $2,000,000, first chartered by the old Congress in 1781, and afterwards by the Legislatures of Pennsylvania and New York; the Massachusetts Bank, at Boston, chartered by the Legislature of Massachusetts in 1784, with a capital of $1,600,000; and the Bank of New York, chartered the same year, with a capital of $950,000. This constituted the whole banking capital of the United States at that time. The framers of the constitution, therefore, had but little knowledge of a banking system, such as it now is in this country. It could scarcely be expected that they could have anticipated that, within half a century, there could be eight hundred

and twenty-three banks, with a capital of $378,421,168. Such an anticipation would have required a revival of the spirit of prophecy. They had experienced the fatal effects of the provincial paper money, and the no less pernicious results of the continental paper, and provided, as they supposed, in the constitution, against both: against the former, by providing in the 10th section of the 1st article that "no State shall emit bills of credit, make any thing but gold and silver coin a tender in payment of debts;" against the latter, by nowhere giving to Congress the power of creating a paper circulation. It is matter of history, that the old Congress of 1776 had emitted continental paper to carry on the war, by a majority of its members, until the adoption of the articles of confederation in 1778, in which it was provided, among other things, that Congress should not "emit bills, nor borrow money on the credit of the United States, &c., unless nine States should assent to the same." It is very probable that the small amount of bank issues at that time attracted very little attention, particularly as specie was very abundant for some time after the revolutionary struggle: the French and English armies at New York and other places, the foreign loans, and the Havana trade, having introduced great quantities of the precious metals into this country. With the provisions, therefore, that "no State should emit bills of credit, make any thing but gold and silver coin a tender in payment of debts;" and that Congress should have the power "to coin money, *regulate the value thereof* and of foreign coin, and fix the standard of weights and measures;" and the silent negation of power to Congress to emit bills of credit, the framers of the constitution, no doubt, supposed they had thrown an ample guard around the currency of the country, and secured the poor and industrious from the pestilential effects of a paper-money system, and the curses of the speculations and frauds which follow it. Such appears to have been the sentiment of political writers of that day. We shall content ourselves here with one quotation from Mr. Madison, than whom no one was better qualified to expound the intention of that invaluable instrument. In the forty-fourth number of the Federalist, speaking of the clause of the constitution providing that "no State shall emit bills of credit," &c., he says:

"The extension of the proposition to bills of credit must give pleasure to every citizen, in proportion to his love of justice, and his knowledge of the true springs of public prosperity. The loss which America has sustained since the peace, from the pestilential effects of paper money on the necessary confidence between man and man; on the necessary confidence in the public councils; on the industry and morals of the people; and on the character of republican government, constitutes an enormous debt against the States chargeable with this unadvised measure, which must long remain unsatisfied; or, rather, an accumulation of guilt which can be expiated no otherwise than by a voluntary sacrifice on the altar of justice of the power which has been the instrument of it. In addition to these persuasive considerations, it may be observed, that the same reasons which show the necessity of denying to the States the power of regulating coin, prove with equal force that they ought not to be at liberty to substitute a paper medium in the place of coin. Had every State a right to regulate the value of its coin, there might be as many different currencies as States, and thus the intercourse between them would be impeded; retrospective alterations in its value might be made, and thus the citizens of other States be injured, and animosities be kindled among the States themselves. The subjects of foreign Powers might suffer from the same course, and hence the Union be discredited and embroiled by the indiscretion of a single member. No one of these mischiefs is less incident to a power in the States to emit paper money than to coin gold and silver. The power to make any thing but gold and silver a tender in payment of debts, is withdrawn from the States on the same principles with that of *issuing a paper currency*."

But whatever may have been the intention of our political patriarchs in framing the constitution, or their deep-felt regrets in seeing what they supposed its spirit departed from, in the multiplication of banks, and the unexpected deluge of nominal paper money; a paper system has become too firmly settled in almost all the States of the Union to have the most remote prospect of relief from it, but in a radical change of the fundamental instrument of compact by which the States are bound together. However ardent they may have been in their efforts to fix the impression upon their posterity, and those who came to administer the Government after them, that the precious metals should constitute the only constitutional currency of this highly favored country, which should preserve the sound principles of equality to all its citizens, by establishing a "hard-money Government;" yet, through a variety of brilliant schemes and projects, apparently for the promotion of favorite objects of improvement, and the untiring activity of those who found it easier to live upon the industry of others than to labor themselves, we have found a paper system grown by progressive steps to its present enormous and appalling extent of nearly $400,000,000 of banking capital authorized by the Legislatures of the several States. In the various stages of its progressive increase, we have occasionally heard the voice of some disinterested and patriotic statesman, in the simple eloquence of political truth, exclaim against it as an encroachment upon the equal rights of man; as rapidly building up a mushroom aristocracy in the country, of a most dangerous and destructive character, and bearing down the most dear and sacred principles of our republican fabric; but it has as often been hushed and stifled by the more noisy and zealous clamors of interested projectors and speculators, who could see their own immediate and pecuniary interests involved, and likely to be swept away by the destruction of their darling monopolies. The paper system, through the instrumentality of soulless and irresponsible corporations, notwithstanding repeated fluctuations, panics, bankruptcies, and ruin, clearly traceable to it as the prime cause, has still grown up and extended, until we find it what it now is. What the States were bound, or rather what they had solemnly agreed, not to do directly, has been done indirectly, by the surrender of a high sovereign power to incorporated companies, by vesting them with exclusive privileges of banking.

The system of banking by companies incorporated by the State Legislatures, as they now exist in this country, blended as it has become, and interwoven with all the business and transactions of society, and reaching the personal interests of every individual in community, from the humble day-laborer to the most extensive wholesale merchant, is extremely complicated and difficult to understand in all its various ramifications. Its intricacy and complexity is such as to call in requisition the closest scrutiny and investigation of the skilful political economist; and its general and universal operation upon all branches of industry demands from every citizen who regards his own interests, the equality of rights, and the spirit of our republican institutions, or the liberties of this country, his undivided attention and coolest and most serious reflection.

Your committee do not profess an intimate acquaintance with all the minute intricacies of the banking system, or the complicated machinery of corporate privileges, or the usurpations, assumption, and arrogance, the corruptions and oppressions of incorporated companies. They propose, however, with what lights they possess, and with as much reflection as they have been able to bestow upon it, consistent with their other duties, entering briefly into the consideration of the subject submitted to them in the memorials, under the following heads of inquiry:

First. What is money, its use, and essential properties?

Second. What is the banking system as it now exists in the several States of this Union? What its nature, history, and effects upon the various transactions of society?

Third. What remedy may be provided against its evil consequences?

As preliminary to and closely connected with the subject more immediately submitted in the memorials, we take up the first inquiry proposed, viz:

What is money, its use, and essential properties?

Money is the standard of value established by law; the sign or medium of price by which labor and products are estimated, products and commodities exchanged, and contracts fulfilled. It is an essential part of the machinery of civilized society; without which, commodities in their complicated varieties could not be compared with each other as to value. Dr. Adam Smith, in his Wealth of Nations, vol. 1, book 1, page 44, says: "In all civilized nations, money has become the universal instrument of commerce; by the intervention of which, goods of all kinds are bought and sold, or exchanged for one another." Hume, in his Essays on Money, vol. 1, page 299, (Edinburgh edition,) says: "Money is not, properly speaking, one of the subjects of commerce, but only the instrument which men have agreed upon to facilitate the exchange of one commodity for another. It is not one of the wheels of trade: it is the oil which renders the motion of the wheels more smooth and easy."

It would be a tedious labor, and answer no valuable practical purpose, to inquire into the origin of money, or what led mankind first to adopt a common instrument of value; and perhaps the result of such an investigation would be extremely uncertain. We may imagine a state of barbarism, and probably might trace it, when the transactions of men were so rude and simple as to be purely subjects of first occupancy and barter. Such an inquiry might be interesting to the curious, and arrest the attention of the philosophic antiquarian, but could serve little purpose to the practical statesman of the present age in our country. That different commodities have been employed by different nations, as media of exchange, at different periods, we have from authentic history. Oxen were used among the Greeks; bulls in India; *salt* in Abyssinia; tobacco in Virginia; sugar in some of the West India islands; iron in Sparta; and copper among the Romans. Corn, leather, and cocoa, have each, in their turn, served as the selected commodity to determine the value of all others. Silver and gold have been adopted by most civilized commercial nations as the most convenient commodities to serve as money, or the measure of value. They were first used in bars or bullion, and required weighing or assaying, which interposed an inconvenience. To avoid this, and to accommodate it to the exchanges, in process of improvement, civilized Governments directed the coinage of the precious metals by dividing them into convenient fractional parts or quantities, and stamping it in such a manner as to denote the quantity or denomination of such parts. Until public authority, by its stamp, confers upon the precious metals the character of coin, it is not legal money, however valuable they may be intrinsically as an article of merchandise. Nor can public authority add to or diminish their value; it only fits them better as a medium of exchange. As Mr. Ganible says, "the monetary law is simply declaratory of the fact," (the value.) Silver has been more generally adopted as money than gold, owing to the too great scarcity of the latter metal to serve the purpose. Gold was not used but as an article of merchandise in England, until 1728. The United States have adopted both as standards of value.

The reasons why improved and civilized Governments have adopted gold and silver as the preferred commodities, to measure the value of all others, are very obvious. They are more appropriate and suitable than any other articles. They are easily divisible into small fractions, and as easily united without loss. Their quantity is the least susceptible of increase or diminution, and, therefore, the least liable to fluctuation—a most important property for money, as we shall explain more fully hereafter. They are of the same quality in all countries and under all circumstances, which is not the case with any other metals. Iron, for example, is of very different quality, even in the same neighborhood; and copper is much finer and heavier in some countries than in others. They are both fusible and malleable, so as to be capable of being united with sufficient convenience, and receive the stamp or certificate of the Government designating the weight and purity of the particular piece; and, at the same time, sufficiently hard to prevent the obliteration of the sign that is stamped upon them, though freely circulated.

The material of which money is formed must possess intrinsic value. The stamp, or certificate that such a piece contains a certain quantity of that material, of such a quality, so that the people may confide in it without the inconvenience of weighing or assaying it, is the attribute of sovereignty alone. It is most appropriately so when the Government is republican, framed and controlled by the people themselves, and those who administer it are immediately responsible to them. The power to impress this stamp, or certificate of quantity or quality of the material, designating its value, can never be lodged safely any where, so as to secure the confidence of the people as an instrument of value, but in the Government; and least of all can it be safely intrusted to corporations not created by, nor under the control of, the people, and whose officers are placed under no responsibility to the people, either moral, political, or pecuniary. Although it is necessary that Government should stamp some device upon the metal, in order to designate the quantity and purity of the coin, and thus fit it as an instrument of exchange, no absolute value is thus imparted to it. *That* it possessed before, else it could not serve as a measure of value. Mr. Raymond, in his Elements of Political Economy, volume 1, page 234, adds his own opinion in support of Mr. Reed, whom he quotes, thus: "Money has two distinct functions to perform; the one is that of a measure of value, the other an instrument of exchange. Those different functions, though intimately and inseparably connected and blended together in practice, are perfectly separate and distinct in their own nature; and the qualities likewise requisite in the material substance of which money is composed, necessary to fit it for the proper performance of each of those functions, are distinct and different.

"To be capable of performing the function of a measure of value, money must have value in itself, and inseparable from it, to the full amount of that for which it passes current. To be adequate to officiate as an instrument of exchange, it is sufficient that it be the representative of that which has value. For the former purpose, gold or silver, or some substance possessing similar qualities, is indispensable. For the latter, paper, or any article conveniently portable, on which can be marked an engagement or obligation, rendering it the representative of that which has value, may be sufficient. But paper never measures value. It acts merely as an instrument of exchange. It is merely the representative of that which measures. Its own value must be measured and defined. It depends for the *definition*, or measure of its own value, totally on that of which it is no more than the representative or sign. Nor can it be dependent upon, when separated and disconnected from that which it represents, to continue the same for the shortest period.

"It is necessary, therefore, to have a money of quite a different description from paper, to act in the capacity of a

measure of value, and to fix, determine, and define, the value of paper, and every other money which circulates at a greater value than it is intrinsically worth.

"A measure having neither length, nor breadth, nor thickness, could not measure those qualities of matter. A measure having no weight could never measure the weight of bodies; neither can a measure having no value measure their value. Money, as a measure, is not different from measures of other kinds. A measure of length must have length; a measure of weight must have weight; and a measure of value must have value.

"If it be necessary to define and fix precisely the measure of length—as an inch, a foot, a yard; and the measure of weight, as a grain, a pennyweight, an ounce, a pound—so it is equally necessary to define and fix precisely the measure of value, as a shilling, a guinea, a pound sterling." Mr. Raymond, at page 236 of the same book, proceeds: "The value of a piece of coin depends on the quantity of metal it contains, and not on the device with which it is stamped." Mr. Gouge, in his excellent treatise on the *Principles of the American Banking System*, at page 9, holds the same sentiment: "The precious metals do not differ *essentially* from other items of wealth. This is distinctly seen when they are in the form of bullion. Converting them into coin does not change their nature. It only adapts them to a particular use; fits them for passing from hand to hand, without the trouble of weighing or assaying each piece at each transfer." Again he says: "Some fancy that it is the authority of Government that gives money its value. But the true value of money, as measured by the amount of goods for which it will honestly exchange, cannot be affected by edicts of princes or acts of Parliament. Monarchs and ministers may alter the weight of coins, or lessen their purity; but they cannot make a coin containing one half of an ounce of pure silver worth as much as a coin containing an ounce. The stamp of the State is a mere certificate of the weight and fineness of the piece."

It follows from those premises, that money being necessarily a measure of *value*, as well as an instrument of exchange, without increasing the quantity of value, its real and actual quantity cannot be increased. It is true that it may be numerically or nominally increased; the volume of the circulating medium may be enlarged by adulteration of the metals themselves, or the emission of something else in their place; yet the quantity of real pure money remains the same; and just as much as it has increased in quantity it has diminished in quality, and will measure no more value than it did before the infusion of alloy, or other valueless matter, into its mass.

It is also true that a measure of value is, in its very nature, somewhat more imperfect than that of either weight or measure, and even gold and silver are not entirely free from this imperfection; but the variations to which they are subject are so trifling and inconsiderable as not to be perceptible in the practical affairs of life; at least, they are infinitely the nearest perfection of any commodity that has yet been discovered.

Any change in the relative proportion between money and other commodities, by an artificial increase of quantity without an increase of value, will necessarily produce a change of price. If the quantity of money be nominally increased, the price of property to be measured by it rises; the depreciation of money and the rise of price being precisely the same thing. If the value of what is called a dollar be lessened by the infusion of alloy, or the enlargement of the mass of which it is a fractional part, it will require a greater number of dollars to measure the value of a horse, or other commodity, just as it will require a greater number of the measure of length called a foot, when shortened, to measure the length of a piece of cloth. All attempts, therefore, on the part of Government, to tamper with the monetary system, by increasing its quantity without increasing the value, are not only useless, but unjust and pernicious, and have always been found so, whenever the experiment has been tried.

Mr. Raymond says, at page 237 of the volume before quoted, "It seems to have been a prevailing opinion, even down to the present time, that the quantity of money could be increased by various expedients, without increasing the actual quantity of value. Hence, in the earlier periods of civilization, the denomination of the coin was frequently changed, for the purpose of increasing the quantity and plentiness of money. In some cases the coin has been adulterated with a baser metal, while its nominal value was retained, for the same purpose. In modern times, a more refined method of adulteration and deception has been practised, with better success as to accomplishing a fraud on the public, but with no better success as to increasing the quantity of actual value. Instead of using a baser metal for alloy, and incorporating it with the precious metals by a coinage, a quantity of paper, purporting to be money, has been infused into the volume or mass of circulating medium; and in that way the nominal quantity of money has been increased, without any increase of the quantity of value."

When $100,000 of specie or coin constitutes the circulating medium of a community, that $100,000 measures the value of all the property in that community. If the Legislature then resort to the expedient of increasing the quantity of the circulating medium, by directing twice the quantity of alloy to be infused into this medium, and the mixed mass to be coined in the same way, still calling it so many dollars, or by emitting 200,000 nominal paper dollars, to pass into the circulation with the specie, and obliging the citizens to take it in all contracts and exchanges, three dollars then will measure just as much property as one did before the resort to this unskilful expedient; and the man who had sold his land or other property for the price of $100, is paid in the depreciated medium, and cheated out of two thirds of his honest debt. On the other hand, the man who buys when the mass of circulation is thus enlarged, and before pay-day the Legislature withdraws the alloy or abolishes the paper dollars, pays just three times as much as he had agreed to pay.

Your committee have, perhaps, been somewhat tedious on this branch of the subject involved in the inquiry proposed; yet, as they have regarded the first and fundamental distinction in the properties of money, between the quantity of the medium and the quantity of value, of great importance—a distinction between money and its supposed representative, often very imperfectly understood, and the confounding or overlooking of which has, perhaps, produced more mischiefs upon communities than all other errors in political economy besides—they have thought proper to be thus minute in relation to it.

It is bad enough when Government undertakes directly, by its own legislation, to destroy the distinction between money and its essential properties as a measure of the value of other commodities; still, while legislators, amenable to the people, choose to exercise such power, their proceedings are public, and must be known, and are the subject of animadversion and discussion, and the citizens have some opportunity of anticipating the result, and preparing for it; but when that power is surrendered to corporations, whose proceedings are secret, and whose officers are no way answerable to the people, it becomes infinitely more pernicious and unjust.

This leads to the second head of inquiry: *What is the banking system, as it now exists in the several States of this Union? What its nature, history, and effects upon the various transactions of society?*

The banking system, as it now exists in this country, is a machinery of no ordinary complexity and magnitude.

Few subjects are less generally understood; and, at the same time, few, if any, in the scale of political existence, affect more closely the interests of every man in society.

The banking business in America is performed almost entirely by companies incorporated for the purpose by the Legislatures of the several States. These banking companies are not merely offices of *loan and deposite;* they are also offices of *discount* and banks of *circulation*, or *manufacturers of paper money;* that is, they are not merely authorized to loan what money they actually have, at the legal rate of interest, and to undertake the safe keeping of money for a reasonable per centage for their risk and trouble, but they are also authorized to discount notes of those who wish to borrow, and manufacture paper money to the amount of twice or thrice the amount of money they really possess. They are permitted, in fact, to supply with their own paper the circulating medium of the country, and to drive the constitutional currency out of circulation; and thus swell the volume of nominal money, and, just in the same proportion as they enlarge the mass, decrease the value of the whole.

The banking institutions of this country are thus seen to possess a combination of four several functions, viz: to loan money, to receive money on deposite, to discount notes and bills of exchange, and to manufacture paper money for circulation, stamping upon it the signs of value corresponding in denomination with the legal coins of the country; and, for the exercise of all these functions combined, they enjoy exclusive chartered privileges, without individual responsibility. As a loan office, or a depository, a bank, well conducted upon substantial capital, may be not only harmless, but even useful and convenient; and, as an office of discount merely, it can do but little mischief. Many, indeed, have confounded the function of a loan office with that of an office of discount. There is a slight difference. In the former case, the bank is the direct creditor; in the latter, it acts rather in the capacity of a collector. A merchant who holds the promissory note or bill of exchange of a third person, payable at a certain day, throws it into bank for collection, endorses it, and the bank discounts it, according to the time the note or bill has to run, and gives the merchant the amount, deducting the discount. In this case it performs the functions of an office of discount, and acts as a collector. If a merchant wishes to obtain a loan, he makes his own note, with an endorser, and puts it into bank, and the bank pays him the amount, deducting the discount. The bank then becomes the direct creditor, and in this case acts as a loan office. In the exercise of neither of those three functions do the banking institutions affect materially the transactions of the society, or operate to the prejudice of others.* It is mainly in the capacity of paper-money manufacturers, combined with their functions of loan offices, with incorporated privileges, that they will be hereafter considered and treated.

As the object of the inquiry here is intended more to be addressed to those who are not intimately acquainted with the affairs of banking than for those who are well versed in all its details, in order to simplify the nature of such institutions, we will represent the principle on a small scale, and separated from the great variety of combined circumstances with which they are now surrounded, which conceal their effects. Suppose that a certain community contains a population of one hundred citizens, each producing his equal share of wealth and property by his industry, and each enjoying the benefits of what he produces, and no more; and there are no artificial laws or regulations by which one citizen is enabled to acquire, or have transferred to him, the property or acquisition of another, without an equivalent in what he had produced himself. Suppose there is in this little community a capital of real money of ten thousand dollars, which measures all the property within it, and serves as the common medium of exchange in the transfer and exchange of commodities, the payment of labor, &c.; and that its circulation is limited, as the business is within the community itself; no increase of the quantity of this circulating medium takes place without a corresponding change in the quantity of value; consequently, prices will be uniform, and always the same. In this state of society, every one acquires just in proportion to his industry and economy, whether farmer, mechanic, laborer, or whatever his profession may be; all is happiness and tranquillity; no extravagant or wild schemes are projected of making a splendid fortune in a short time, without labor or substantial enterprise; and every one knows what price he is to receive for what he has or what he does, and can calculate accordingly in confidence. But a few of those individuals—we will suppose ten—conceive the project of establishing a bank of circulation, urging, as an argument, that it would make money plentier, afford great facilities to trade and business, furnish a cheaper money, and more convenient, portable, &c., and such other arguments as we have often heard in favor of those institutions. They apply to their Legislature, and obtain a charter for a bank with a capital of ten thousand dollars, with the privilege of issuing notes for circulation to the amount of twice their capital; and all the rest of the individuals who do not become stockholders are prohibited, under penalties, from issuing their own paper. These ten subscribe the stock, and pay in the instalment required, say one hundred dollars each; they elect their officers; and the machine, thus fitted up, is ready to commence operations. Five of the stockholders themselves put in their notes to the bank for two thousand dollars each, making ten thousand dollars; and, aware of the effect they are about to produce throughout the society upon prices, go into the country and purchase up all the produce that is to spare at the then and heretofore steady and uniform prices; say wheat, at one dollar per bushel, paying for it in the notes of the new bank. In a very short time, it is seen and felt that money is becoming plenty; business becomes brisk and lively, and a new aspect is presented. Others begin to lay plans of speculation; and, for the purpose of carrying them out, go to the bank to borrow. Forty of the remaining individuals put in their notes for two hundred and fifty dollars each, (ten thousand dollars,) which are shaved by the bank at the rate of bank interest, six dollars and forty cents per cent. per annum, and receive the notes of the bank, paying no interest for circulation. Some go into speculation, and others to building houses or making other improvements; and each, feeling that he had obtained this money with so much more ease, by simply throwing a note into bank, and calculating that money, as they call it, was going to be still plentier than it had been; that the same bank which had made it so much plentier now could just as easily make it still more so; and its directors were very excellent men, and would certainly direct its energies for the benefit of the public, regard it very differently than they did when obtaining it only as they earned it; spend it more freely, and indulge in the purchase of articles they would not have purchased before, and venture to make improvements they did not before. Every thing assumes a new appearance; every description of business is active; prosperity seems to glisten in every sunbeam; every body praises the bank, and its projectors and managers are blessed as the greatest and wisest men of the age; the president, or the man who can be traced as the first inventor of this happy scheme of making money plenty out of paper, is

* Most if not all banking institutions in Europe, excepting in Great Britain, are merely loan offices, and offices of discount and deposite; such as Hamburg, Amsterdam, &c.

treated to dinners, presented with the richest offerings that can be bestowed upon him, and he is looked up to with as much reverence as the feudal lords were formerly by their enslaved vassals. A feverish excitement seizes upon the whole community; a spirit of speculation is engendered; and many look upon the industrious pursuit of any mechanical business as too dull and slow to occupy their time and attention. It is time now, however, to trace the action of the stockholders who have purchased up the products. In the course of a short time after they are through with their purchases, the products must be in demand, there being none to be bought; and, as the volume of circulating medium has increased from ten to thirty thousand dollars, by the infusion of twenty thousand dollars of the issues of the bank, and no increase of the quantity of value, as certainly as water will flow down hill, or as any cause will produce its plainest and most obvious effect, (the money having depreciated in real value, though nominally the same,) property must appreciate or rise in price, compared with that money. At this stage they sell, which they are enabled to do at two or three dollars, what they purchased at one dollar, until they have disposed of all on hand, having made a splendid profit by the operation; and whatever they have cleared in profit, the loss to the same amount is a tax upon the rest of the society. They are now ready to commence the operation of "*contraction.*" The borrowers are called upon for a per centage, perhaps twenty-five per cent. at every sixty days; and, as the circulation is decreased at every payment, being withdrawn for the purpose of paying the bank, every instalment becomes the more difficult to obtain. If only one borrower were called upon, it would not make any material difference, as his payments would have but little effect upon the general mass of circulation; but as all are called upon at the same time, the volume of circulating medium is rapidly decreasing, money becoming more scarce, and the means of obtaining it lessening. A great change takes place in the appearance and prospects of this little community; a general gloom has spread over the whole face of the country. Those who have borrowed direct all their energies in seeking for means to make payment; those who have kept their money during the season of apparent prosperity now hold it more closely, expecting to wring the most they can from their more improvident though perhaps not less worthy and industrious neighbors. Instead of being engaged in producing something by useful employment, many feel obliged to spend their time in seeking to relieve themselves from threatening distress. The president and officers of the bank appear now in a very different character than before, in the prosperous season. Instead of the great bestowers of smiles and favors, they are now looked upon as having the power to administer destruction, and they are cringed to for mercy. Some foreign war, or other distant calamity, is sagely assigned as the direful cause, in order to appease the minds of the people, and divert them from the inquiry into the real cause of this unsuspected course. In the general confusion and distress, reaching even those who had nothing to do in producing it, some are insolvent, and others realize out of their losses a handsome profit. Those who have thus transferred to them the products of the labors of others indulge in extravagance, luxury, and idleness; and those who have lost their property by its sacrifice probably seek relief from the sting of their misfortunes in the indulgence of other vices, and society thus loses the benefit of the industry of both classes. If the forty borrowers and the ten stockholders be thus withdrawn from useful industry and productive employment, one half of the society have the other half thrown upon their support, either as lords and noblemen, or as paupers and convicts. This shaving operation may require a year for its performance. At the end of that time, when the managers and favorites of the bank have so contrived to have half the property of the rest of the community transferred to them, it becomes a matter of inquiry whether it be most to their interest to commence another operation by "expanding" again, or to stop payment and blow up, leaving their creditors to seek their remedy out of an empty corporation. If they commence business again, new life is infused into the community; business again becomes brisk, in the same way, until the proper time for any other curtailment arrives, when the same scenes of distress and panic, sacrifice of property, and ruin, are acted over again. Thus, by alternate contractions and expansions which this bank is enabled to make, and from which its officers and stockholders derive their profits, this little community is kept in a continual fever, first of speculation, then the dubious and restless state between hope and despair, and, finally, the ruin of many; and the few who manage its concerns are daily growing rich, and become the lords and disposers of the property of others, while their more industrious neighbors are their slaves. This epitome may be somewhat overdrawn in its details; but let him who doubts the truth of the representation, in the general outlines, as containing a fair picture of our banking systems, read the history of this country during the years 1818, 1819, and 1820. Let him trace the wild schemes of speculation and extravagance which prevailed for the few years previous, immediately on the heels of the litters of banks chartered by the Middle States from 1814 till 1817, the charter of the United States Bank in 1816, and the extension of the same mania for bank facilities that extended shortly afterwards to the West; let him look at the scenes of distress, failures, bankruptcies, which followed in 1819 and 1820; the stop laws, stay laws, replevin laws, and a host of legislative expedients to which the Legislatures were driven to save the people from absolute and immediate ruin, while bank directors and stockholders were rioting in luxury and rolling in wealth, and the laboring classes driven to poor-houses, or sentenced to penitentiaries; the similar scenes that were acted over again in 1826, and again in 1833–'34, when the United States Bank sought to obtain a continuance of its lordly power through the ruins of the people, and curtailed its discounts at the rate of $2,000,000 per month for that purpose; then say if the representation is much overdrawn.

The objections to the banking institutions of the United States arise chiefly from their being corporations without individual responsibility, and their being clothed with the power of making a paper money circulating medium—in other words, of controlling and regulating the currency.

Corporations of any sort are opposed to the general liberties and equal rights of the citizens. They are protected, generally, by express prohibitions to individuals engaging in the same objects for which they are created. In England they are regarded as favorable to liberty, because their charters are so much power withdrawn from the sovereignty, which, according to the theory of that Government, is vested in the Crown. In this country, whose theory places the sovereign power in the people, they are unfavorable to liberty, for the same reason that they withdraw a portion of the sovereign power from the people. They are only liable in their corporate capacity, being subject to nothing but a corporate responsibility, which may very often be no responsibility at all. What is still worse, however, there is little or no moral responsibility, particularly where there is a powerful motive of interest involved. It is well known that men will do many things, when associated in a corporation, at which they would shudder even to think of as individuals; and no description of corporations has been so conspicuous for the manifestation of moral defections as banking companies. The whole history of corporations is full of examples, proving triumphantly the truth of this position. We select one, as given by Mr. Gouge, extract-

ed from a report made to the Senate of the State of Massachusetts, in January, 1830, as follows: "The Sutton Bank was incorporated the 11th March, 1828. The act of incorporation provides 'that the capital stock of said corporation shall consist of one hundred thousand dollars in gold and silver, to be divided into shares of one hundred dollars each, which shall be paid in the manner following, viz: one half part thereof on or before the 1st day of October [then] next, and the remaining part thereof on or before the 1st day of March, in the year of our Lord one thousand eight hundred and twenty-nine.' And it further provides that no moneys shall be loaned or discounts made, nor shall any bills or promissory notes be made or issued from the said bank, until the capital subscribed and actually paid in, and existing in gold and silver in said vaults, shall amount to fifty thousand dollars; nor until the said capital stock actually in said vaults shall have been inspected and examined by three commissioners, to be appointed by the Governor for that purpose, whose duty it shall be, at the expense of the said corporation, to examine the money actually existing in said vaults; and to ascertain, by the oaths of the directors of the said bank, or a majority of them, that the said capital stock hath been *bona fide* paid in by the stockholders of said bank, and towards the payment of their respective shares, and not intended for any other purpose; and that it is intended there to remain as a part of said capital.

"On the 26th day of September, 1828, the Governor, in compliance with an application for that purpose, made by a committee of the subscribers for stock in said Sutton Bank, appointed commissioners to examine the moneys actually existing in the vaults of said bank, as is provided in the second section of their act of incorporation. On the 27th day of September, 1828, the Sutton Bank borrowed, on a deposite of fifty-one thousand dollars in the bills of the City Bank, the sum of fifty thousand dollars in specie for one day only. This same specie was examined by the commissioners, and the following certificates made out, viz:

"'We, the subscribers, commissioners appointed for that purpose, have this day been shown, and have examined, fifty thousand dollars in specie in the vaults of the Sutton Bank, which was paid in by the stockholders at their first instalment, agreeably to their act of incorporation, passed the 11th day of March, 1828.

JONATHAN LELAND.
AMASA ROBERTS.
SAMUEL WOOD.

September, 27, 1828.'

"'Boston, *September* 27, 1828.

"'Suffolk, ss:

"Then personally appeared Hezekiah Howe, Jonas L. Sibby, Joshua W. Leland, and Thomas Harbach, being a majority of directors of Sutton Bank, and made oath that fifty thousand dollars in specie, by them shown in their vaults, was the first instalment paid by the stockholders of their bank towards the payment of their respective shares, and not for any other purpose, and that it is intended therein to remain a part of said capital.

Before me, ELIPHALET WILLIAMS, J. P.'

"*The bills and specie were then re-exchanged, this whole business accomplished within an hour, and all of it done within the walls of the City Bank in the city of Boston.*"

We have no doubt those were all men who claimed a fair standing in society, and any one of whom would have trembled to commit so shameful an act in their individual capacity, and without the shield of corporate investiture. What would produce a horrible compunction and terror on the mind of one man sits easy when it is divided among all the members of a corporation; but, becoming familiar to corruption in a corporate capacity, men may, and very probably do, sin more easily in their individual character. How many instances have come within our knowledge of mobs, upon the failure of a bank, whose officers were the occupants of spacious houses, living in the height of splendor and luxury, while their creditors were beggared for the want of their honest dues, in which it was difficult to determine which to condemn most—the charter-protected villany of the one, or the misdirected violence of the other! Scenes of that kind have been very frequent, and furnish strong evidence of the corrupting and pernicious tendency of money corporations. Incorporated companies will set up claims of which most individuals would be ashamed, and often, through the influence they can bring to their aid, bear down the rights of an honest individual who cannot compete with them for power. They often set themselves boldly in array against the Government which gave them birth, and sometimes have gone so far as even to claim their privileges as vested rights, that the power which gave them could not take away. The only sort of justification for the creation of such institutions is the accomplishment of some great purpose of general utility, beyond the reach of individual means and enterprise. Lord Coke says, "the granting of exclusive privileges cannot be justified, except on a case being made out of *urgens necessitas et evidens utilitas.*" A corporation for the purpose of building a bridge, a turnpike, a railroad, or a canal, which may produce a work highly beneficial to the public, may be regarded of that description; and it is only on the principle of necessity, being beyond the power of individual enterprise, and not furnishing sufficient interest for the investment of private capital, and the benefits they confer on the community at large, that they can be justified. But what justification can be found for the incorporation of banking companies in necessity arising from the object being beyond the accomplishment of individual means? What is more simple and easy than the loaning of money? Ten men, each owning $1,000, can as easily loan it as ten men united in a corporation owning $10,000 can loan that sum. In the loan of money there is no great undivided purpose to be accomplished, as in the construction of a bridge or a canal; nor is there the production of any thing by labor. It is a single, plain, simple operation, which can be extended by every single capitalist just to the amount of money he has to spare; and neither necessity nor public policy requires the incorporation of a company for the purpose.

Banking incorporations, therefore, not effecting any great public purpose, which may not be accomplished by individual energy, are inimical to the principles of republican government; but, further, as manufacturers of paper money, authorized to denominate as worth so much, and representing so much value, that which intrinsically is worth nothing, they invade one of the high and most important prerogatives of sovereignty, which, as we have already seen, cannot be exercised, even by the supreme power of any Government, without inflicting a deep injury upon its citizens, and perpetrating great injustice. If the Government itself, administered by those who are immediately responsible to the people, whose interests are identified with the people, cannot exert the power of increasing and decreasing the quantity of the circulating medium, thus depreciating its value, without inflicting mischief upon the community, how incomparably more mischievous and destructive to the principles of justice and equality of rights! what madness! to surrender this power into the hands of corporations, whose interests are directly at war with those of the rest of the citizens! It is the advantage of stockholders in those institutions to obtain twice, thrice, or quadruple interest on their capital, whether real or fictitious. Is it not opposed to the interest of the community to pay it? Are not their interests then set in direct conflict? An individual who owns money can only obtain interest,

generally six per cent., on what he actually has. Banks, however, are enabled to obtain usurious interest on their actual capital, whether it consists of specie, the notes of other banks—two or three dollars of which are really worth but one in specie—or the stock notes of subscribers, which are worth nothing at all. A bank with a capital of $100,000 is authorized to issue its notes to twice the amount of its capital. It issues its notes to the amount of $200,000, and receives interest, or rather discount, on that sum. Its capital and credit, or faith, that it can redeem and pay two dollars with one, are thus combined together in a tangible form in the shape of bank notes, and it receives at the rate of 6 4-10 per cent. on the whole. Now, what is the difference between receiving $12 80 per hundred, or calling one hundred dollars two—one capital, the other faith—and receiving $6 40 on each? The usury on the part of the bank is the same in both cases. It is true there is this difference in the operation: in paying double interest on the real sum, the borrower pays the whole of it; in the other case, calling it $200, although it really represents but one, it falls upon the whole community, and operates as a tax upon all; and is, therefore, not only usurious but unjust, affecting those who have no participation in the transaction.

The banks take the promissory notes of individuals at $6 40 per hundred per annum interest, paid in advance, and give their own promissory notes in exchange, each hundred of which only represents fifty dollars of their own capital, the other fifty being credit, without interest; in effect receiving interest on the debts which they owe. Mr. Jefferson, in a letter to John N. Eppes, in 1813, says: "At the time we were funding our national debt, we heard much about 'a public debt being a public blessing;' that the stock representing it was a creation of active capital for the aliment of commerce, manufactures, and agriculture. This paradox was well adapted to the minds of believers in dreams, and the gulls of that age entered *bona fide* into it. But the art and mystery of banks is a wonderful improvement on that. It is established on the principle that '*private* debts are a public blessing.' * * * And to fill up the measure of blessing, instead of paying, they receive an interest on what they owe from those to whom they owe; for all the notes or evidences of what they owe, which we see in circulation, have been lent to somebody on an interest, which is levied again on us through the medium of commerce."

The tax levied upon the people for the support of banks, by their privilege of taking bank interest on twice or three times the amount of capital they have, is very clearly and handsomely exemplified by Mr. Gouge, in his valuable Treatise on the American Banking System, at page 24, pamphlet edition. He says, "the thirty-one chartered banks of Pennsylvania had, in 1829, according to the statement of Mr. Gallatin, a nominal capital of $12,032,000. $1,310,000 of this amount were invested in real estate, and $4,620,000 in stocks of various descriptions, leaving the banks $6,102,000 to employ in discounting notes. From the $5,930,000 invested in stocks and real estate, it is to be presumed they derive as much advantage as private persons derive from similar investments. With the remaining $6,102,000 they discount notes to the amount of $17,526,000. On this amount they draw interest at 6 4-10 per cent.; for the usage of the banks is to charge sixty-four days' interest for sixty-three days, and to take the interest in advance.

"The revenue which private capitalists would derive from lending $6,102,000, at the legal rate of 6 per cent., would be $366,120 per annum. The revenue which the banks derive from the management of this amount is $1,121,664. If the banks cannot, by the use of a nominal capital of $6,102,000, draw interest from the people on the sum of $17,526,000, their returns to the Legislature are deceptive. If they actually draw interest on this amount, they draw from the people $755,544 per annum more than would be drawn by private persons lending *bona fide* capital of the same amount as the nominal capital of the banks.

"Supposing the sums paid in each year, since the passage of the bank act in 1814, to equal that paid in 1829, the total amount paid by the people in sixteen years, over and above 6 per cent. on the loanable capital of the banks, is $12,088,704. A direct tax of half the amount for the support of Government would have produced a rebellion."

"The Bank of the United States had on the 1st of November, 1829, a nominal capital of $34,996,270. Of this amount, $11,717,071 were invested in public stocks, and $3,876,404 in real estate, leaving it $19,402,795 of nominal capital for its proper business of accommodating borrowers and dealers in bills of exchange. On this amount of *bona fide* capital, lent at six per cent., private persons would draw a revenue of $1,164,167. But the bank, with this amount of nominal capital, discounts notes and bills of exchange to the amount of $40,017,445, from which it derives an annual revenue of $2,561,114, or $1,396,947 more per annum than would be received by private capitalists;" nearly $40,000,000 in thirty years. They may well afford to pay a bonus of two, three, or four millions, for the privilege of taxing the people nearly forty millions. In this estimate Mr. Gouge does not include "what is paid to the bank on the rate of exchange," though he supposes this must amount to hundreds of thousands.

But this is far from being all the tax drawn from the people by the banks. It has already been shown that, by infusing their nominal paper money into the mass of circulation, they depreciate the value of the whole mass, just in proportion to the amount of paper issued, compared with the specie. Though the delusion which is ingeniously kept up of its "convertibility" into specie, (convertible, truly, if not more than one third be demanded,) and being called by the same name, it is palmed off as the representative of specie, although, in reality, three dollars only truly represent one; the whole volume, including the specie, is depreciated, and the prices of all commodities raised. Foreign products and manufactured articles flow into the country, and are sold at the high artificial prices, which must be paid for in specie. There is then a double operation: the specie is driven out of the country to pay for foreign products and manufactures; foreign producers and manufacturers come in competition with those of our own country; and, to counteract the effect of this, the manufacturers here claim a protection from foreign manufacturers by the imposition of duties on foreign imports. These duties are paid by the consumers here; that is, the people pay one tax for the benefit of manufacturers, for the privilege of paying another tax to the banks. Both taxes would be avoided, if the currency of the country were not depreciated by the infusion of bank paper.

We have the authority of Adam Smith, (who has been often quoted as favorable to banks, as he was, but not to the extent for which he is generally claimed as an advocate,) that bank paper drives the precious metals from the country. He says, in book 2, chapter 2, "Let us suppose, for example, that the whole circulating medium of some particular country amounted, at a particular time, to one million sterling, that sum being then sufficient for circulating the whole annual produce of their land and labor. Let us suppose, too, that, some time thereafter, different banks, or bankers, issue promissory notes, payable to the bearer, to the extent of one million, reserving in their different coffers two hundred thousand pounds to answer occasional demands. There would remain, therefore, in circulation, eight hundred thousand pounds in gold and silver, and a million of bank notes, or eighteen hundred thousand

pounds of paper and money together. But the annual produce of the land and labor of the country had before required one million to circulate and distribute it to its proper consumers, and that annual produce cannot be immediately augmented by those operations of banking. One million, therefore, will be sufficient to circulate it after them. The goods to be bought and sold being precisely the same as before, the same quantity of money will be sufficient for buying and selling them. The channel of circulation, if I may be allowed such an expression, will remain precisely the same as before. One million we have supposed sufficient to fill that channel. Whatever, therefore, is poured into it beyond this sum, cannot run in it, but must overflow. One million eight hundred thousand pounds are poured into it. Eight hundred thousand pounds, therefore, must overflow; that sum being over and above what can be employed in the circulation of the country. But although this sum cannot be employed at home, it is too valuable to be allowed to lie idle. *It will therefore be sent abroad, in order to seek that profitable employment which it cannot find at home.* But the paper cannot go abroad, because at a distance from the banks which issue it, and from the country in which payment of it can be exacted by law, it will not be received in common payments. *Gold and silver, therefore, to the amount of eight hundred thousand pounds, will be sent abroad, and the channel of home circulation will remain filled with a million of paper, instead of the million of those metals which filled it before.*" That the issues of bank paper produce the necessity, or the supposed necessity, for imposing duties upon foreign imports, by raising the nominal prices, and turning the balance of trade against us, is equally susceptible of demonstration.

Among the numerous evil tendencies of bank issues, that of promoting extravagant gambling speculations is not the least. Mr. Raymond, in his Elements of Political Economy, vol. 2, page 146, says, with much truth: "None of the great and substantial departments of industry can be prosecuted with money borrowed at bank interest." Again, at page 147: "Speculation is the only business that can be followed with money loaned of banks; and hence we always find that speculation is most rife when banks are most abundant, and when they deal out their notes the most profusely." Again, speaking of bank loans, and speaking of a borrower at bank, he says: "He must employ it in some adventurous speculation, which, if successful, will enable him to pay the interest and leave him a profit; but which, if unsuccessful, may bring him to ruin. Hence, wherever banks have been established in the interior of the country, and the farmers and planters have become the principal customers of the bank, they have generally been ruined. This ever has and ever will be the case, so long as the rate of rent is lower than the rate of interest; and rent in all countries is always two or three per cent. lower than interest." When prices rise, which, as we have already attempted to show, is inevitable on the increase of the quantity of money, without an increase at the same time of value, a spirit, a fever for speculation, is created. Men become dissatisfied with the gains arising from regular and steady habits of industry, and indulge in dreams of splendid fortunes to be amassed in an easier way, by drawing from the industry of others, in speculation.

Simon Snyder, Governor of the State of Pennsylvania, in his message of March, 1813, returning to the Senate of that State a bill, with his objections, very justly observes: "The establishment of twenty-five new banks, dispersed all over the State, with a capital of $9,525,000, would, by the readiness to give credit, invite to visionary speculations, divert men from useful pursuits, damp the ardor of industrious enterprise, and consequently demoralize the community." In his message the next year, accompanied with his objections to another bill of the same nature, which he returned to the Senate, he says: "I cannot divest myself of the fear that, if it should become a law, it would tend only to enrich the wealthy and the speculator, while it would, in various forms, heap burdens on the poor and industrious." In the same message he says: "On the ground of principle, generally, I may confidently say that industry is the only permanent source of wealth. It secures subsistence, and advances our interests by slow yet sure and regular gains, and is the best preservative of morals. Not so speculation, (which this bill seems to invite;) it has the direct contrary effect: depending on no fixed principles, it opens a field for the exercise of ingenuity, ever on the alert to take advantage of the unwary in accidental variations of the times. The success of the speculator by profession tempts the farmer or mechanic to forsake his accustomed honest pursuits. Launched on the wild sea of speculation, ever exposed to deviations from rectitude, his moral principles become weakened, and eventually all sense of commutative justice is destroyed." The last bill passed by two thirds of both Houses, and became a law against the veto of the Governor; and it was found that it led to all the extravagant speculations and pernicious consequences which he had predicted. It was in view, no doubt, of their tendency to luxury, extravagance and inequalities, that Mr. Jefferson, in his letter to the publisher of Destutt Tracy's Treatise on Political Economy, returning the translation to him, and speaking of the merits of the work, says: "By diffusing sound principles of political economy, it will protect the public industry from the *parasite institutions* now consuming it, and lead us to that just and regular distribution of the public burdens from which we have sometimes strayed."

The wealth of a country consists in its industry and means of promoting and stimulating individual enterprise. Speculators produce nothing; they are the drones of the bee-hive, which live and fatten upon the labor of others. Every citizen, therefore, who is invited by artificial laws to withdraw from the walks of industry, is one member lost to the great wealth and happiness producing family, and imposes an additional burden upon those who remain, besides lessening their motive to active industry. When a large portion of society are induced into speculation instead of working, their aid is not only lost in the support of the Government, so as to increase the burden upon others by that loss, but the rest of the community are obliged to support them, and make fortunes for them besides. They are thus a charge upon community, instead of contributing their proportion to sustain the burden.

One of the most extensive evils arising from the banking system is the fluctuation in all branches of business consequent upon the expansions and contractions of bank issues. The manufacture of paper money being regulated entirely by those whose sole object is their own interest, and who are under no political responsibility, and, as we have seen, very little, if any, moral control, is liable to enlarge or contract, just as that interest, opposed to the general interest, may dictate. The banking institutions of this country are peculiarly unfortunate to the public in their power to produce fluctuations from their expansions and contractions of issues. They have no individual responsibility. A bank here may be incorporated of the most wealthy citizens as stockholders, and yet there is nothing liable but their stock, which is often a very doubtful security. In this respect they differ from the banks in Scotland, the stockholders of which are under an unlimited responsibility; that is, each stockholder is liable in his whole estate for the redemption of their paper, just as the several members of a partnership firm. The stockholders, under such responsibility, will, of course, be cautious not to permit a greater amount of paper to be issued than can certainly be redeemed without risk of their private fortunes. This is a great security, and operates as a powerful check—a check act-

ing upon motives of private interest against excessive issues.

The banks in this country are permitted to manufacture paper for the small circulation. There are none of the States which limit the banks in their issues to a larger minimum than $5, and many of them authorize those of as low a denomination as $1. In some of the States, then, the banks are permitted to furnish the entire circulation above the denomination of $1, which is nearly the same, in effect, as supplying the entire circulation. Supplying of the small circulation has a most powerful influence upon the business of the mass of community. If our banking institutions were limited, in all the States, to the issues of notes of $100, or $50, or even $20, we should soon see a great change in the health of the currency. A large portion of the dealings of our society is below either of those sums; and, although we should have bank notes above them, specie would of course flow in to supply the place of the small notes below. It is believed that half the dealings of the community are below $50. The Bank of England, although incorporated in 1694, had never issued any notes of less denomination than £20 (nearly $100) until 1759; and its whole issues up until 1780, at any one time, were no more than six or seven millions of pounds. Until after that time, no great fluctuations or consequent bankruptcies were experienced. Soon afterwards, when it began the issues of £1 notes, and extended its issues, embarrassment and fluctuations took place. The first which we have seen noticed by political writers is that in 1783; then followed by that of 1793, 1797, 1816, 1819, and 1825; all which have become celebrated in the history of the politics of that country; and, in every instance, as proved by Tooke, Mushet, Parnell, and others, it was preceded first by an extravagant expansion, and next by a contraction of the issues of the bank. In 1797, the Bank of England suspended specie payments, and so continued to refuse the redemption of its notes with specie until 1822, when it resumed them under an act of Parliament of 1819. In 1829, it ceased to issue notes of a less denomination than £5, (about $24,) and has so continued since. In this respect, the Bank of England is not so objectionable as our banking institutions, and its issues are not so subject to fluctuations as ours, nor so injurious to small dealers, constituting the great mass of society. It is worthy of remark too, that, owing to the state of society there, $24 is a much larger sum, compared with other commodities and labor, than here. The Bank of England is the only banking institution within sixty-five miles of London. Beyond that distance from London, there are a great number of joint stock companies, which issue notes and are controlled by the Bank of England.

Your committee had intended, under this branch of inquiry, to present in some detail a history of banking in the several States, with a view of showing that, in proportion to the extent of the issues of bank paper beyond their specie capital was the rise in prices; that this was necessarily followed by a contraction of issues, and in that proportion was the fall of the prices of all other commodities. We are not without abundant historical facts on this subject, to be derived from our periodicals and public journals. The history of our political economy will show, very conclusively, that every instance of great rise in prices followed excessive bank issues and speculation, and over-trading the consequence; that in proportion to the suddenness and rapidity of the rise from the expansions of bank issues was the consequent contraction of discounts and the fall of prices. But they feared that their remarks had already extended in length beyond any interest they could give to the subject, and therefore have omitted it, believing it to be more important to present principles in a brief form than to burden their report with details of facts and figures, which might weary rather than elicit any interest.

From what has preceded, it will be seen that the object of your committee has been to prove that the banking system in this country is subject to many and grave objections, arising mainly from the banking institutions being incorporated bodies, with exclusive privileges, and under a limited responsibility—little better than none; and their being authorized to issue bank paper to supply even the small circulation, to the amount of twice, thrice, or quadruple, their specie capital; thus invading the high sovereign power of regulating the measure of value, which is only safely intrusted to the Government, administered by those who are responsible to the people. Who would be willing to intrust in the hands of an irresponsible corporation the power of adulterating the coin with alloy, as might best suit their interests, and withdrawing that alloy in the same way? And what difference is there between adulterating the coin at their pleasure, and decreasing and enhancing the value of the mass of circulation, by withdrawing and issuing bank notes as they please? What farmer would not be startled at a proposition to intrust corporations with the power of regulating the weights and measures of commodities in which he dealt, so as to measure his wheat with a large bushel measure when they wished to buy, and a small one when they wished to sell; to measure his butter with a large pound weight when they wished to purchase, and a small one when they wished to dispose of the same article? And what difference is there between controlling the measure of value and that of weight or measure? Who would be willing that the power of levying taxes for the support of Government should be delegated to corporations, whose proceedings were only known to a few who managed them? And yet we submit to their power of imposing taxes much heavier, to support *themselves*, and grow rich at the expense of the people. The regulating and controlling the currency is as necessarily an act of the Government as any other act of sovereignty, and should be exercised by the same authority.

Mr. Tooke, in his Treatise on Currency, page 125, justly remarks: "Next to the administration of the State, there is no administration of any officer so immediately and extensively affecting the interests of the community as that which is intrusted to the persons [the bank directors] who are invested with the privilege of issuing paper money; and who, by the manner in which they exercise that privilege, have it in their power to produce great changes in the property and condition of every individual in the kingdom. No man, or set of men, ought, in my opinion, to be intrusted with that privilege." It was in view, no doubt, of the exercise of this high prerogative of sovereign power by the banks here, that Mr. Jefferson, and other enlightened patriots, spoke in such strong terms against the system, as being an aristocracy of a dangerous tendency and character. Mr. Jefferson, in a letter to John N. Eppes, (4th vol. Mem. 201,) says: "Private fortunes, in the present state of our circulation, are at the mercy of those self-created money-lenders, and are prostrated by the floods of nominal money with which their avarice deluges us." Again, on another occasion, he says: "The *bank mania* is one of the most threatening of these imitations [of England;] it is raising up a moneyed aristocracy in our country, which has already set the Government at defiance; and although forced to yield a little on the first essay of their strength, their principles are unyielded and unyielding. They have taken deep root in that class from which our legislators are drawn; and the sop of Cerberus, from fable, has become history. Their principles take hold of the good, their pelf of the bad; and thus those whom the constitution has placed as guards to its portals are sophisticated or suborned from their duties. That paper money has some advantages must be admitted, but its abuses are also inveterate; and that it, by breaking up the measure of value, makes a lottery of all private property, cannot be denied."

John Taylor, in his Inquiry into the Principles and Policy of the Government of the United States, page 291, compares the banking system to the feudal system of Great Britain, and says: "Had banking been called a 'paper feudal system,' and had the barons proposed to take it by that denomination as a reimbursement for their abolished tenures, it might have been fairly weighed against the landed feudal system, to estimate the effects of the exchange." Mirabeau once forcibly remarked, "*All paper money is a phrensy of despotism run mad.*"

Your committee come now to the third inquiry proposed, which was,

What remedy can be provided against the evils arising from our banking system?

It is generally much easier to point out evils than it is to provide remedies; and so it is, perhaps, in the subject under consideration. It would not be difficult to point to a remedy if all would agree to it, so as to carry it into effect; but on a subject so complicated, and of so deep importance, it could hardly be expected that there would not be some conflict of opinion.

It would be premature, in the opinion of your committee, to undertake at present the passage of any specific provision until the subject shall be discussed and fully deliberated upon by the people. It would be particularly unadvised to propose and discuss any constitutional provision of so much importance at a short session of Congress.

Your committee have, therefore, thought proper to content themselves with presenting some of the various suggestions which have been occasionally made by men whose opinions are entitled to consideration, and submitting a proposition, not with a view of any legislative action at the present time, but that it may go before the people, to deliberate upon it, discuss its merits, and suggest such modifications as they may think best. They do not pretend to decide that the proposition they submit is perfect, or that it is the best that could be proposed; but in order that something tangible may be thrown out, they have chosen to present the broadest proposition of which the subject is susceptible.

Mr. Jefferson seemed to entertain the opinion that an easier way of effecting a remedy should be sought than the formality required in the constitution for its amendment. He did not raise any other objection to a constitutional amendment than the difficulty of succeeding in obtaining it. In the 4th vol. of Mem., page 220, in a letter to Mr. Eppes, already quoted, after commenting upon the evils arising out of our banking system, he says: "But no remedy is ever to be expected while it rests with the State Legislatures. Personal motives can be excited through so many avenues to their will, that in their hands it will go on from bad to worse, until the catastrophe overwhelms us. I still believe, however, that, on proper representations of the subject, a great proportion of these Legislatures would cede to Congress their power of establishing banks, saving the charter rights already granted. And this should be asked, not by way of amendment to the constitution, because until three fourths should consent nothing could be done; but accepted from them, one by one, singly, as their consent might be obtained." The principle he advances is predicated on the ground that the incorporation of banking companies for the circulation of notes is pernicious, but doubts whether three fourths of the States would surrender; and therefore, and for that reason only, suggests that the proposition should be made to the States singly, to cede their power of authorizing companies to issue notes of circulation. It is not to be presumed that Mr. Jefferson, who was always well known to be opposed to a United States Bank, intended to convey the idea, by the State Legislature ceding to Congress their power of establishing banks, which he speaks of, that it should be done in such a manner and to such extent as to enable Congress to establish similar institutions, with the same power of circulating their paper, and controlling and depreciating the currency, as the State banks or the late Bank of the United States.

Mr. Raymond, in his first volume of Political Economy, page 252, proposes that "Government manufacture a paper currency in the form of our present bank notes, payable in specie on demand at the Treasury, or at such other places as the convenience of the Government and the public may justify." In his second volume of the same work, he says: "Let it [the Government] take into its own hands the engraving and manufacturing of bank notes, all except the signatures, and establish a mint, and appoint officers, under proper responsibilities, for that purpose." He is not explicit in his proposition as to the power of the Government to take into its hands either the issuing the notes or manufacturing the paper under its control, to be issued by such officers as he speaks of. It may well be doubted if the National Government possesses any such power under the present provisions of the constitution. If it does not, it could not obtain it in any way but by an amendment in the mode provided in the constitution itself; and it may well be questioned if it would be sound policy to provide an amendment conferring such power on the National Government. Some have proposed such an amendment of the national constitution, providing that the banking incorporations in the States shall be graded, so that those of large capital may be limited to notes above one hundred or five hundred dollars, and those of smaller capital to the issue of notes of still smaller denomination, but that none should issue notes of less denomination than twenty dollars. If such a constitutional amendment were agreed to by the States, your committee entertain no doubt whatever that that it would tend much to purify the currency, if it could be enforced; but it would be extremely difficult to provide against its evasion, and the corrective of its violation must necessarily be left with the State Legislatures. Others, again, have suggested the propriety of amending the constitution in such manner as that no State incorporate banking institutions with power to issue notes beyond the amount of specie capital in their vaults. If such a provision could be carried into effect, it is believed the work of reform in the banking system would be accomplished. But little mischief, and much good, might flow from a system carried out on that principle. The great evils arising from the present systems spring from the power which the banks either possess or usurp, of extending their issues far beyond the amount of specie they have, and thus depreciating the whole circulating medium. The difficulty, however, would be to prevent evasion of such a provision. We have seen in the case of the Sutton Bank, placed under the immediate control of the law of its creation and existence, a glaring evasion of its clear and undoubted provisions, by the commission of a base fraud and falsehood. The more remote restraint of the federal constitution would be much more liable to evasion in the same way, and much more difficult to be applied as a corrective, than an act of the State Legislature.

Gabriel Slaughter, Governor of Kentucky, in his message to the Legislature of that State, in 1818, holds the following language: "I am indeed ready to confess, before my countrymen, that my sentiments, or perhaps prejudices, ever have been, and still are, strongly against the banking system. I have ever viewed these moneyed corporations with jealousy. I consider the corporate powers and privileges conferred on them as so much taken from the power of the people, and a contrivance to rear up in the country a moneyed aristocracy. Money is power, in whatever hands it is placed; but it is less dangerous when divided among individuals, than when combined and organized in the form of banks. In vain did the American people, during their struggles for liberty and independence, destroy the landed aristocracy then existing under the law

authorizing estates to be entailed, if a moneyed aristocracy is to be substituted. Instead of having our National and State Legislatures filled with men representing the feelings and interests of the great agricultural class of the community, I fear we shall see these banking aristocracies greatly preponderate on the legislative floor. I must ever be opposed to any system of policy which, independent of its pernicious and corrupting influence in other respects, tends to diminish, if not to destroy, the weight and influence of the farming interest, upon whose virtue and independence the duration of our free institutions so essentially depends.

"While this system exists in other States, Kentucky can do little to rescue the country from the evil and anti-republican tendencies of these moneyed corporations. Let us, therefore, invite a co-operation in some plan, coextensive with the Union, to redeem this young and rising republic from the mischief and dangers of this paper system, before it is too late. If permitted to progress and interweave itself with all the interests and concerns of society, it may, in a more advanced and dense state of our population, explode in a convulsion of the Government. The disease, it is true, has taken deep root; but the American republic is young, and, by a vigorous and determined effort, may, in a few years, exterminate it. Some time may be necessary to enable these institutions to wind up. To effect so desirable an object, I would recommend to the Legislature to propose an amendment to the federal constitution, providing that, after a certain period, no incorporated bank should exist in the United States; or if this should be thought going too far, and banks in any shape, or to any extent, are useful and necessary, let the banking powers be limited, and the system so regulated and restricted, as to secure the community against the wide-spread ruin and mischief with which we are threatened." Resolutions were offered in the Legislature of that State on the 4th of January, 1819, in accordance with the sentiments of Governor Slaughter, but never carried out any further.

It is obvious that the evils arising from a vicious banking system, grown up under the legislation of States confederated as the United States are, cannot be remedied but through an amendment of the constitution itself. No one single State can act efficiently, without the co-operation of others. However fallacious the argument may be, the excessive issues of bank paper in one State are used to induce others to either engage or continue in the same error. One will not seek to correct it, lest another may not; and thus, what perhaps all would cordially and cheerfully agree to, acting together, no one will commence alone. While the banks of one State issue notes to the amount of $3 or $4 for one of specie, those of others issue $8 or $9. While some banks in the same State issue $2 or $3 in paper for one of specie, others issue $5, $6, or $8 for one; so that we have not only, in the language of Mr. Madison, quoted, "as many currencies as States," but nearly as many currencies as banks. Let not this be used as an argument for a national bank. Such an institution, based on the principle of manufacturing paper money, is calculated rather to augment than remedy the evil.

Your committee respectfully suggest whether it be not more appropriate, as well as more practicable, in adopting an amendment to the constitution, to provide against the *kind* or *nature* of institution, rather than the *extent* or *mode* of operations of any particular kind of institution; whether, for example, it would not more comport with the nature of a constitutional provision, that no State shall incorporate a bank of circulation, than that it shall incorporate no bank authorized to issue notes beyond a certain amount proportionate to its capital, or notes below a certain denomination. They have, therefore, thought proper, on full and deliberate consideration of the whole subject, as far as they have been able to investigate it, to submit the broadest proposition of an amendment to the constitution, that no State shall authorize any company or individuals to issue notes for circulation as bank notes. They do this, not with a view to the immediate action of Congress, which they deem at present as inexpedient and premature; but that some proposition may be thrown out in a tangible shape before the people, for their discussion and deliberation, should they feel that the subject is of sufficient importance to enlist their attention.

Is there any thing unreasonable in the proposition? It is calculated to meet precisely the evils now, which were met by the provisions of the constitution then, as it was then adopted and now stands. Are the States less patriotic, less disposed to yield to each other for the good of the whole, than they were fifty years ago? Would not such a mutual concession of all promote the advantage and interest of each? If money would be scarcer, it would be proportionately better, and uniformly and permanently the same. We have now in the United States $140,301,038 of paper money in circulation, and about $30,000,000 of specie, or five and a half paper dollars for one of specie, in circulation; and about $40,000,000 specie in the banks, making about one specie dollar, in all, for three of paper. On the adoption of such an amendment as suggested, the banks would gradually cease as their charters expired, and the transition from a paper manufactured currency, subject to constant fluctuations and panics, to a steady and uniform standard of value, would be so slow and gradual, that it would not be felt to the same extent as has often been done by a sudden contraction of bank issues, after an excessive stimulus given by an expansion.

Your committee cannot close this report without discharging a further duty to the memorialists. They have been assailed, both in Congress and out of it, as aiming to place the States under the control of the National Government, as though it were a great advantage to the States to have their citizens taxed for the support of bankers and speculators. They have been charged as a description of disorganizers, seeking to overturn the State Governments, and concentrating all power in the Federal Government. This charge has been made, too, by advocates of the doctrine that Congress have a right to establish a national bank. Your committee see no foundation for the bitterness that has been manifested towards them. They have, as they had an undoubted right, sent their memorials, suggesting to Congress the consideration of a grave and important question of general concern, couched in appropriate and respectful language, and under circumstances which exclude all possible idea of selfish or sinister motives. They are respectable and intelligent citizens of the United States, and suggest the consideration of their views precisely in the way pointed out by the constitution under which we all live. If a citizen of this Union conceives he has a claim upon the Government, and prefers his petition, it is respectfully received and considered, whether his claim is founded in error or not, although he has a direct and personal interest. How much more is the memorial of citizens, on a subject of general interest, entitled to respect! The suggestion they make is not new. It has been made by as wise and as good men as any by whom they have been assailed here and elsewhere.

The spirit of inquiry is the life of republican Governments, and should be rather promoted than discouraged, even if the sentiments advanced at the start are mistaken or erroneous. Whenever that is attempted to be stifled or hushed to silence by misrepresentation, persecution, or other weapons than those of reason and argument, it is a sure indication of some lurking tyranny that fears the light, suspicious or self-conscious of the defective tenure by which it rules.

With these remarks, and with the purpose before indicated, your committee submit the following joint resolution:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following amendment to the constitution of the United States be submitted to the Legislatures of the several States, for their ratification, agreeably to the provisions of the fifth article of the constitution:

"No State shall authorize any incorporated company to issue any bank note, or other paper, for circulation."

AGENT OF DEPOSITE BANKS.

House of Representatives, March 1, 1837.

Mr. Garland, of Virginia, from the select committee to which the subject had been referred, made the following report:

The select committee to which was referred the resolution of the House of Representatives, directing them to inquire "whether the several banks employed for the deposite of the public money have all or any of them, by joint or several contract, employed an agent to reside at the seat of Government, to transact their business at the Treasury Department; what is the character of the business which he is so employed to transact, and what compensation he receives; whether such agent, if there be one, has been employed at the request or through the procurement of the Treasury Department; whether the business of the Treasury Department with said banks is conducted through said agent; and whether, in the transaction of any business confided to said agent, he receives any compensation from the Treasury Department," has had the same under consideration, and respectfully report:

That, in making the inquiries committed to its charge, the committee has been compelled to encounter many questions of power and discretion of a most delicate and embarrassing nature; delicate, as sometimes encroaching upon the precincts of private reputation and private transactions; embarrassing as to the line of privacy and confidence beyond which the committee could not pass without violating private rights and private confidence. The first of these grew out of the protest of Reuben M. Whitney, a witness summoned before the committee to testify, (see journal, p. 67,) against the requirement of the committee in the resolution of the 7th of January last, found in the 4th page of the journal, and the powers of the House of Representatives to make the examination, as directed in the resolution organizing the committee, and directing its inquiries. It is not the purpose of the committee to enter into a long or detailed answer to said protest; they have not time, if they were disposed, nor is it necessary to do so. As relates to the resolution of the committee, the whole argument of the protest is based upon the idea that the committee has asserted a claim of power, in *compelling* the production of private papers, and in examining into private transactions, which it has not done; the resolution is general, and calls for no specific paper; it calls generally for such papers, &c. as may refer to, and shed light upon, the inquiries directed by the House. The committee, in adopting this resolution, made it general, because they had no knowledge of the particular character of the papers held by the witness, whether they were of a *purely private* or *public* character, and could not, therefore, designate any particular paper for which to make a call; and because they thought it due to the witness himself that he might have the opportunity of producing such papers of a private character as he might deem necessary for the purpose of explanation, if such explanation should be deemed necessary by him. Immediately following the adoption of the resolution referred to, the committee made an express reservation of the question, what papers they would or would not compel the production of, until the witness had determined, for himself, which he would or would not produce, having reference to the necessity of explanation as affecting himself. The reservation is in these words: "To the adoption of the foregoing resolution Mr. Martin objected, upon the ground that he doubted the power of the committee, upon the showing then before them, to require the production of all the papers therein required; and moved for a division of the resolution, so as to take the question upon ordering the subpœna for Mr. R. M. Whitney, and the *subpœna duces tecum* to him separately; which motion was withdrawn, upon the understanding with the committee, generally, that the question of power to enforce the command, if objected to by Mr. Whitney, to whom the *subpœna duces* is directed, is reserved." The committee has not, in a single instance, attempted to enforce the production of any paper objected to by the witness. As to the question whether the House of Representatives had the power to direct the inquiries contained in the resolution organizing the committee, it is not deemed necessary to make any remark. In adopting the resolution, it is to be presumed the House well understood its power and its duty, and did not hastily institute inquiries beyond the reach of one or the other. The committee does not claim for the House, or itself, the power to compel the deposite banks to expose their *private concerns* or *private transactions* to the scrutiny of the committee, nor has the committee, in any instance, demanded such exposure. Yet, while the committee does not assert any such claim of power, it holds it decidedly within the power of Congress to ascertain, by other competent and legal testimony, any of the transactions of the deposite banks which are calculated to affect the safety of the public funds, and to render some action, on the part of Congress, necessary for their security.

The second grew out of the propriety and effect of many interrogatories which the committee did not object to, or permitted to be propounded to various witnesses, affecting, as they might do, purely private transactions and private reputation. In this state of difficulty, it was thought best, and most comporting with justice to the witnesses themselves, to permit the inquiries to be made, and in every case leave the witness to determine for himself whether he would answer or not, as the committee could not upon all occasions determine how far the witness might desire to answer for the purpose of explanation, as before remarked. The committee does not deem it proper to conclude that, because a witness might refuse to answer what would in his estimation be a breach of confidence, the refusal ought to involve even a suspicion of guilt; if this were the case, the rule of legal and social propriety, which protects from scrutiny, by any tribunal, a man's private and confidential transactions, would be but a snare to deceive ignorant and entrap the unwary. The committee could not upon all occasions, when questions were proposed seemingly irrelevant, determine to what relevancy a train of interrogatory based upon it might lead; and could not, therefore, with propriety, withhold many interrogatories of that character which were propounded. The committee attempted to shape its course, under these delicate and embarrassing circumstances, by a just regard to the public interest and the private rights and reputation of individuals; if, in doing so, they have erred, they did so from motives any other than a disposition to become inquisitors of private character or private business.

The resolution of the House directs the committee to make several inquiries, to which they will proceed to respond in the order of the resolution.

The first inquiry directed to be made is, "*Whether the several banks employed for the deposite of the public money have all, or any of them, by joint or several contract, employed an agent to reside at the seat of Government, to transact their business at the Treasury Department.*" The evidence before the committee, of the Hon. Levi

Woodbury, Secretary of the Treasury, and many of the officers of several of the deposite banks, proves that several of the deposite banks have, by separate contract, appointed an agent to reside, and who does reside, at the seat of Government, charged with the duties of a corresponding agent of the banks by which he is employed; but it does not appear that he is clothed by these banks with any authority whatever to transact their business with or *at* the Treasury Department; on the contrary, it is proved, by the testimony of Mr. Woodbury, Mr. Whitney, several clerks of the Treasury Department, and the officers of the various deposite banks, that the agent has no such authority. For the correctness of this conclusion, the committee refers to the answer of the Secretary of the Treasury of the 11th January last, to their resolution of the 7th of the same month, on the 4th page of the journal, and his parole examination; to the testimony of McClintock Young, page 96, 3d paragraph of his answer to the 1st interrogatory; of James Howard, president, and James L. Hawkins, cashier, of the Franklin Bank of Baltimore, page 130, in which they say: "*The entire business of the bank with that Department has uniformly been transacted by its president or cashier, directly with the Secretary at the head of the Department, the Treasurer of the United States, or one of the legally constituted officers of that Department.*" The testimony of Hugh W. Evans, president, and Robert Mickle, cashier, of the Union Bank of Maryland; in their 1st and 36th answers, page 132 and 133, they say: "The Union Bank of Maryland has never employed any agents to transact business with the Treasury Department, having always corresponded directly with it, touching its employment as a deposite bank." The testimony of James Schott, president of the Girard Bank, of Philadelphia; on journal, page 150, he says: "He is vested with no authority whatever to act on any subject, or on any occasion, on behalf of the bank, in relation to *its business.*" The testimony of William D. Lewis, cashier of said bank; on journal, page 152, he says: "So far as the Girard Bank is concerned, it has no agent at the seat of Government, with the powers alluded to. The whole of the business of the bank with the Treasury Department, since it has been a depository of the public money, has been transacted *directly* by the president of the bank and myself." Again, page 154, 8th answer, he says: "The business of the Treasury Department with the Girard Bank is not conducted through the agent at Washington." The testimony of George Newbold, president of the Bank of America; on journal, page 160, he says: "To the 1st, 2d, 3d, 4th, and 5th requisitions, he says that the Bank of America has not, at any time, employed an agent at the seat of Government to transact its business with the Treasury Department; it has been *uniformly* and *wholly* transacted by the bank, directly with the Secretary of the Treasury, and other proper and official officers of the Treasury Department." The testimony of Thomas W. Olcott, president of the Albany Farmers and Mechanics' Bank; journal, page 242, he says: "All business transactions between that Department and this bank are direct; and there is no intermediate organ or agent of communication, other than the duly acknowledged and properly constituted officers of that Department." Again, on page 243, No 12: "Our corresponding agent may *advise us*, and suggest *matters for our consideration*, but he has no authority for our instructions;" and to the concurring testimony of William Neil and J. Delafield, president and cashier of the Clinton Bank of Columbus. The force of this positive testimony from the Secretary of the Treasury, and many of the deposite banks who have employed a resident agent at the seat of Government, is not broken by the adverse testimony of a single deposite bank, or a single witness speaking from his knowledge. The committee, therefore, feel themselves fully warranted in the conclusion that the deposite banks, or any of them, have not, by joint or several contract, employed an agent, to reside at the seat of Government, *to transact their business at the Treasury Department.*

In coming to this conclusion, the committee are well apprized, from the evidence before them, that there are some occasions upon which some of the deposite banks, through their agent, have presented some suggestions to the Treasury Department, in relation to the public deposites, and that these suggestions have received a respectful consideration, and perhaps may have induced some action on the part of the Secretary of the Treasury, in reference to them, such as the business referred to in the following extract from the report of the Secretary of the Treasury, to wit:

"8. The names of the banks employing said agent are, with the few exceptions before alluded to, unknown to me except by rumor.

"Besides the Planters' Bank at Natchez, and the Commercial Bank at Cincinnati, copies of whose correspondence have already been furnished, I think that in one or two cases of difference of opinion as to claims made by the banks through their agent, and in those alone, a written communication was shown to me by him, concerning the authority confided by them." [p. 13 of journal.]

And the evidence of the Secretary of the Treasury, contained in his answer to the 44th question:

"Question 44. In the cases alluded to in your report of the 11th instant, where the Planters' Bank, Natchez, and the Commercial Bank, Cincinnati, confided authority upon said Whitney, as shown to you in a written communication, what was that authority; what were the claims or requests made by him; what was the case of the Commercial Bank at New Orleans?

"Answer. The cases referred to in my report of the 11th instant, where differences of opinion occurred, and an authority was produced, but not found necessary to be filed, were those of the Commercial Bank at Cincinnati and the Commercial Bank at New Orleans. I mentioned the Planters' Bank only as one to which a general notice had been given, and was on file, as to his agency, and a copy of which was annexed. The particular case of the Commercial Bank at Cincinnati was, so far as I recollect, a letter which he held in his hand and read, wishing him to request the Department to change the place to which some of the transfers outstanding against it were to be made, such as from other parts of Ohio or Kentucky to New Orleans or Philadelphia, and stating the reasons for the request to be, that the banks in Ohio and Kentucky would probably demand specie, or be less accommodating as to payments than those at a distance. I think it stated, further, that an extension of some of the transfers was desirable, if the Department could conveniently grant it; and complained that the time already allowed was too short. The agent, also, urged both these requests, assigning similar reasons; and that the time granted, in several cases, was less than that formerly allowed, under like circumstances, to the United States Bank to make transfers. I declined to change the places from Ohio and Kentucky, as requested, because, under the late deposite law, I felt bound to confine to the neighborhood those particular transfers till about money enough was placed in Ohio and Kentucky to meet their share of the anticipated division of the surplus and the current expenditures, rather than send it to a distance; but the time for some of the transfers, which seemed too short, I proposed to extend as long as seemed to be proper. He, however, declined taking such extension in behalf of the bank, unless I could make it longer, thinking it would not be useful so little extended; and, therefore, I wrote to the bank itself what had been proposed to him, and his declining it; and that I should, notwithstanding, give the extension which to me seemed suitable; and the bank, if not accepting it, might pay the money over at the time originally fixed. In respect to the Commercial Bank at New

Orleans, the application by the agent was, according to my recollection, with a letter, setting out that the Department had, by transfers and warrants, drawn out, or proposed to draw out, all, or nearly all, the public money in its possession, and wishing him to request it to revoke some of the transfers, and possibly to postpone some to a much later day, if none could be revoked. I informed him that the bank must be in error, as, before signing a transfer, or sending one, I was always careful to see that it would not reduce a bank too low. I sent for the clerk who had charge of the subject, and examined into it critically; and declined to revoke any of them, as I felt satisfied that the bank and its agent considered the money the bank had been notified it would probably be called on to pay the State of Louisiana during 1837, but for which no transfers had then been issued; and which, I told him, would not be issued when the time of payment arrived, provided the bank should, before that time, be drawn down too low. I informed him, also, that the bank had, by mistake, included one transfer, in order to make out its case, which had never been issued, according to our records; and, hence, I could not revoke any that had been issued. He seemed to be satisfied that the bank was right. Whether any extension of time were given in this case, I do not remember, but know that none were given beyond the period of the quarterly payments to the States, for which purpose these transfers had been seasonably ordered." [Pages 59 and 60 of journal.]

But these occasions, so far as disclosed by the evidence, have been rare, and not incompatible with the general conclusion to which the committee has arrived.

In instituting this agency, the committee cannot perceive that the banks have violated any principle, either legal or moral, or violated their compact with the Government constituting them depositories of the public money. The several deposite banks, with the exception of the Bank of the Metropolis, in this District, received their charters from the several State Governments in which they are located, and are responsible to their several State authorities only; they have the undoubted right to institute agencies at their own expense, at any place, to transact any lawful business, without restriction on the part of this Government. If they, or any of them, have instituted an agency incompatible with the interests of the Government, or in violation of their compact, the only remedy in the hands of this Government is, in the first case, to discontinue the offensive banks as public depositories, and, in the second, to seek redress, through the proper judicial tribunals, for any injury sustained. The committee does not perceive that any part of the compact between the Treasury Department and the several deposite banks prohibits the institution of such an agency, and consequently that said agency is not in violation of it. If the Congress of the United States has the power to restrict the institution of lawful agencies on the part of banks deriving their powers from State authorities, they would have the same power to restrict individual agencies, and extend its powers into all the ramifications of social intercourse, however private and confidential, and mould them to its own views of propriety or purposes of power—a claim so startling, from its enormity, as to exclude even a moment's consideration as to its existence.

It will be here proper to remark that Reuben M. Whitney is the agent of most of the deposite banks which employ one; but that one or two of them have other agents, whose names the committee deems it unnecessary to mention.

The second subject of inquiry directed to the committee is, *What is the character of the business said agent is employed to transact, and what compensation he receives?*

The committee, in responding to this inquiry, cannot do it more intelligibly or more accurately than by employing the language of the Secretary of the Treasury, and of the various officers of the deposite banks employing said agent, who have testified upon this occasion, and who describe the character of the agency referred to. The Secretary of the Treasury, in his response to the resolution of the committee, before referred to, says:

"I know nothing with accuracy, beyond what has already been stated, as to the duties he is to discharge for those banks which employ him. But I presume, as just intimated, it is to communicate the earliest information on all subjects he may suppose to affect their interests, whether as public depositories or private banking institutions; to give his advice and aid when called for, or deemed useful in the transaction of their business of either character; to be the organ, at times, of presenting their wishes to the Department, in respect to subjects connected with their public obligations; and to procure here and communicate the best intelligence in his power on the state of the money market at home or abroad; on the condition of the currency and of the exchanges; and on the supposed legislation likely to happen in Congress, either as to the banks themselves or as to heavy appropriations to be paid by them; and, in fine, on any other topic which he may consider interesting or beneficial to his employers."

In the same report, and in the testimony of the Secretary, the same description of the business of said agency is substantially given, perhaps in a mere minute and expanded form, to which the House is respectfully referred.

The testimony of James Schott, president of the Girard Bank, states: "That the Girard Bank has had, and still has, an agent, who resides at Washington, whose duty it is to communicate to his principal whatever information he may obtain touching the interest of the bank, and having a bearing upon its safe, useful, and profitable management." The preamble and resolutions of the Bank of America, on page 161, are also descriptive of said agency:

"Whereas the opinion has been entertained and expressed that the interests of this bank, and the other banks in this city, as well as the interests of the commercial community, may be promoted by the employment of a suitable person, resident at Washington, to act as agent for the three deposite banks in this city, to obtain and communicate to them, with the full consent and approbation of the Secretary of the Treasury, seasonable information from time to time, on the following points, as well as other general or particular information, which may be useful and proper to communicate, viz:

"The amount of revenue receivable at New York for a period of two or three months to come.

"The amount, or probable amount, of public money to be disbursed here, or the amount that the three deposite banks in New York may be called upon to pay for that purpose, and for a like period.

"The amount of public money that they may probably be required to transfer, and the time when and the place or places where the transfers are to be made.

"*Therefore, resolved*, That the president and cashier of this bank be, and they are hereby, authorized, in cooperation and conjunction with the two other deposite banks of this city, or with the presidents and cashiers thereof, to appoint such person as they may deem suitable and proper to act as agent for the purposes aforesaid, and to agree to make the said agent suitable compensation for his services: *Provided*, That the amount to be paid him by this bank shall not exceed the sum of six hundred dollars per annum."

In the testimony of James Dodd and William T. Hooker, president and cashier of the Farmers and Mechanics' Bank of Connecticut, this agency is thus described: "To the 23d we answer, that R. M. Whitney, Esq. was the agent of this institution at Washington, as will appear by the documents hereto annexed, and on the terms therein specified, from whom we expected, and occasionally re-

ceived, printed statements showing the condition of the deposite banks, and aid (in case we should derive it through him) in obtaining from the Treasury Department further sums on deposite, with a view to a full remuneration for the business done by this institution for the Government." They further state, page 242: "To the 30th interrogatory we answer, that *no particular powers or duties were, by this institution, confided to Mr. Whitney.* It was expected that the institution might be be benefited by the communication of such information as he might from time to time possess."

The testimony of Thomas W. Olcott, president of the Albany Farmers and Mechanics' Bank, page 243, states: "Our corresponding agent may advise us, and suggest matters for our consideration, but he has no authority to issue instructions for our government.

With the testimony referred to, the testimony of the officers of all the deposite banks employing said agent, which has been taken, accords in their statements of the business which said agent is employed to transact. Taking the whole of the testimony referred to in reference to this branch of the inquiry, in connexion with that in reference to the previous, it is obvious that said agent is not only not clothed with authority to transact the *business* of the deposite banks with the Treasury Department, but that he has no authority whatever but that of collecting and communicating such information as he may deem important to the advancement of the interests of the banks employing him. The committee would in vain look into the testimony for any authority imparted to this agent, by the banks for which he acts as agent, to bind them in any business transaction with the Treasury Department whatever, of however insignificant a character. No such authority can be found in the correspondence between the said banks and the Department; nor can it be found in any paper delivered to the agent, so far as has been disclosed to the committee; nor can it be found in the correspondence between the banks and the agent. All deny it. The authority to make or unmake contracts between the banks and the Treasury Department, and to regulate their fiscal transactions, would not be incautiously or inconsiderately delegated, because it involves consequences of too great importance to be carelessly made; and if such important authority had been delegated upon the present occasion, it seems to the committee that some authentic evidence of it could be found, and that such an important matter would not be left to mere inference or conjecture.

The deposite banks, having the uncontrollable right to institute such an agency as this, had an equally uncontrollable right to select such agent as they deemed proper and best suited to promote the objects they had in view. The committee, therefore, deem it unnecessary and improper, in responding to this inquiry, to say any thing as to the character or qualifications of the agent.

The great advantages which would accrue to the deposite banks in the existence of such an agency at the seat of Government, conducted by a competent agent, must be obvious to every mind. The Treasury Department is in the weekly receipt of statements of the condition of the deposite banks, of commercial information from every quarter, and is daily drawing drafts on the various deposite banks, to meet the obligations of the Government. It cannot be doubted that *certain* and *early* information upon these subjects, affecting as they do almost every branch of business in the community, must be of very great importance to these institutions, enabling them, as it will do, to make suitable preparations for such demands as may be made upon them.

The committee has not been able, from the testimony before them, to detect a single instance in which the Secretary of the Treasury has imparted to the agent information incompatible with the strictest propriety or the public interest; the same means of information have been afforded him which are accessible to all agents of any character, of whom there are many, or any citizen who may desire it.

The committee does not doubt that the institution of the agency referred to was the result of the selection of the deposite banks as the fiscal agents of the Government; nearly if not all the inducements to establish such an agency would not have existed, had it not been for this fact. Washington city, in a mere commercial point of view, would, perhaps, have been the very last city in the Union in which such an agency would have been established, but for the connexion which the selection of these banks, as public depositories, produced one among another, and with the Treasury Department; hence, the commitee feel no hesitation in asserting the opinion that this agency was produced by the fiscal relations between the deposite banks and the Government.

The compensation which the agent receives depends entirely upon the discretion of the banks which employ him; it has hitherto varied from $4,000 to $7,000, as far as can be ascertained from the evidence before the committee. As no part of the compensation paid by the banks is chargeable upon or reimbursed by the Government, the committee has not deemed it necessary to make a very accurate estimate. The banks having the undoubted right to dispose of their own money in their own way, and upon such objects as they choose, the committee deems any further response to this branch of the inquiry unnecessary.

The third inquiry is, *Whether such agent has been employed at the request or through the procurement of the Treasury Department?*

In responding to this inquiry, it will be proper to remark that the original scheme, after the removal of the public deposites from the Bank of the United States, was, to create a bureau in the Treasury Department, having special charge of the correspondence and transactions between the deposite banks and the Treasury Department.

The character of the proposed scheme is contained in a letter addressed by the Girard Bank, the Manhattan Company, the Mechanics' Bank, the Bank of America, the Commonwealth and Merchants' Banks, Boston, to Roger B. Taney, the predecessor of the present incumbent of the Treasury Department, to which reference may be had; and it is in these words:

To the Hon. R. B. Taney,
Secretary of the Treasury, Washington:

Sir: The contract between the State banks and the Department over which you preside, in relation to the collection and disbursement of the public revenue, contemplates the appointment, and stipulates for the payment, by the said banks, of an agent or agents, as well as the payment of all the expenses incurred by the Department arising out of the late transfer of the public business to those institutions. We deem it of the utmost importance to the permanent success of the measure, that a uniform system of operations should be adopted by all the banks which may be selected by the Government as its fiscal agents. In proportion as this system shall be well digested and executed will be the soundness and equality of value, throughout the Union, of the *circulating medium*; and upon it will depend the degree of convenience or inconvenience which may be felt by the *public* in *consequence* of the recent change.

To secure these important objects, great vigilance will be required. The operations of the selected banks must be specially and carefully observed, particularly in reference to their dealings in inland bills, their local discounts, their issues of paper, and their provisions for redeeming that paper at the remote points to which it will be carried by the natural current of trade. We consider that there is a strong analogy between the Bank of the United States and

its branches, as at present organized, and the Treasury and its selected bank agents, when the selection and appointment shall be finally completed. The business of the officers of the Bank of the United States is confided to a committee of the board of directors, called "the committee on the branches;" and one department, in the mother bank, is exclusively charged with the business of those offices. In this department, their returns are received and examined, their operations inspected, and the general correspondence attended to. We respectfully suggest, that we believe the success of the measure now in progress of completion will be much promoted, and all the banks employed essentially benefited, by the creation of a bureau in the Treasury Department for the discharge of duties of a similar character. The benefits which would result to the banks employed, we believe, would far outweigh any consideration of the expense which it might occasion. Practical talent would be most effective, and, consequently, most serviceable.

With these preliminary observations, we most respectfully solicit that such a bureau may be created in your Department, and, at the same time, we take the liberty to recommend, as a proper person to take charge of the same, Mr. R. M. Whitney, of Philadelphia, who, from his great attention to the subject, and his practical knowledge of finance and banking, we believe to be in every way qualified satisfactorily to perform, under your supervision, the duties of the station. Should you think proper to adopt our suggestion, and appoint Mr. Whitney, we will cheerfully contribute our portion of the sum of five thousand dollars per annum, as his salary, and a full share of all the other expenses which, in your opinion, may be necessary to give effect to this project, arising either from the appointment of an additional agent or agents, or from any other arrangements which may be deemed expedient by you.

We have the honor to remain, most respectfully, your obedient servants—

On behalf of the Girard Bank, Philadelphia, October 3, 1833. By order of the board of directors.

W. D. LEWIS, *Cashier.*

On behalf of the Manhattan Company, New York, October 7, 1833. By order of the board of directors.

ROBERT WHITE, *Cashier.*

On behalf of the Mechanics' Bank, New York. By order of the board of directors.

H. BALDWIN, *Cashier.*

Without the expression of any opinion in relation to the "preliminary observations," on behalf of the Bank of America, New York, October 8, 1833. By order of the board of directors.

J. TAYLOR, *Cashier.*

On behalf of the Commonwealth Bank, Boston, October 10, 1833. By order of the directors.

CHARLES HOOD, *Cashier.*

On behalf of the Merchants' Bank, Boston, October 18, 1833. By order of the board of directors.

FRANKLIN HAVEN, *Cashier.*

Mr. Taney did not feel himself authorized to establish such a bureau in the Department. On the 4th of November, 1834, Reuben M. Whitney addressed a letter to the present Secretary, in the following terms:

WASHINGTON, *November* 4, 1834.

SIR: The enclosed letter, signed by the deposite banks in Philadelphia, New York, and Boston, addressed to the Hon. R. B. Taney, Secretary of the Treasury, was communicated to him in October of last year.

At that time it was deemed best to defer acting upon it until after the meeting of Congress. That body met and adjourned, without any definitive legislation upon the subject of the deposite banks. The same, we have good reasons to suppose, will be the result of the approaching session, if renewed legislation shall be proposed. It is the opinion of many well-informed persons, that the public interests, as well as those of the deposite banks, will be greatly promoted at this time by the aid and action of a central agency, established upon some principle, particularly in relation to organizing and permanently establishing a system of domestic exchanges throughout the country, with which its general interests and that of the currency are so deeply connected.

In many other respects, it is believed that such an agency will be equally beneficial.

I take the liberty of enclosing, herewith, the letter containing the suggestions of the deposite banks before alluded to, for your consideration, or adoption of any course which you may think proper in relation to the same.

I am, with respect, your most obedient servant,

R. M. WHITNEY.

Hon. LEVI WOODBURY,
Secretary of the Treasury, Washington.

Enclosing the foregoing letter to him for consideration; to this letter the Secretary addressed, on the succeeding day, a reply in these words:

TREASURY DEPARTMENT,
November 5, 1834.

SIR: Your communication, addressed to my predecessor, has been perused by me, and, in reply, I would observe that my own views in relation to its contents correspond, it is believed, substantially, with those entertained by him. But though we both have been satisfied that, under the present laws and appropriations applicable to the Treasury Department, no such agency as that proposed can be established by the Secretary of the Treasury, yet it must be obvious that the selected banks themselves might, in a fiscal and commercial view, derive great advantage from the services and correspondence of an agent of their own, resident in this city, and devoting special attention to their interests. I hardly need assure you that, in respect to information in the possession of this Department, which might be deemed useful, and which could be furnished without detriment to the public welfare, it would at all times be cheerfully given to any such agent of any of the selected banks.

I am, very respectfully, your obedient servant,

LEVI WOODBURY,
Secretary of the Treasury.

R. M. WHITNEY, Esq., *Washington.*

This is the only act of the present Secretary, adduced in evidence, which can possibly be construed into a recommendation or procurement of said agency in any form. This letter is a reply to another in which the propriety of a bureau, or some agency charged with such duties as are described in the letter from the banks, is recommended for the consideration and approbation of the Secretary. The Secretary, in this reply, expresses the same opinion which had been expressed by Mr. Taney, that the Department had no authority to establish such an agency; but that the selected banks *themselves* might, at their own expense, establish such an agency; and that, in a fiscal and commercial point of view, *they* (not the Department) would evidently derive great advantages from it. This subject of this agency did not originate with the Secretary of the Treasury; it was proposed by the banks themselves; the Secretary merely expressed an opinion that, in a fiscal and commercial point of view, such an agency would be advantageous to the banks, without, in a single sentence, recommending to the banks the establishment of the agency, but leaving them to determine upon its propriety, according to their own discretion. It is true, the Secretary, in his reply, assures Mr. Whitney that he will cheerfully afford any information within his power, not incompatible with the pub-

lic service, to any agent who may be selected *by the banks*, if such an agency be established; but does not, in a single word, urge them to adopt the measure. There was no necessity for any recommendation or procurement of such an agency, on the part of the Secretary; for the most important deposite banks were already aware of the advantages of such an agency, and were actually seeking its establishment. How far this letter can be construed into a recommendation of R. M. Whitney, the committee will leave the public to judge; for, although the very letter which was enclosed by Mr. Whitney from the banks contained a strong recommendation of him, yet the Secretary does not employ a single word of recommendation in the reply. It is true, Mr. Whitney used this letter as a letter of recommendation, and it is true some of the deposite banks were induced by that letter to appoint Mr. Whitney their agent, believing it compatible with the views of the Department; but the Secretary is not responsible for any misconstruction of this letter; his motive in writing the letter is one thing, and the construction of it by others another. It was addressed to Mr. Whitney, and not to the banks. The letter must speak for itself, and afford its own true construction.

Apart from the letter referred to, the evidence of Mr. Woodbury and the deposite banks all proves most decidedly that there was neither recommendation nor procurement of the agency or the agent, on the part of the Secretary of the Treasury; all concur in denying it in the most unequivocal terms. If any further proof of the justice of this conclusion were necessary, it will be found in the fact that in the new contracts with the deposite banks, under the act of the last session, and all the correspondence upon the subject, not a single expression is to be found in reference to this agency or this agent; because, as is stated by the Secretary, it is of no advantage to the Treasury Department, and does not, in the slightest degree, lessen its labors growing out of the deposite system.

The fourth inquiry is: *Whether the business of the Treasury Department, with said banks, is conducted through the said agent?* The committee need only refer to the report of the 11th of January, from the Secretary of the Treasury, and the evidence already adduced, to prove that the business of the Treasury Department with the deposite banks is not conducted through said agent. In addition to this, the committee would refer to the evidence of several of the clerks of the Department who have been examined, and testify that the business of the Treasury Department with the deposite banks is conducted directly with the banks themselves. All the correspondence produced is directly between the Department and the banks, without the intervention of an agent. The committee, therefore, respond to this inquiry, that the business of the Treasury Department with the deposite banks is not conducted through said agent.

The fifth inquiry is: *Whether, in the transaction of any business confided to said agent, he receives any compensation from the Treasury Department?* The testimony of the Secretary of the Treasury, of the agent himself, and of all the banks employing the agent, concurs in proving that the said agent receives not a cent from the Treasury Department for any services whatever. In the whole mass of the immense volume of testimony which has been taken, there is not the slightest circumstance to create even a suspicion that the agent receives any compensation from the Treasury Department. It may be argued, but your committee think without reasonable propriety, that but for the fiscal relations of the banks and the Government, growing out of their selection as public depositories, the agent would not have been appointed; and although the agent receives no compensation directly, yet the salary which he receives is indirectly from the Treasury Department. The committee regard this argument as too far fetched. The selection of the principal deposite banks as public depositories necessarily increased their business and enlarged their sphere of operations. One of the increased expenditures which they incur, growing out of their increased business, and the profits to be derived from it, is this agency; the expense is incurred from their own means, and cannot be charged even indirectly to the Department. They owed it to themselves to turn their fiscal relations with the Government to the best advantage, and must necessarily incur the increased expenditure growing out of it. The committee, therefore, confidently respond that the agent receives no compensation whatever, either directly or indirectly, from the Treasury Department.

The committee might here close their report, and confidently submit the truth of the conclusions to which they have arrived to the House of Representatives and the American people, but they do not feel themselves justified in concluding their report without adverting to two single subjects, about which the public mind is misinformed and its judgment misled. It has been frequently said that R. M. Whitney, the agent of the deposite banks, occupies a room in the Treasury building. It is true that Mr. Whitney occupies a room in the same block of buildings with the Treasury Department, and under the same roof; and from this fact, without a knowledge of the whole truth, the suspicions of many have been excited that Mr. Whitney was in the employment of the Treasury Department. The fact, however, is, that the building used by the Treasury Department is individual property, and hired by the Government. The room occupied by Mr. Whitney is hired by him directly from the owner, without any reference to the Treasury Department whatever.

This circumstance, taken in connexion with the fact that two or three series of circulars of Mr. Whitney to each of the deposite banks, one to each of the public receivers, and tabular statements of the condition of the banks, which Mr. Whitney had occasionally prepared, had been franked by the Secretary of the Treasury, was calculated, in the views of many, to induce the suspicion which has been alluded to. The committee, without any further remark, annex the following explanation, given by the Secretary himself during his examination upon this subject.

"I have never, knowingly, franked any written letter of Mr. Whitney's, or allowed him to use my franking privilege for any purpose; but, as stated in one of my former replies, on one occasion, I assented to his request to frank a printed communication on public matters connected with the arrangements of the deposite banks, as to the kind of paper money they had agreed to accept and credit as cash from the public receivers who deposited with them, respectively, and addressed or enclosed only to the public officers and banks employed as fiscal and public agents of the Department. It may be, also, that in some instances a printed tabular statement of the condition of the public depositories, extracted by him from our returns, and addressed to them alone, may have been franked by me; but I have no particular recollection of any such case. My instructions to the chief clerk are, not to lay before me, to be franked, any thing but letters from the Departments, or public documents; and in some cases, where explained and thought to be proper, communications on public subjects, addressed to public officers connected with the Department. Perhaps I ought to add, to prevent mistakes, that I sometimes frank the letters of the bureaus, and occasionally of the other Departments, when the heads of them happen to be absent, and take it for granted that they are proper communications to be franked, without making special inquiry; as I also presume to be the case with all communications laid before me by my own clerks, under the general instructions and usages of the Department, without always opening them or reading their address." [See journal, pp. 60, 61.]

And that of Mr. Whitney, given on page 87, answer to 35th interrogatory:

"The Secretary of the Treasury franked, or authorized to be franked, two or three of the circulars furnished to the committee, marked A, one of each of which was forwarded to many, if not all, of the deposite banks; and of one of them a copy was sent to each of the receivers, also franked by him; also, tables showing the condition of the deposite banks, which I have occasionally prepared, the character of which was, in all cases, made known to him, on the papers themselves being first shown to him. Beyond these I do not recollect that he has ever franked, or authorized to be franked, any communications to the banks, or to any person whatever, of mine." [See journal, pp. 87, 88.]

The committee regards this explanation, the truth of which is sustained by other officers of the Department, as entirely satisfactory.

It has been said that the operations of the Treasury Department, in relation to the public deposites, have been conducted with a view to political party considerations. The evidence before the committee is, that, in the propositions to select one or two banks as deposite banks, political considerations have been urged upon the Secretary of the Treasury, but that the Secretary, in all cases, either reproved the attempt or treated it with silence. There cannot be found one single instance, in the evidence, in which the Secretary has attempted to exert such influence. The operations of the Department in relation to the public deposites are of a very difficult and delicate character, arising from the immense amount of revenues, the various and distant points at which it is collected, the number of banking institutions in which it is deposited, and the frequent transfers made necessary by the deposite act of the last session. It is not to be expected that in these operations entire satisfaction will be given to all; and it is quite probable that dissatisfaction, arising from other causes, has been ascribed to political feelings. The committee are entirely satisfied that no just cause for the imputation exists. The committee here subjoin the statement of the Secretary upon this point:

"In the mean time, the inquiries made by me to any persons who were considered by me capable of giving correct information, were directed to the facts and considerations connected with the above topics; and the information communicated to me in return, and that communicated voluntarily, related chiefly to the above topics. But I have no doubt the persons making those communications have, in some cases, mentioned political circumstances in connexion with this subject, and in general as opposed to the propriety of the selection. A majority of the stockholders and officers have usually been stated to be, when any thing was said in respect to their politics, opposed to the views of the administration.

"I have no recollection of any particular remarks of a political character made by him or others on this point, beyond such ones as are above described, and those in only a very few cases.

"But, always deeming it my duty to select suitable banks, and enough in number, at the proper points, for the safe keeping and disbursing of the public money, I proceeded, after proper inquiries as to their condition and character, to select those above named on those accounts, and notwithstanding any objections which may have been urged by any one, of a political character, as to any of them.

"In the cases of the banks in North Carolina and South Carolina, as well as Indiana, Virginia, and Kentucky, and the three banks in Pennsylvania, the selections were made because we had no banks whatever in those States; and the others were selected because, in two instances, at points where no deposite banks existed, and in two where additional ones appeared to be required by the importance and extent of the public business to be transacted there, and after full investigation of their ability and fitness to transact the public business." [See journal, p. 51.]

In the examination of the evidence, it will be perceived that there is a large amount of negative evidence, going to strengthen the positive evidence which has induced the conclusions to which the committee have arrived.

The committee, having thus briefly examined the evidence pertinent to the inquiries directed to it, have adopted and report the following resolutions:

1. *Resolved, as the opinion of this committee,* That the several banks employed for the deposite of the public money have not all, or any of them, by joint or several contract, employed an agent to reside at the seat of Government, *to transact their business with the Treasury Department.*

2. *Resolved, as the opinion of this committee,* That no agent for the transaction of business between the deposite banks and the Treasury Department has been employed at the request, or through the procurement, of said Department.

3. *Resolved, as the opinion of this committee,* That the business of the deposite banks with the Treasury Department is not conducted through any agent, but is transacted directly with the Secretary of the Treasury, or some officer of the Department.

4. *Resolved, as the opinion of this committee,* That no agent, in any way connected with the public deposites, since the removal of said deposites from the Bank of the United States, has received any compensation from the Treasury Department.

5. *Resolved, as the opinion of this committee,* That several of the deposite banks have employed an agent to reside at the seat of Government, for the purpose of receiving and transmitting information affecting the interests of said banks, both from the Treasury Department and other sources, and transmitting public documents. That agent is Reuben M. Whitney, who receives such salary from said banks as they annually deem his services worth.

The undersigned, one of the members of the select committee appointed to inquire whether the several banks employed for the deposite of the public money have all, or any of them, employed an agent, to reside at the seat of Government, to transact their business with the Treasury Department, having voted against two of the resolutions adopted by the committee, on which their report is based, and believing that the committee have drawn erroneous conclusions from some of the testimony presented, begs leave briefly to submit the grounds of this difference, and his reasons for not concurring in the report of the majority of the committee. He would first remark, however, that, agreeing with the views of the committee in the greater part of their report, he regrets the difference of opinion on the points to which he has alluded.

One of the resolutions adopted by the committee, to which he dissented, is in the following words, to wit:

"*Resolved, as the opinion of this committee,* That no agent, for the transaction of business between the the deposite banks and the Treasury Department, has been employed at the request, or through the procurement, of said Department."

The undersigned is of opinion that the letter addressed by the Secretary of the Treasury to Reuben M. Whitney, on the 5th of November, as follows:

TREASURY DEPARTMENT,
November 5, 1834.

SIR: Your communication, addressed to my predecessor, has been perused by me, and, in reply, I would observe, that my own views in relation to its contents correspond, it is believed, substantially, with those entertained by him. But though we both have been satisfied that, under the present laws and appropriations applicable to the Treasury Department, no such agency as that proposed

can be established by the Secretary of the Treasury, yet it must be obvious that the selected banks themselves might, in a fiscal and commercial view, derive great advantage from the services and correspondence of an agent of their own, resident in this city, and devoting special attention to their interests. I hardly need assure you that, in respect to information in the possession of this Department, which might be deemed useful, and which could be furnished without detriment to the public welfare, it would at all times be cheerfully given to any such agent of any of the selected banks.

I am, very respectfully, your obedient servant,

LEVI WOODBURY,
Secretary of the Treasury.

R. M. Whitney, Esq., *Washington*—

and which was used by the said Whitney as a letter of recommendation, did procure his appointment as agent to some of the deposite banks; and that the said banks were induced to believe, from information derived from the said Whitney, that his appointment as agent to the said banks was desired by the President of the United States, and by the Secretary of the Treasury. The anonymous letter addressed to some of the banks, recommending said Whitney in the following terms: "The President and Secretary of the Treasury, I know, view the subject in the same light that I do, and will be gratified if the banks will establish such as agency; and, from his talents, experience, and fidelity, no appointment would be more acceptable to them than that of Mr. Whitney, who has already been recommended to the Department;" which said letter was enclosed in several communications written by Whitney himself to various banks, soliciting the appointment of agent, containing the following paragraph: "With this, I forward you the copy of a letter written by a person high in the confidence of the Executive, to some friends in New York and Boston"—was, in itself, sufficient to create this impression. But other testimony going to establish the fact has been adduced. Indeed, the officers of some of the banks expressly state that, in appointing the said Whitney, they acted under this impression. Nor is it to be presumed, from the objections which existed to the appointment of R. M. Whitney as agent, that the deposite banks alluded to would have selected him, had they not been induced to believe that his appointment was desired by the President of the United States and the Secretary of the Treasury.

The next resolution adopted by the committee, for which he did not vote, is as follows:

"*Resolved, as the opinion of this committee*, That the several banks employed for the deposite of the public money have not all, or any of them, by joint or several contract, employed an agent, to reside at the seat of Government, 'to transact their business with the Treasury Department.'"

The undersigned is of opinion that, although the great mass of the business of the deposite banks with the Treasury Department is transacted by the banks with the said Department, it is clearly shown, by the evidence of the Secretary of the Treasury himself, that, in particular instances, some of the deposite banks have transacted business of an important character with the Treasury Department, through their agent, Reuben M. Whitney.

H. JOHNSON.

REPORT OF THE MINORITY.

Mr. Peyton, from the select committee appointed by the House of Representatives on the 3d of January, 1837, to inquire "whether the several banks employed for the deposite of the public money have all or any of them employed an agent, to reside at the seat of Government, to transact their business with the Treasury Department; what is the character of the business which he is so employed to transact, and what compensation he receives; whether such agent, if there be one, has been employed at the request or through the procurement of the Treasury Department; whether the business of the Treasury Department, with such banks, is transacted through the said agent; and whether, in the transaction of any business confided to said agent, he receives any compensation from the Treasury Department," submitted the following as the views of the said minority:

The resolution of the House resolves itself into six distinct heads:

1st. Have all or any of the deposite banks employed an agent, to reside at the seat of Government, for the purpose of transacting their business with the Treasury Department?

2d. What is the character of the business he is employed to transact?

3d. What compensation does he receive?

4th. Was such agent or agents employed at the request or through the procurement of the Treasury Department?

5th. Is the business of the Treasury Department conducted through the said agent?

6th. Does he receive any compensation from the Treasury Department?

First. Have all or any of the deposite banks employed such an agent as is described in the resolution of the House? The creation and object of the agency, the employment of the agent, and character of his business, are so inseparably connected, that they will be considered together. An agency of some kind appears to have been contemplated, from the earliest inception of the project of substituting the State banks as fiscal agents in the place of the Bank of the United States.

In the instructions communicated by the President, through the Secretary, to Amos Kendall, special agent of the Department, who was appointed on the 23d day of July, 1833, to visit the State banks, make certain propositions and inquiries for the purpose of ascertaining upon what terms and conditions they would receive the public deposites and become fiscal agents of the Government, it is stated as follows, to wit:

"That the said bank will render, or cause to be rendered, every service, without charge, which can now be lawfully required of the Bank of the United States."

"That the primary and secondary banks shall make returns of their entire condition to the Secretary of the Treasury monthly, or oftener if he shall require it, and report to the Treasurer of the United States the state of his deposites with them, respectively; and that they shall also subject themselves to a critical examination of their books and transactions by the Secretary of the Treasury, or an authorized *agent*, whenever the Secretary may require it."

In the proposition submitted by Mr. Kendall to the banks, it is stated as follows:

"That your bank shall submit its books and transactions to a critical examination by the Secretary of the Treasury, or any agent authorized by him, whenever he shall require it, and shall pay a due proportion of the expenses attending the appointment of an agent from time to time, either temporary or permanent, to examine and report upon the accounts of the bank which may be employed by the Government."

In the contracts made between the Treasury Department and the banks who become depositories of the public money before the passage of the act of Congress regulating the deposites, on the 23d day of June, 1836, will be found the following stipulations, to wit:

"Articles of agreement of the Bank of the Metropolis with the Secretary of the Treasury, October 9, 1833.—If the Secretary of the Treasury shall think proper to em-

ploy an agent or agents to examine and report upon the accounts and condition of the banks in the service of the Government, or any of them, the said bank agrees to pay an equitable proportion of his or their expenses and compensation, according to such apportionment as may be made by the said Secretary."

Thus it appears that the necessity for an agent has been admitted, his appointment contemplated, and his compensation provided for, to be paid by the deposite banks, from the first inception to the final consummation of the present scheme of State depositories. Is there or is there not, in substance if not in form, such an agency as is contemplated by the resolution of the House of Representatives? That there is, the minority of the committee think is susceptible of the clearest demonstration, from the evidence which has been taken by the committee. It is true that the law contemplates a known responsible agent, to be placed as a guard over the public money in the deposite banks; the present is a secret, illegitimate, irresponsible agent, placed by the banks as a spy over the Treasury Department, with an interest adverse to that of the public. That there is now, and has been since a short time after the Hon. R. B. Taney left the head of the Treasury Department, resident at this city an agent of many of the deposite banks, will abundantly appear from the testimony taken by the committee. It is equally manifest, from the evidence, that no such agency was established while the Hon. William J. Duane or the Hon. R. B. Taney was at the head of the Treasury, notwithstanding extraordinary efforts were made to accomplish that object during their administration of the Department.

The first effort which appears to have been made by Reuben M. Whitney, who is the principal agent of the deposite banks in this city, is shown by a letter from the said Whitney to William J. Duane, then Secretary of the Treasury, bearing date, Washington, June 15, 1833, a few months after the said Duane went into office, and several months before the deposites were removed from the Bank of the United States. This letter begins with the following sentence:

"Having enjoyed the confidence of the President to a great degree upon the subject of the bank, and that which relates to it, in which he has taken an interest, and knowing the views of the President upon the subject of the removal of the public deposites, and that he does not now look upon that as a mere isolated measure, but as a part of, and connected with, the general policy of his administration, therefore I look upon that measure as definitively resolved upon, so far as his views and recommendation have weight and influence." He adds: "I have good reason to believe that the President will forward a communication from New York to you, expressive of his views and wishes upon the subject."

He (Whitney) suggests the importance of the agency, and makes a tender of his services, and adds:

"I have never spoken to the President upon this subject, but circumstances lead me to think that I should not be otherwise than perfectly acceptable to him. The only persons to whom I have mentioned the subject, connected with the Government, are Messrs. Taney and Kendall; to the former gentleman a week since, at Baltimore, who replied in these words: 'I have always understood, and taken it for granted, that you were to have the situation when it is created.'"

It is due to the Chief Justice to state that he gives to the above statement, upon his oath, an unqualified contradiction. But with this imposing array of high officers, including the President himself, when said Whitney approached Mr. Duane, then newly installed Secretary of the Treasury, it was of no avail; he received no encouragement, as the following extracts from Mr. Duane's letter, so highly creditable to him, will show. He says, in reply to Mr. Whitney:

"Whenever the President shall express his wishes in relation to any subject, or with regard to yourself, I will so act, I trust, as to merit the respect of the President, and preserve my own."

[See the letters at large, on the printed appendix to the journal.]

The efforts of said Whitney to procure the agency while the Hon. R. B. Taney was at the head of the Treasury were no less extraordinary, and attended with no better success. In the month of October, 1833, the said Whitney draughted a letter, and, procuring the co-operation of six of the principal banks in Philadelphia, New York, and Boston, caused himself to be recommended to the Hon. R. B. Taney, then Secretary, as a person every way qualified to take charge of a bureau to be created in the Treasury Department, at a salary of five thousand dollars per annum. According to this scheme, the Treasury Department was to be assimilated to the Bank of the United States, while the deposite banks were to be viewed in the light of branches of the mother bank, (the Treasury,) and Mr. Whitney, at the head of his bureau, was to represent a committee of the board of directors, called the "committee on the branches. In this department their returns are received and examined, their operations inspected, and the general correspondence attended to." The original of this letter, of which a copy is herewith appended, is acknowledged by said Whitney, in his examination before the committee, to have been written by himself.

Whether Mr. Taney made a written reply to this letter does not appear. If he did, however, it could not have been favorable to its objects, or that reply would probably have been used, as the reply of Mr. Woodbury to the same communication has since been used, by said Whitney, as a recommendation to the State banks to employ him as their agent. There are two distinct propositions contained in the letter now under consideration: 1st, to create a bureau in the Treasury Department; 2d, that Mr. Whitney shall be placed at the head of that bureau. That Mr. Taney was unequivocally opposed to each proposition, is manifest from his letters to Thomas Ellicott and Reverdy Johnson, Esq'rs, as well as his evidence, reported to the House. (For letters, see appendix.)

After Messrs. Duane and Taney had retired from the Treasury, and the Hon. Levi Woodbury was placed over that Department, Mr. Whitney renewed his efforts with better success, and accomplished his object in an indirect manner, obtaining a better salary than he would have received at the head of the proposed bureau, with the power to increase his compensation without any other limit or restraint than what the banks themselves might be able to oppose to his demands, while his situation opened a field of speculation difficult to resist by any one who is subject to the influence of great pecuniary temptation. Mr. Whitney enclosed the said letter from the six deposite banks in Philadelphia, New York, and Boston, sent by them to Mr. Taney, to Mr. Woodbury, in his letter of the 4th November, 1834, which letter is as follows:

WASHINGTON, *November* 4, 1834.

SIR: The enclosed letter, signed by the deposite banks in Philadelphia, New York, and Boston, addressed to the Hon. R. B. Taney, Secretary of the Treasury, was communicated to him in October of last year.

At that time it was deemed best to defer acting upon it until after the meeting of Congress. That body met and adjourned, without any definitive legislation upon the subject of the deposite banks. The same, we have good reasons to suppose, will be the result of the approaching session, if renewed legislation shall be proposed. It is the opinion of many well-informed persons, that the public interests, as well as those of the deposite banks, will be greatly promoted at this time by the aid and action of a central agen-

cy, established upon some principle, particularly in relation to organizing and permanently establishing a system of domestic exchanges throughout the country, with which its general interests and that of the currency are so deeply connected.

In many other respects, it is believed that such an agency will be equally beneficial.

I take the liberty of enclosing, herewith, the letter containing the suggestions of the deposite banks before alluded to, for your consideration, or adoption of any course which you may think proper in relation to the same.

I am, with respect, your most obedient servant,

R. M. WHITNEY.

Hon. LEVI WOODBURY,
Secretary of the Treasury, Washington.

[For letter enclosed in above, see pages 160, 161, ante.]

In this letter of Mr. Whitney he appears to have abandoned nothing of his original purpose, except in the mode and manner of accomplishing the same. He adheres to the objects of the agency, but appears to be prepared to give up the *Treasury bureau* for a central agency, established upon "some principle, particularly in relation to organizing and permanently establishing a system of domestic exchanges throughout the country, with which its general interests and that of the currency are so deeply connected. In many other respects (he continues) it is believed that such an agency will be equally beneficial. I take the liberty of enclosing, herewith, the letter containing the suggestions of the deposite banks, before alluded to, for your consideration or adoption" [not of the bureau, but] "of any course you may think proper in relation to the same." To which Mr. Woodbury returned the following answer:

TREASURY DEPARTMENT,

November 5, 1834.

SIR: Your communication, addressed to my predecessor, has been perused by me, and, in reply, I would observe that my own views in relation to its contents correspond, it is believed, substantially, with those entertained by him. But though both have been satisfied that, under the present laws and appropriations applicable to the Treasury Department, no such agency as that proposed can be established by the Secretary of the Treasury, yet it must be obvious that the selected banks themselves might, in a fiscal and commercial view, derive great advantage from the services and correspondence of an agent of their own, resident in this city, and devoting special attention to their interests. I hardly need assure you that, in respect to information in the possession of this Department, which might be deemed useful, and which could be furnished without detriment to the public welfare, it would at all times be cheerfully given to any such agent of any of the selected banks.

I am, very respectfully, your obedient servant,

LEVI WOODBURY,
Secretary of the Treasury.

R. M. WHITNEY, Esq., *Washington.*

If it were possible to misunderstand the effect and intention of Mr. Woodbury's letter, he has explained both in his communication to the committee. (See journal of committee, page 12.) He says:

"To that application I made answer the ensuing day, stating what was my own opinion and what was understood to be the opinion of my predecessor, (corresponding with my own,) that the Treasury Department, under the existing laws, had no authority to constitute any such office or agency, and, if one was appointed, it must be done by the banks themselves."

It is manifest that the same object was to be accomplished, the same agency to be constituted, the same officer to be appointed by the banks themselves, which the Secretary of the Treasury had been applied to to constitute, but which he declined, alleging as a reason the want of power "under the existing laws." About the same time that Mr. Woodbury made those suggestions, on the 5th November, 1834, Mr. Whitney obtained a letter, dated Washington, 8th November, 1834, of which he speaks as follows, in a letter addressed to the President of the Bank of Burlington, Vermont:

"With this I forward you the copy of a letter, written by a person high in the confidence of the Executive, to some friends in New York and Boston."

The following is an extract from the anonymous letter to which he referred for a more particular understanding of the objects of the agency, and the character of the business which was to be committed to his charge:

"The President and Secretary of the Treasury, I know, view the subject in the same light that I do, and will be gratified if the banks will establish such an agency; and, from his talents, experience, and fidelity, no appointment would be more acceptable to them than that of Mr. Whitney, who has already been recommended to the Department."

The chief clerk in the Treasury Department, McClintock Young, Esq., states as follows, (see page 96, journal of the committee:)

"Question 1. State all you know upon the subject of inquiry contained in the resolution of the House, which is now before you.

"Answer. There is an agent of some of the deposite banks residing in Washington, R. M. Whitney. My information on the subject is derived partly from letters from banks on file in the Treasury Department, and partly from having heard Mr. Whitney say he was employed by some of the banks as their agent. I know nothing of any agreement or contract he may have with any of those banks. The character of his business I believe to be, to attend to their interest so far as it relates to their connexion with the *Treasury Department;* that is, he attends generally to all matters in which their operations are required, in relation to the keeping, disbursing, and transferring of the public money. Those operations sometimes operate, as the banks say, injuriously to their interests, and he has frequently called on the Secretary, and other arrangements have been made, I presume and believe, on his representations," &c.

"2d. To the same. Does he or does he not examine the returns, &c. of the deposite banks, and prepare the statement of their condition?

"Answer. He is allowed to have access to the returns made to the Department by the deposite banks. He has prepared tabular statements of their condition, for the information of the several banks.

"3d. Are these statements substantially communicated to Congress? Have you any recollection of such an instance?

"Answer. I know but of one such statement, prepared by him, having been communicated to Congress, and that was appended to the Secretary's annual report, I believe at the session of 1835-'36. The document so transmitted was, I believe, revised by one of the clerks regularly employed for the purpose." (P. 96 and 97 of journal.)

Samuel McKean, Esq., a clerk in the Department, says, in answer to the 8th interrogatory:

"Mr. Whitney prepared a tabular statement showing the condition of the deposite banks near the 1st of January, 1835, a copy of which was appended to the annual report of the Secretary to Congress, in December, 1835. I cannot state positively whether that table was examined by any person in the office. There was annexed to that table a statement showing the exchange operations of some of the banks, which I understood was prepared by one of the clerks in the office, from information furnished by Mr.

Whitney. Mr. Whitney also prepared a table of the same description, showing the condition of the deposite banks, 1st December, 1835. This table was very carefully examined and compared by myself with the statements received from the banks, and in some minor points corrected; copies were made and annexed to the same report, I think, of the Secretary of the Treasury to Congress. All the other tables of the same description, up to the time of the passage of the deposite act, were prepared by clerks in the Department, principally by myself." (See journal of the committee, p, 113.)

Same witness, at page 112, in reply to the 4th interrogatory, says:

"I have no doubt that the selection of the deposite banks was sometimes a subject of conversation between the Secretary of the Treasury and Mr. Whitney, and that the Secretary obtained from Mr. Whitney all the information he could, to enable him to decide as to the propriety and expediency of selecting particular banks. Whilst the statements of the condition of the deposite banks were in my possession, Mr. Whitney had access to them occasionally, and I have sometimes called on Mr. Whitney, as being familiar with the subject, to explain certain items which I did not exactly comprehend. Mr. Whitney has frequently had access to the accounts of the Treasurer with certain banks. How far he may have influenced the Secretary in making transfers I cannot say, though I believe that in some cases, at his instance, the periods for transfers have been extended."

Richard Ela, Esq., a clerk in the Department, says, in answer to the 2d interrogatory, at page 108 of the journal, among other things:

"On two or three occasions Mr. Whitney has applied to the Secretary, having first explained his business to me, for extension of transfers; on several, indeed I may say many times, he has applied to examine the returns of the banks."

John McGinnis, Esq., a clerk in the Department, charged with the care of business appertaining to the public lands, states, (see p. 95:)

"2d Question. At what time did R. M. Whitney come into the Department, and what has been the nature and character of his business, so far as you know?

"Answer. Mr. Whitney's business with the Department commenced soon after Mr. Woodbury took charge of it, as well as the witness can recollect. The precise nature or character of his business is not known to me, but it is generally understood that he is the agent of several of the deposite banks.

"3d Question. Has R. M. Whitney had access to the files of papers in your room? If yea, state whether it has been a common habit with him; if nay, give the particular instances of that nature.

"Answer. Mr. Whitney has on two or three occasions referred to papers in my charge relating to the sale of the public lands, and on such occasions witness believes it was to procure information for some public use. In one instance, the purpose was stated to be for the use of a Senator.

"4th Question. Has he or has he not taken the files of original papers containing returns from the land offices, or some other papers, to his own room, to be examined?

"Answer. Yes, in the instance referred to in answer to question third, Mr. Whitney applied to me to see the returns of the moneys received at the land offices, in payment for public lands. They were shown to him; and, after looking at them, he desired me that I would permit him to take them to his room, stating, at the same time, the object for which he wanted them; and I did not hesitate to let him have them. They were returned on the following day.

"5th Question. For what object did he state he wanted them, and who was the Senator awaiting in his room to obtain the information? State also when it was.

"Answer. The object was said to be to ascertain the particular kind of moneys in which the payments for public lands were made. The information was stated to be for the use of the Hon. T. Benton, and the occasion referred to was soon after the commencement of the present session of Congress. I am not sure whether Mr. Benton was said to be in Mr. Whitney's room at the time. I am inclined to think that the reason of his taking the papers away was, that they might be examined between the interval of opening and closing the office."

How far those papers were taken from the office to which they belonged, by Mr. Whitney, will appear by the following question and answer, a part of which relates to that subject. (See evidence of Samuel McKean, p. 113, 9th question and answer.)

"Question. State how far the room that he [Mr. Whitney] now occupies is situated from the room of Mr. John McGinnis, jun., [from which the land-office papers were taken,] and whether, in passing from one to the other, it is necessary to go out of doors, or up or down stairs.

"Answer. To that part of the question, the room now occupied by Mr. Whitney is in the house next but one to that in which is the room occupied by John McGinnis, jun. Mr. McGinnis's room is in the third story of the building, Mr. Whitney's on the first. In passing from one to the other, it is necessary to go out of doors, and up or down stairs. If there be any communication between the buildings, without going out of doors, I have never noticed it, or known of its being used."

He adds, in conclusion, that the Secretary of the Treasury disapproved his conduct in permitting the papers to go out of his room.

The evidence contained in the responses of the clerks in the Treasury Department, and the letters before alluded to, as to the existence of the agency, and the character of the business which appertains to it, is not in any degree controverted or impugned by the testimony of the Secretary, [Mr. Woodbury,] as far as the same is understood by the minority of the committee. It is true that many portions of his evidence are so elaborate and argumentative as not to be intelligible without taking it all together, and bestowing upon it some considerable consideration. In page 12 of the journal he thus describes the nature of the agency and the character of its duties and business:

"But in several other cases where the Department has not been consulted by the banks in any way, to my knowledge, except in the letter of 1833, before given, but where the banks had been selected, some before and some since my entering on the duties of Secretary, I have no doubt that they appointed an agent here at an early day after their selection, and that they did it from a conviction that he might be useful to them in both their public and private duties as banking institutions. Some of the banks are so situated, as to their extensive capital and discounts, their heavy business in exchanges, their large deposites, payments, and transfers, that it is manifest to all acquainted with such operations, as stated in the above letter, addressed to my predecessor, and in my reply of November, 1834, before annexed, that an intelligent agent or correspondent here might often prove very useful and convenient, both in respect to their business in behalf of the Treasury, and the business with the commercial community, as well as with each other, while, in cases differently situated, an agent here would be of little or no benefit whatever.

"In answer to the next question, I know nothing with accuracy beyond what has already been stated, as to the duties he is to discharge for those banks which employ him. But I presume, as just intimated, it is to communicate the earliest information on all subjects he may suppose to affect their interests, whether as public depositories or private banking institutions; to give his advice and aid when called for or deemed useful in the transaction of their business

of either character; to be the organ, at times, of presenting their wishes to the Department in respect to subjects connected with their public obligations; and to procure here, and communicate, the best intelligence in his power, on the state of the money market at home or abroad, on the condition of the currency and of the exchanges, and on the supposed legislation likely to happen in Congress, either as to the banks themselves, or as to heavy appropriations to be paid by them; and, in fine, on any other topic which he may consider interesting or beneficial to his employers."

In page 14, Mr. Woodbury, in answer to the question, "What official or unofficial connexion existed between said agent and the Treasury Department?" replies, at great length, in his eleventh answer, which extends through three or four pages of the journal, from which it will be seen that Mr. Whitney is recognised as the agent of the deposite banks, and business is transacted with him in the same manner that it is with agents and attorneys in fact, who have full power from their principals to bind them in the settlement of claims, the execution of acquittances, receipts, &c.

Page 15.—"Of the present resident agents who occasionally transact business with the Department, I understand that two of them, Mr. Causten and Mr. Law, keep their offices in their houses, and two of them, Mr. F. Dickins and Mr. Whitney, keep their offices in the same row of buildings now occupied by the Treasury. But it is presumed that the two last persons hire their rooms of the private owners of the buildings, as the Department has done since the fire in 1833, and as neither of these agents has hired them from this Department."

"With all of those agents before named, [he having before given a list of agents,] as well as many others, when transacting business for their principals, the official connexion of the Department has, in all other respects as well as these, been similar, and the manner of transacting business has been similar, except as the business may differ in amount, extent, or difficulty, and requires in some cases much more frequent and constant attendance and inquiries than in others.

"My anxiety has always been, in concerns so very numerous, and involving, as many of them do, not only such difficult questions for decision, but such large amounts of property, to furnish every proper facility to each, every species of public information connected with their respective business, and every access to papers pertaining to their cases, which might be deemed useful to the principal in interest, and at the same time not injurious to the Government.

"But in the case of the agent of the banks no indulgence of any kind is known or believed to have been granted, which, if requested, has been withheld from the agents on other subjects, and especially the agents of corporations, or persons in public employment, nor any withheld which, in other like cases, has on request been granted.

"I can think of no further explanation desirable as to the official connexion between the agent for some of the deposite banks and this Department, unless," &c.

Pages 36 and 37 of journal of committee.—"Question 14. Have you ever consulted or advised with said R. M. Whitney upon the propriety or expediency of measures, or informed him of measures respecting the public money and the deposite banks, before or after such measures were adopted or rejected by the Treasury Department? if so, is the practice of so advising and consulting with, and of so informing him, habitual with you, and upon what measures have you consulted and advised with and informed him?

"Answer. I have not been in the habit of consulting Mr. Whitney on the propriety or expediency of measures, or informed him of measures respecting the public money and the deposite banks, except in cases where he first applied to have any measure adopted or changed, which he represented to have a material bearing on the deposite banks he represented, and in which cases I have, of course, asked him, if he did not voluntarily state them, his reasons in favor of his request.

"On the topics of the public money and the banks generally, he has often, of his own accord, offered his views, as other persons have who have taken a particular interest in those subjects; and I have always, when they have been so offered by him or others, endeavored to weigh properly the facts and arguments offered, and I have frequently felt obliged to differ in opinion from him as well as others on such topics. Sometimes, also, I have inquired as to particular facts or events connected with the exchanges or banking, both of Mr. Whitney and others, whether merchants, bankers, or men of practical intelligence, on such subjects, but have done it with a view, in all cases, to inform myself fully and accurately, before deciding on any pending question or measure, and, in several instances, have written to a distance for such information, when not able to procure what was satisfactory here."

Page 40 of journal of committee.—"Question 19. Have you ever authorized, or directed, or requested R. M. Whitney, or other agent of the deposite banks, to issue or give instructions, directions, requests, or information of any kind, by circulars or otherwise, to land or other receivers of the public money, or to any other officer or officers, agent or agents, of the Government?

"Answer. That it [the Treasury Department] urged on the banks, their officers and agents, whenever seen or consulted in respect to the topic, a general correspondence and agreement to redeem their notes, when taken for public lands, at the places most desirable to give them a uniform and high value as a currency; and, at the same time, promised any aid or facility in the power of the Department, consistent with its duties in other respects to the Government, to promote so desirable an object; and, on one occasion, when it was understood that a circular was preparing and printing to advance this object by the agent, and the Department was asked for its approval of this course in behalf of the deposite banks, and its willingness to frank that printed communication on this public and interesting subject, when addressed to the public officers and agents, whose duty it was, according to long usage and frequent orders from the Department, to conform to the arrangements of the banks as to the matter, I have a strong impression that I assented to both; certain it is, I should feel justified in doing it, under the practice and views long existing in the Department.

"I have never conferred any authority, in any way, on this subject, on any person other than is above stated; I have never conferred any on Mr. Whitney, except the assent above mentioned, when he proffered to act as agent for some of the deposite banks, and always regarded any power, properly exercised by him in respect to it, as one derived merely from the banks themselves, in his capacity as their agent.

Page 50, journal of committee.—"Question 22. Have you ever consulted or advised with Reuben M. Whitney upon the selection of banks of deposite of the public money?

"Answer. I remember he has in some cases offered his remarks to me on the subject, as have other persons.

"Question 23. What was the character of the remarks, reasons, or considerations, submitted to you by said Whitney, for the selection of banks of deposite, in the instances he offered his remarks to you? Were such remarks, reasons, or considerations, of a political party character? and if so, state in what respect.

"Answer. I have no doubt the persons making those communications have, in some cases, mentioned political circumstances in connexion with this subject, and in gen-

eral as opposed to the propriety of the selection. A majority of the stockholders and officers have usually been stated to be, when any thing was said in respect to their politics, opposed to the view of the administration. I have no recollection of any particular remarks of a political character made by him or others on this point, beyond such ones as are above described, and those in only a very few cases."

Page 52, journal of committee.—"Question 24. Are there any communications in writing from any agent or agents of the deposite banks, or others, urging directly or indirectly upon the Department the selection of particular banks of deposite, from political considerations; if so, to whom, and by what agent or agents addressed?

"Answer. There are none, to my knowledge, from Mr. Whitney; on the contrary, it is due to Mr. Whitney to state, as before intimated, that, when speaking of the political views of the stockholders of most of the deposite banks, he has, if knowing their political opinions, and mentioning them, often observed, that though they were opposed in general to the opinions of the administration, he thought the present system of State depositories should be administered on principles similar to what I have before described, as to fitness, locality, and security of the banks selected, and the fiscal wants of the Department, and without any reference to the politics of their officers and proprietors."

Mr. Woodbury disclaims all political influence in the selection of depositories of the public money. To place this part of the case in its true light, and show whether Mr. Whitney is entitled to the compliment bestowed upon him by the Secretary, the minority beg leave to refer particularly to a letter, written by said Whitney to James C. Wilkins, Esq., of Natchez, Mississippi, president of the Planters' Bank, a depository of the public money, for which said Whitney is agent, commencing

"Washington, *Sept.* 30, 1835.

"Dear Sir: When I wrote you last I did not inform you that it had been represented here that you were, or would be, the candidate for the Senate, in opposition to Walker. This I then considered was a tale for the purpose of operating prejudicially to the interest of the Planters' Bank, got up by some one who was striving to direct a part of its Government agency to another institution."

(See pages 99 and 100. See, also, at pages 101 and 102, the correspondence of said Whitney with John D. Beers, of New York, and also the correspondence between John Tillson, one of the directors of the State Bank of Illinois, then applying to become a deposite bank, and said Whitney.)

Mr. Tillson offers Mr. Whitney a salary, and wishes to be informed what course the Secretary of the Treasury has taken in reply to the letter of Mr. Ridgley, the cashier of the Illinois Bank. Mr. Whitney, in reply, says he will be candid—says strong prejudices exist, and serious charges are made against that bank. The first charge is as to the violation of its charter, &c., and that the ultimate object of those who control the bank is to effect a political change in the States of Ohio, Indiana, Illinois, and Missouri, in opposition to the principles of the present administration. He refers to the charter of the bank to sustain the charge of violating its charter. He refers to the list of stockholders, shows that some of them reside in Cincinnati, and that they are connected with the Life and Trust Company, &c. He further adds:

"And it has been declared that, in the late election in Illinois, the bank did employ its influence in the Sangamon district. Of the result of this election, you will probably have noticed an extract of a letter of Governor Duncan, which has gone the rounds of the opposition press. With such charges as these, and such grounds for their belief, I must say that I shall feel it a duty to do all in my power to discourage the selection of any institution as a confidential agent of the Government, at any personal pecuniary sacrifice whatever.

"I hope the Illinois Bank will be able to show the whole to be founded in *error*," &c.

This appears to have been the commencement of the correspondence between that bank and the Treasury Department, which resulted in the failure of the bank to obtain the deposites. An abstract of said correspondence is herewith submitted, which was made out from various letters obtained from the Department by a member of a subcommittee, Mr. Wise, which was appointed at his instance to visit the Department, examine the correspondence of the same with the deposite banks, and cause copies of any papers to be sent, which any one of them considered important. The urgent and pressing business of two committees, of one of which he was chairman, prevented Mr. Wise; and the constant attendance on this committee of the other two gentlemen, Messrs. Martin and Johnson, prevented them from devoting more than a few hours' time to the examination which resulted in the discovery of the above correspondence with the Illinois Bank, of which the Secretary of the Treasury had given the committee no particular information. Had sufficient time been allowed, much more important evidence might have been obtained by a strict examination into the Treasury Department. For a further illustration of the political and party considerations which have been relied on by the banks in obtaining the public money, as well as in using it after it has been obtained, the minority would beg leave to refer to the correspondence with the Burlington Bank, State of Vermont, an abstract of which is herewith submitted.

From the testimony of James Schott, president, and William D. Lewis, cashier, of the Girard Bank, it appears that the said Whitney gave information in advance of the intended issuance of the Treasury circular of July 11, 1836, requiring specie in payment for public lands, or at least that such a measure was under consideration before the adjournment of Congress.—(See the president's answer, at p. 151, to 13th interrogatory; see the answer of the cashier, at p. 155, to 13th interrogatory.)

Answer by the cashier. "I was apprized by Mr. Whitney of his belief that such a measure was under consideration, but do not know that he derived his knowledge thereof from the Treasury Department, or any such persons as are mentioned in this interrogatory; and being at Washington about the beginning of July, his impressions were confirmed by my own observations. The information was given as a matter of intelligence coming within the sphere of the agent's duty, and for no specific purpose. Nor do I know that any specific use was made of such information, so far as relates to any *written correspondence upon the subject*. I refer to my answer to the 3d interrogatory."

The minority of this committee would respectfully call particular attention to this fact, that during the session of Congress a measure involving the exercise of such doubtful powers on the part of the Executive; a measure which the Secretary of the Treasury declined to adopt, until, as he informs the committee, he was so directed by the President; and one so materially affecting the currency, the exchange, the whole moneyed concerns of the country, and consequently the trade, commerce, and value of every species of property of the people of the United States—that this measure, which had been rejected by the Senate, should be decided on before the adjournment of Congress, which was left in profound ignorance of its existence, while Mr. R. M. Whitney was not only in possession of this cabinet secret, but was actually communicating it to his distant friends "as a matter of intelligence coming within the sphere of the agent's duty," cannot but arrest

the attention of the most careless as well as the most prejudiced mind.

As to the third subject of inquiry: "What compensation does said agent receive?" the minority cannot report the precise amount of compensation which he received *directly* from the banks, according to express stipulation; much less can they state the amount of his *indirect* emoluments and profits, which he receives in consequence of his agency.

The said Whitney stood mute before the committee, and refused to answer upon this as well as upon most of the other subjects of inquiry.

The Secretary of the Treasury states that he is wholly ignorant as to the amount of his compensation, and adds that "each bank which employs him, and pays him any thing, pays whatever it deems reasonable and proper." The witness (F. P. Blair) says at page 119 of journal:

"Witness states that he once inquired of Mr. Whitney what compensation he received. He gave him an answer which satisfied the witness that he did not choose to let him know the amount of compensation. He said the banks made him such return as they thought his services deserved. He had no fixed salary, as the witness understood. This was some time ago, soon after his agency commenced.

Thus it will appear how profound is the secret and mystery which covers this transaction, when the agent, R. M. Whitney, conceals the facts from his friend, F. P. Blair, who, it appears from his own evidence, is interested in knowing the amount of said Whitney's compensation, as he is the special bail as well as the security for the prison bounds for said Whitney for a large amount, he (Whitney) being notoriously insolvent. The same witness (F. P. Blair) says, in same page of the journal:

"He thinks he has learned from some quarter that Mr. Whitney is agent for about twenty banks, but is not positive as to the source of his information, nor does he know their names."

It appears from the evidence that several banks pay him one thousand dollars each per annum, that several pay him five hundred each per annum, and that several pay him lesser sums each per annum, besides several sums which have been paid to him at different times in the form of a bonus. Some of the deposite banks, for which he is understood to be agent, have not made their returns to the interrogatories of the committee. Some have taken the high ground assumed by their agent, and refuse to communicate any information whatever upon the subject. But it appears from the evidence that he has received from three banks in New York, viz: Mechanics' Bank, Bank of America, and the Manhattan Company, each one thousand dollars per annum; from the Farmers and Mechanics' Bank, Albany, New York, seven hundred and fifty dollars per annum; from the Union Bank, Baltimore, five hundred dollars per annum; from the Girard Bank, Philadelphia, five hundred dollars per annum; Moyamensing Bank, Philadelphia, three hundred dollars per annum; Farmers and Mechanics' Bank, at Hartford, Connecticut, one hundred and twenty-five dollars per annum; Burlington Bank, Vermont, two hundred dollars per annum; Commercial Bank at Cincinnati, including its branch or office of discount at St. Louis, one thousand dollars per annum; Farmers and Mechanics' Bank in Michigan, two hundred dollars per annum; in all, six thousand five hundred and seventy-five dollars per annum, besides a bonus of one thousand dollars from the Girard Bank, and the sum of two hundred and fifty dollars paid by the Franklin Bank at Baltimore, which bank does not employ him as agent.*

To what amount his direct compensation may be increased by the evidence yet to be received from those deposite banks which employ him, and which have not yet forwarded to the committee their testimony, the minority will not undertake to conjecture.

The minority of this committee, believing it to be their duty to ascertain whether such agent did not derive the large amount of his profits or emoluments by and through speculations in the public lands, Treasury certificates, the stock of banks, &c., supported the following interrogatory, offered by Mr. Peyton, as proper to be propounded to all witnesses examined in behalf of the committee, viz:

"7th. State whether said agent or agents, in connexion with any officer or officers of the Government, or any other person or persons, company or companies, have or have not been engaged, either directly or indirectly, in speculations in the public lands, in Treasury certificates of deposite, since the issuance of the Treasury order of July 11th, 1836, or in the stocks of banks, corporations, &c., and whether such speculations have or have not constituted a part of the compensation or emolument of said agent or agents of the deposite banks.

"Mr. Hamer moved to amend by striking out 'any officer or officers of the Government, or,' which was decided in the affirmative, by the following vote:

"Ayes—Messrs. Pierce, Fairfield, Gillet, Hamer, Martin.

"Noes—Messrs. Garland, Wise, Johnson, Peyton."

The witness, R. M. Whitney, refused to answer the following interrogatories during his examination before the committee, (page 88, question 39:)

"39. Did you or did you not communicate intelligence, in advance of the issuance of the said order, [circular of July 11th, 1836, requiring specie in payment for public lands,] to any person or persons at a distance, who were engaged in speculation in the public lands, stocks, or money market?

"Answer. I decline giving any answer to this interrogatory."

"41. Have you, or not, become a stockholder in any of the deposite or other banks, since you have been acting as agent for some of said deposite banks; and did you acquire or procure said stock as part of your compensation, or in any other manner by or through your agency for said banks?

"Answer. I decline giving any answer to the interrogatory."

"44. Did or did not one or both of the deposite banks in Michigan make a loan or loans to a very large amount, say fifty or one hundred thousand dollars, more or less, to a company or companies of land speculators, since you have been an agent for some of the deposite banks? If yea, state whether you used your influence in that or any similar instance, either for a land or stock company, person, or corporation, to procure accommodations at any deposite bank; and state whether you were to derive, or have derived, in any such case, any profit, benefit, or emolument whatever.

"Answer. I decline giving any answer to the interrogatory.

"45. What compensation do you now, or have you heretofore, and are you hereafter to receive from each one of the deposite banks for which you are agent?

"Answer. I decline giving any answer to the interrogatory."

"47. State whether you, in connexion with any other person or persons, company or companies, have or have not been engaged, either directly or indirectly, in speculations in the public lands, in Treasury certificates of deposite, since the issuance of the Treasury order of July 11th, 1836, or in the stock of banks, corporations, &c., and whether such speculations have or have not constituted a

* The annual compensation received by said Whitney, from all or most of the old deposite banks, commenced on the 1st of January, 1835.

part of your compensation or emolument as agent of the deposite banks.

"Answer. I decline giving any answer to this interrogatory.

"48. Have you, in connexion with any officer or officers of the Government, or any other person, since July 11, 1836, drawn specie from the banks of deposite of the public money, under the pretext of its being necessary for the public use, upon Treasury warrants or drafts, which specie was used for your or their profit as merchandise, and not applied to the public use, but the notes of the banks, or their equivalent, used instead of such specie, for the public use; or in any manner have you been concerned in speculations, on, by, or through said Treasury certificates, warrants, or drafts, in connexion with any person, bank, or corporation?

"Answer. I decline giving any answer to this interrogatory.

"49. Have you been concerned in speculations in the public lands, or the stock of banks or corporations, in connexion with any officer or officers of the Government, or other person or persons, company or companies, bank or banks; or have you used your influence to obtain for such officer or officers, person or persons, company or companies, bank or banks, facilities, loans, accommodations, &c., at any of said deposite banks, for which exercise of influence you have been compensated, either by gift, present, reward, or participation in the profits, or expected profits, of any such speculation?

"Answer. I decline giving any answer to the interrogatory."

"51. Look upon the list of deposite banks, now before you, say whether it contains the names of the whole number, and point out on the list the banks for which you are agent.

"Answer. I decline giving any answer to the interrogatory."

When the said Whitney first appeared before the committee, on the 12th day of January, 1837, in obedience to its summons, he requested a week's delay to prepare, as it was understood, his papers, &c., called for in the *subpœna duces tecum*. The request for that purpose was considered reasonable by all the committee; but as the time allowed for the correspondence with banks remotely situated from the seat of Government was quite limited, it was desirable that he should communicate to the committee such information as was necessary to enable them, without delay, to commence a correspondence with the deposite banks; and, on motion of Mr. Peyton, the following resolution was adopted:

"*Resolved*, That the witness be again called before the committee, and that the following interrogatories be propounded to him, to wit: the first, second, third, and fourth, before its decision on the application of said witness for a week's delay.

"1st. Have all or any of the deposite banks, to your knowledge, employed an agent or agents, to reside at the seat of Government, to transact their business with the Treasury Department? If so, who is the said agent or agents?

"2d. What are the number, names, location, &c., of the banks for which he or they is or are agent or agents?

"3d. Have such agents in all instances carried on their correspondence directly with the officrs of said banks, as well before as since the commencement of their agency, so far as you know?

"4th. State the names of the officers, as well as the offices which they respectively hold, with whom your correspondence has been carried on with said banks at all times.

"Answer. I am not prepared, at this time, to answer any interrogatory whatever, touching the subject the committee is investigating, excepting such as are clearly and positively of a public nature, and in no way connected with private affairs.

"Answer to 1st interrogatory. Considering this interrogatory as concerning my *private affairs*, I decline at *this time* giving any further answer.

"Answer to 2d interrogatory. Beyond what concerns me personally, I have no knowledge.

"Answer to 3d interrogatory. The same as to the second.

"Answer to 4th interrogatory. The same as to the first."

To enable the committee to understand the facts, and form a correct judgment whether the interrogatory which related to the employment of an agent by the deposite banks, "to transact *their business with the Treasury Department*," "concerned the private affairs" of the witness, the following interrogatory was propounded, by the unanimous consent of the committee, (p. 22:)

"5th. What is the nature and character of the business which such agent as has been referred to in the question to witness is employed to transact with such banks; what relation has it to the public money in the Treasury or deposite banks; and was he or they employed at the instance, by the request, or with the consent, of the Secretary of the Treasury, or any other officer of that Department; and is or is not the business and correspondence of that Department with the deposite banks carried on through said agent or agents? And let witness further state whether the agent derives his pay or emoluments out of the deposite banks or the Treasury, or both.

"Answer to 5th interrogatory. Considering all that is contained in this of a *private nature*, but that part as to 'whether the agent derives his pay or emoluments out of the deposite banks or Treasury, or both;' and that I believe the whole will be answered in the documents which I have been called upon to bring before the committee, when they are produced, with the exception of that part, I decline at *this time* giving any further answer; and that so far as regards myself, and any agency of mine for any of the deposite banks, the only compensation or emolument which I derive, or ever have derived, has been paid me by those banks; also, that I never have received, nor do I ever expect to receive, any pay, compensation, or emolument whatever, from the public Treasury, for such agency."

* Page 89 of journal of committee.—"Question 43. Did you or did you not write one or more letters to the deposite bank at Philadelphia, called the Moyamensing Bank, giving certain information of a public nature, and making suggestions of a general and public nature, bearing upon the legislation of Congress, among other things; and, in conclusion, did you not mark said letter as confidential, and intimate heavy penalties in case of a disclosure? State whether you have ever written letters of that character to any of the deposite banks.

"Answer. I decline giving an answer to this interrogatory."

To W. D. Lewis, cashier of the Girard Bank, page 228.—"Question 6. Does or does not the correspondence, copies of which you have heretofore, in your testimony, and still decline to lay before the committee, between yourself as cashier of the Girard Bank and R. M. Whitney as agent of that bank, relate to the public money in or out of said bank, its use, the expected use of the same? And state, further, whether the said correspondence upon the side of said Whitney is marked confidential; and, further, whether you have reason to apprehend injury to the pecuniary interest of said bank, if you were to make a disclosure of the same.

"Mr. Pierce objected to the same, which was decided in the negative by the following vote:

"Ay—Mr. Peyton.

"Noes—Messrs. Garland, Pierce, Fairfield, Gillet, Martin, Hamer."

Page 238 of the journal of committee.—"Question 25. Does or does not the correspondence to which reference has been made relate to the public money? State whether R. M. Whitney does or does not, in that correspondence, give such information, or make such suggestions, as would be important to be communicated to a bank, or individual, who wished to use the public money for purposes of speculation. Do you know any bank, person, or body corporate, which has engaged in speculation in consequence thereof? In answering this question the witness is required only to describe the correspondence, without going into its contents.

"Mr. Gillet objected to this question; it was decided in the affirmative.

"Ayes—Messrs. Peyton, Wise, Garland.

"Noes—Messrs. Gillet, Hamer.

"The question was propounded to the witness, who replied as follows:

"Answer. To the latter part of this interrogatory, I reply that I have no knowledge of any bank or persons having engaged in speculation in consequence of information derived from Mr. Whitney, since he has been agent for the banks. Having declined producing my correspondence with Mr. Whitney, I decline stating any part of its contents, or the nature of it, believing that no power exists, or can exist, in a committee of Congress, to require it.

Page 254, journal of committee.—"Question 31. Has or has not Mr. Whitney expressed to you, or to any other person, to your knowledge, either verbally or otherwise, his views, or course, or his wishes, on any subject connected with this inquiry, since it was agitated, and a committee was appointed to investigate it at the present session of Congress? If yea, state the purport of the same.

"Mr. Pierce objected to this question, and it was decided in the negative.

"Ayes—Messrs. Peyton, Garland.

"Noes—Messrs. Pierce, Martin, Gillet, Fairfield."

Page 256, journal of committee.—Mr. Lewis speaks of the letter and correspondence which has passed between said Whitney, as agent, and himself, as cashier, of the Girard Bank, as follows:

"They are not my property for any such purpose, and I have therefore no privilege, even were I so disposed, to permit them to go out of my possession, or to be made public. Letters of this character belong no less to the writer than to the person to whom they are addressed. I hold this position to be sound, and accordant with the dictates both of justice and honor."

The House will see the insuperable difficulties which were thrown in the way of a full investigation of this subject, by the strict and technical construction given to the resolution of the House by the majority of the committee, by the obstinate and pertinacious refusal, on the part of said Whitney, to respond before the committee, and the like course adopted by those officers of the deposite banks who were supposed to be in possession of the most important information on the subject, while acting, as it may not be unjust or unreasonable to suppose, under the apprehension of injury to the pecuniary interests of the institutions of which they were officers, if they should make full disclosure of what they knew.

Whether the inquiries contained in the above interrogatories were of that private and personal character which was contended for by the witness, Whitney, as well as the officers of some of the principal banks for which he is agent, will be for the House to determine.

The 4th and 5th branches of the resolution of the House of Representatives will be considered together; this method will avoid much repetition of the evidence, as well as contribute to a more distinct and perfect understanding of this part of the subject of inquiry before the committee. They are as follows:

"4th. Was such agent or agents employed at the request or through the procurement of the Treasury Department?

"5th. Is the business of the Treasury Department with the said banks conducted through the said agent?"

If the Treasury Department did procure the employment of said agent, it would be an encouragement to the banks to transact their business with the Department through him as their organ; and, on the other hand, if that business had been conducted through said agent, and that too under the frank of the Department, there could not be devised a better method than this to procure his employment by the banks.

How far the agent has transacted the business of the deposite banks with the Treasury Department, and whether such agent has been employed at the request or through the procurement of the Treasury Department, the minority will proceed to show by the evidence, to rely upon the testimony of any other witness than the Secretary of the Treasury, and the clerks in the Department; but inasmuch as their testimony has been stated, it will not be recapitulated.

First. Mr. Woodbury wrote, and placed in the possession of Mr. Whitney, the letter of the 5th November, 1834, which letter is a recommendation of the most imposing character in favor of Mr. Whitney, and must have been so intended by the writer of the same; it was so used by Mr. Whitney, and so viewed by the banks before whom it was laid. It should be borne in mind that about the time Mr. Whitney obtained the letter in question from the Secretary of the Treasury, he was on the eve of his departure for the Northern cities, to solicit the agency which he obtained; that he procured another recommendation on the 8th November, 1834, three days after the date of the Secretary's letter, written by one living at this city, high in the confidence of the Executive, as he, Whitney himself, says, which letter is not only a strong and decided recommendation of Whitney, as well as of the agency to be created, but the writer speaks in the most decided terms of approbation of both, in the name and on behalf of the President of the United States and the Secretary of the Treasury. These two letters, written so near to each other in point of time, upon the same subject, were used by Whitney as letters of recommendation to the banks, which viewed them in the same light, and appointed him their agent.

Page 13, journal of committee.—"9th. In answer to the next inquiry, whether said agent has been employed at the request or by the procurement of the Treasury Department, I would observe that no such request has been made since I entered on the duties of the Secretary of the Treasury, nor have I any reason to believe that any such request emanated from my predecessors. Neither has any thing occurred, to my knowledge, which could be construed, in any degree, as contributing to procure his employment, unless, when the appointment of an agent was, in 1833, voluntarily proposed by several of the banks, to be made by the Department, it declined to make one, though coinciding in the opinion which they expressed, that one might, for some of the purposes mentioned in their letter, be at times found very beneficial and convenient to them."

It will be perceived that Mr. Woodbury does not controvert the facts that said letter did contribute to procuring said employment, and that it was so understood and intended at the time. As to the effect produced upon the officers of the bank before whom it was laid, see the following question from Mr. W. D. Lewis, cashier of the Girard Bank:

Page 239 of journal of committee.—"27. Was or was not the letter of the Secretary of the Treasury, (Levi Woodbury,) bearing date 5th November, 1834, to R. M. Whitney, laid before the board of the Girard Bank, as a recom-

mendation, at the time he applied to be appointed agent of said bank? Was or was not that the only letter of recommendation which he laid before that bank? And state whether that letter did or did not satisfy the board that the said Whitney was acceptable to the Secretary of the Treasury.

"Mr. Gillet objected to the question, which was decided in the affirmative.

"Ayes—Messrs. Wise, Peyton, Garland.

"Noes—Messrs. Gillet, Hamer."

The question was answered as follows:

"In my replies to the printed interrogatories, I have detailed the circumstance of Mr. Whitney's appointment, and submitted a copy of Mr. Woodbury's letter referred to. Whether that was considered by our board as a letter of recommendation, I do not know. As to the Girard Bank, no recommendation of Mr. Whitney was necessary, nor was his appointment caused by that letter. For myself, I have no hesitation in saying that it satisfied me that Mr. Whitney would be acceptable to the Secretary of the Treasury, or at least not disagreeable to him."

See, also, the resolution of the Moyamensing Bank, passed on the 1st September, 1835, in which this is the only letter of recommendation before the bank. The resolution speaks of Mr. Whitney as one who has been highly recommended, &c. In the resolution of the Girard Bank, passed 10th November, 1834, it is stated substantially that Mr. Whitney has heretofore communicated information which could not have been obtained from any other source, in consideration of which, it appears, he was paid one year's salary in advance of his employment—$500.

Page 111 of journal of committee. Question to Richard Ela, a clerk in the Treasury Department:

"10. Do you know of any application made by R. M. Whitney to any officer of the Treasury Department, either for a recommendation to be employed as agent for any deposite bank, or for any agency or office in that Department connected with the deposite banks?

"Answer. I do not, further than is contained in the letter of the Secretary to him, dated in November, 1834, appended to the Secretary's answer, which I have seen."

Page 243 of journal of committee. President of the Farmers and Mechanics' Bank, Albany, says:

"The services rendered by our corresponding agent are, in giving attention to our interests and communications, furnishing statements concerning the condition of the deposite banks, of the currency and exchanges, with the operations of the Treasury, together with such intelligence as he may deem to be of public importance or particular interest to us."

Nos. 18 and 19, he says:

"No such letter or circular was ever received by us from any of the persons referred to, nor did said persons, or any of them, ever intimate a wish, or make a request, either by letter, circular, or otherwise, touching the appointment by us of an agent. I beg leave to state that I presume the Secretary of the Treasury has been fully aware of the existence and character of the agency established by the banks; and that, appreciating its importance, he has afforded every consistent and proper facility to enable the agent to serve the banks usefully and faithfully."

Page 247 of journal of committee. Witness, John Armstrong, states:

"Reuben M. Whitney conceived it to be his duty, which he owed to those banks that had employed him as their agent, to give them the earliest notice of the course that would be pursued by the Secretary of the Treasury."

Page 161 of journal of committee. The following is a preamble and resolution adopted by the Bank of America, New York, November 21, 1834:

"Whereas the opinion has been entertained and expressed that the interest of this bank, and the other banks in this city, as well as the interest of the commercial community, may be promoted by the employment of a suitable person, resident at Washington, to act as agent for the three deposite banks in this city, to obtain and communicate them, *with the full consent and approbation of the Secretary of the Treasury*, seasonable information, from time to time, on the following points, as well as other general or particular information which may be useful and proper to communicate, viz:

"The amount of revenue receivable at New York for a period of two or three months to come.

"The amount, or probable amount, of public money to be disbursed here, or the amount that the three deposite banks in New York may be called upon to pay for that purpose, and for a like period.

"The amount of public money that they may probably be required to transfer, and the time when, and the place or places where, the transfers are to be made.

"*Therefore, resolved*, That the president and cashier of this bank be, and they are hereby, authorized, in co-operation and conjunction with the two other deposite banks of this city, or with the presidents and cashiers thereof, to appoint such person as they may deem suitable and proper to act as agent for the purposes aforesaid, and to agree to make the said agent suitable compensation for his services; provided that the amount to be paid him by this bank shall not exceed the sum of six hundred dollars per annum."

The president of the bank states:

"And the subscriber further says, that, soon after the preamble and resolution, as above recited, were adopted by the board, R M. Whitney was appointed the agent in conformity therewith, with the exception only that the compensation to be allowed him by the Bank of America was agreed to be one thousand dollars per annum, as was understood to be allowed by the two other deposite banks, instead of six hundred dollars, as stated in the resolution."

By reference to the correspondence of the banks at Burlington, Vermont, and at Detroit, Michigan, to which the particular attention of the House is solicited, it will appear that Mr. Whitney's employment was looked upon by those banks as a measure desirable to the Government, and one which was necessary on their part, to enable them to co-operate in carrying out the great measures of the administration. It will further appear that the business of those banks with the Department, the correspondence touching financial, fiscal, and political affairs, was carried on with Mr. Whitney; and that he not only exercised the power of procuring for them the use of the public money, but gives assurances to the Burlington Bank, on one occasion, that it shall have as much money as it can hold, (say three fourths of its capital stock,) from some time in the summer of 1836 until the following January. It will further appear that the Burlington Bank so used the money as to effect political changes, as it is stated, in favor of the administration, and urged that as a reason why that bank should be liberally supplied with the public deposites, to continue like political influence in the spring and summer of 1836.

Page 12 of journal of committee.—Mr. Woodbury's answer, part of 5th. "In two or three other cases, and those only, individual stockholders of banks have inquired of me, verbally, as to the utility of employing such an agent. In those cases they were informed that the situation and business of the banks in which they were interested appeared to be so small, and of such a local character, that they were not, in my opinion, likely to derive any very essential benefit from the employment of an agent resident here; and it is believed that they never have employed one."

Page 34 of journal of committee.—"Question 8. Is Reuben M. Whitney the person through whom all or any of the communications, verbal or written, which are or have been made by the Treasury Department, or by you

personally, to the banks of deposite of the public money of which he is agent, or which are or have been made by said banks to said Department, or to you personally?

"Answer. In reply to this question, if properly understood by me, I would state that most of the communications received from the deposite banks, or made to them, are direct between them and the Department, though occasionally they are made through Mr. Whitney, in behalf of some of them. I am not aware of any letter on *record*, from or to Mr. Whitney, as their agent, except as named in my report of the 11th instant; though in some instances, I think, when making some request for information in their behalf, he has shown to me letters, or held them in his hand, which he said were from them.

"When the application in their behalf has been made by him verbally, and no letter has been written by them to the Department, it has been customary to make to him a verbal reply, if the business was of little importance. But if it was considered of much magnitude, a written communication has generally been sent by the Department directly to the bank concerned.

"Other persons, as remarked in my report to the committee on the 11th instant, have been the organ of communicating the wishes of several of the deposite banks, on several occasions, and in a manner similar to that above described as to Mr. Whitney."

Same page, in answer to 9th interrogatory, he says:

"All the communications made to or from the Department, whether directly or through Mr. Whitney, which have been found on record, &c., are believed to be annexed to my report," &c.

Page 226.—Wm. D. Lewis, cashier of the Girard Bank:

"Question 1. In your testimony which was forwarded to the committee heretofore it is stated as follows, to wit: 'I have on some occasions, in my personal correspondence with Mr. Whitney, availed myself of his presence at Washington to make informal inquiries of different officers of the Government, and suggestions relating to the interest of the bank; but the business communications of the bank with the Treasury Department have been direct in all cases.' Were the inquiries and suggestions above referred to of a public nature, which concerned the bank as a fiscal agent? And state what aid the said Whitney rendered in and about the same or similar business, at any time.

"Answer. They related no further to the bank, as a fiscal agent of the Government, than that, if the bank had not been a fiscal agent, the inquiries and suggestions would not have been made, and could not have arisen. I will state a case," &c.

"Since the Girard Bank has been a depository of the public money, great efforts have been made, at different times, by various banks in Philadelphia, to obtain a portion of it. I have on one or more of these occasions informed Mr. Whitney, and requested him to make it known to the Treasury Department, that if other depositories were appointed in Philadelphia, the amount of the public money left with us might not remunerate the bank for the labor and responsibilities of the duties it had engaged to perform for the Government. He made the suggestions, but I am not aware that the bank received any aid from him," &c.

Page 87, journal of committee.—"Question 32. Have you ever used the following language in any of your circular letters or instructions to any of the public officers, to wit: 'I have forwarded a copy of this to each of the public receivers, and have no doubt that they will act with such fairness that no injustice will be done to any one of the deposite banks. Should it ever be otherwise, and any one of the banks have cause to feel aggrieved, I am authorized by the Secretary of the Treasury to say that he will take the most prompt measures to remove any just cause of complaint?' If yea, state whether you had received any such authority from the Secretary of the Treasury.

"Answer. I refer the committee to my printed letter of the 29th of August, 1835, (see appendix I 2,) in which will be found the paragraph quoted in this interrogatory.

"In effecting the arrangements informed of in that letter, a fear was expressed by some of the banks that the banks and receivers might not act in perfect fairness with each other, and that some of the banks might be subject to impositions under the arrangements they entered into. I communicated the same to the Secretary of the Treasury, who, viewing, as I believed, the arrangement an important one for the community, and for the purpose, as I supposed, of inspiring the banks with confidence that they would not be imposed upon, told me I might communicate to them the substance of what is contained in the concluding part of the quotation, though probably in other words."

"Question 35. In forwarding to the public officers and to the deposite banks the before-mentioned circulars, or making any other communications to them, have you at any time used the frank of the Secretary of the Treasury, or any other officer of that Department? If yea, state if it has been your habit to do so.

"Answer. The Secretary of the Treasury franked, or authorized to be franked, two or three of the circulars furnished to the committee, marked A, one of *each* of which was forwarded to many, if not all, of the deposite banks, and of one of them a copy was sent to *each* of the receivers, also franked by him. Also, tables showing the condition of the deposite banks, which I have occasionally prepared, the character of which was, in all cases, made known to him, or the papers themselves being first shown to him. Beyond these, I do not recollect that he has ever franked, or authorized to be franked, any communications to the banks, or to any other person whatever, of mine."

The minority would particularly refer to the following extracts from the testimony of the Hon. Levi Woodbury, to prove—

1st. That there *is an agent employed* by some of the deposite banks to transact *their business with the Treasury Department.*

2d. What the *description* of that business is.

3d. That correspondence, containing claims, requests, and complaints, and matters of strict business, has been conducted through this agent from some of the deposite banks with the Treasury Department; that arguments are made by him to the Secretary of the Treasury, which caused the Secretary to examine important subjects critically; and that this agent has had authority conferred upon him by some of said banks, under which he *acted*, and *declined* to act, which authority was known to the Secretary of the Treasury; and that the Secretary communicated answers through this agent to the banks.

"8. 'The names of the banks employing said agent' are, with the few exceptions before alluded to, unknown to me, except by rumor.

"Besides the Planters' Bank at Natchez, and the Commercial Bank at Cincinnati, copies of whose correspondence have already been furnished, I think that in one or two cases of difference of opinion as to *claims made by the banks through their agent*, and in those alone, a written communication *was shown to me by him*, concerning the *authority confided by them.*

"But the final question in those cases not having been one as to competent authority on the part of the agent to do any official act in their behalf, but as to the sufficiency of the reasons in favor of the *claims or requests* made by him, and which are believed not to have been acceded to, it did not become necessary to ask the evidence of his authority to be *filed*; and no names are recollected beyond those above stated, except the Commercial Bank at New Orleans."

"44. In the cases alluded to in your report of the 11th instant, where the Planters' Bank, Natchez, and the Com-

mercial Bank, Cincinnati, confided authority upon said Whitney, as shown to you in a written communication, what was that authority, what were the claims or requests made by him, what was the case of the Commercial Bank at New Orleans?

"Mr. Gillet objected to this question, which was decided in the affirmative by the following vote:

"Ayes—Messrs. Garland, Pierce, Wise, Johnson, Hamer, Martin, Peyton, Fairfield.

"No—Mr. Gillet.

"Answer. The cases referred to in my report of the 11th instant, where differences of opinion occurred, and *an authority was produced*, but not found necessary to be filed, were those of the Commercial Bank at Cincinnati and the Commercial Bank at New Orleans. I mentioned the Planters' Bank only as one in which a general notice had been given, and was on file, as to his agency, and a copy which was annexed. The particular case of the Commercial Bank at Cincinnati was, so far as I recollect, a letter which he held in his hand *and read, wishing him to request the Department to change the place to which some of the transfers outstanding against it were to be made*, such as from other parts of Ohio or Kentucky, to New Orleans or Philadelphia; and *stating the reasons for the request* to be, that the banks in Ohio and Kentucky would *probably demand specie*, or *be less accommodating* as to the payments than those at a distance. I think it stated, further, *that an extension of some of the transfers was desirable*, if the Department could conveniently grant it, and *complained* that the time already allowed was too short. *The agent also urged both these requests, assigning similar reasons*, and that the time granted in several cases was less than that formerly allowed, under like circumstances, to the United States Bank, to make transfers. I declined to change the places from Ohio and Kentucky, as requested, because, under the late deposite law, I felt bound to confine to the neighborhood those particular transfers, till about money enough was placed in Ohio and Kentucky to meet their share of the anticipated division of the surplus and the current expenditures, rather than send it to a distance; but the time for some of the transfers, which seemed too short, *I proposed to extend as long as seemed* to me proper. *He, however, declined taking such extension in behalf of the bank*, unless I could make it longer, thinking it would not be useful so little extended; and, *therefore*, I wrote to the bank itself what had been proposed *to him, and his declining it*, and that I should, notwithstanding, give the extension which to me seemed suitable, and the bank, if not accepting it, might pay the money over at the time originally fixed. In respect to the Commercial Bank at New Orleans, *the application by the agent was*, according to my recollection, *with a letter setting out that the Department had, by transfers and warrants, drawn out, or proposed to draw out, all or nearly all the public money in its possession, and wishing him to request it to revoke some of the transfers, and possibly to postpone some to a much later day if none could be revoked. I informed him* that the bank must be in an error, as, before signing a transfer or sending one, I was always careful to see that it would not reduce a bank too low. I sent for the clerk who had charge of the subject, and *examined into it critically*, and declined to revoke any of them, as I felt satisfied that *the bank and its agent considered* the money the bank had been notified it would probably be called on to pay the State of Louisiana during 1837, but for which no transfers had then been issued, and which *I told him* would not be issued when the time of payment arrived, provided the bank should, before that time, be drawn down too low. *I informed him*, also, that the bank had, by mistake, included one transfer, in order to make out its case, which had never been issued, according to our records; and hence I could not revoke any that had been issued. *He seemed to be satisfied that the bank was right.* Whether any extensions of *time* were given in this case I do *not remember*, but know that none were given beyond the period of the quarterly payments to the States, for which purpose these transfers had been seasonably ordered."

"8. Is Reuben M. Whitney the person through whom all or any of the communications, verbal or written, which are or have been made by the Treasury Department, or by you personally, to the banks of deposite of the public money of which he is agent, or which are or have been made by said banks to said Department, or to you personally?

"Answer. In reply to this question, if properly understood by me, I would state that most of the communications received from the deposite banks, or made to them, are direct between them and the Department, though occasionally they are made through *Mr. Whitney in behalf of* some of them. I am not aware of any letter on *record*, from or to Mr. Whitney, as their agent, except as named in my report of the 11th instant; though in some instances, I think, when making some request for information in their behalf, he has shown to me letters, or held them in his hand, which he said were from them.

"When the application in their behalf has been made by him verbally, and no letter has been written by them to the Department, it has been customary to make to him a *verbal reply*, if the business was of little importance. But if it was considered of much magnitude, a written communication has generally been *sent* by the Department *directly* to the *bank* concerned.

"Other persons, as remarked in my report to the committee on the 11th instant, have been the *organ* of communicating the wishes of several of the deposite banks on several occasions, and in a manner similar to that above described as to Mr. Whitney."

"9. Are most or all of the communications received by you or the Department from the deposite banks, or made to them by you or the Department, directly or through Mr. Whitney, contained in your communication of the 11th instant to this committee? If not, where and what are they?

"Mr. Gillet objected to its being propounded. On the question, Shall the interrogatory be propounded? it was decided in the affirmative, as follows:

"Ayes—Messrs. Garland, Pierce, Fairfield, Wise, Johnson, Hamer, Martin, Peyton.

"No—Mr. Gillet.

"The question being propounded to the witness, he returned the following answer:

"All the communications made to or from the Department, whether directly or *through Mr. Whitney*, which have been found on record or on file, and which relate to his appointment or compensation as agent, are believed to be annexed to my report to the committee on the 11th instant.

"But there are numerous other communications on other subjects with the deposite banks, relating to their duties and requests, &c., both to and from them, and which probably fill several volumes, and are now at the Department."

As to the sixth and last subject of inquiry contained in the resolution of the House of Representatives, viz: "Does said agent receive any compensation from the Treasury Department?" the minority are of opinion, from the evidence, that although he does not receive directly any pay or emolument from the Treasury Department, yet it is manifest that the banks, who are depositories of the public money, and which have thereby become practically the *Treasury* of the Government, would not have employed and paid said agent, if they were not depositories of the public money.

Page 238 of the journal of the committee.—Question to W. D. Lewis, cashier of the Girard Bank:

"Question 22. Would the Girard Bank have any use for the agency of Reuben M. Whitney, such as said agency is now constituted, if said bank were not a deposite bank?

"Mr. Gillet objected to this question, which was decided in the affirmative by the following vote:

"Ayes—Messrs. Peyton, Wise, Garland.

"Noes—Messrs. Gillet, Hamer.

"The question was propounded to the witness, who replied as follows:

"Answer. I think not."

The minority of the committee respectfully suggest for the consideration of the House in future, if it should think proper to resume the consideration of this subject, when more time can be granted for such an investigation, which will require the whole of a long session of Congress, instead of the short and inadequate period which has been allowed to this committee.

It was not until the 20th day of January that the committee adopted a resolution calling upon the officers of the deposite banks, and receivers of the public money, to forward to the committee such evidence as might be in their possession; and it was determined on the 18th day of February that the committee would take no additional testimony after that day, circumscribing the whole investigation within the time of *twenty-nine* days. And the committee are hurried on to make their report before any answer or communication has been received from many sources, from which important evidence was expected to be received.

That there is much important evidence which the committee have been unable to obtain, for want of time, will in some measure appear by the following extracts taken from letters received by a member of the committee from gentlemen of the first intelligence and standing.

First, from a gentleman in Philadelphia, stating that Mr. Van Wyck, cashier of the Union Bank, which is a depository of the public money at Nashville Tennessee, said in Philadelphia that when he visited Washington, on business connected with the deposite bank of which he is an officer, he called upon Mr. Whitney, laid his business before him, together with a check or bill for one thousand dollars, and on the next day he was informed by Mr. Whitney that the favors or accommodations which he sought were granted.

About the time this letter was received, on the morning of the 28th of January, the witness, R. M. Whitney, returned before the committee to file certain letters to which reference had been made by him at a previous examination, and the following questions were propounded to him by Mr. Peyton, (see page 103 of the journal of the committee:)

"Question 2. Did the Secretary of the Treasury introduce to you John Tillson, jr., when he came to Washington on the business of obtaining a deposite of the public money in the Bank of Illinois, called the State Bank, of which he was a director, and refer him to you on that subject?

"Answer. The Secretary of the Treasury did not introduce Mr. Tillson to me, nor to my knowledge was he ever referred to me by that officer. As well as I now recollect, Mr. Tillson was introduced to me by Mr. Williams, of Cincinnati, at the time he presented the letter from J. D. Beers.

"Question 3. When Mr. Van Wyck, cashier of one of the deposite banks at Nashville, Tennessee, came to this city, some time since, on business connected with the said deposite bank, did he lay his business before you, together with a bill or check for one thousand dollars, or any other sum of money? State fully all the facts and circumstances of this transaction.

"Answer. I decline answering this interrogatory."

The witness having declined answering the interrogatory, Mr. Peyton, on the evening of the same day, proposed that several interrogatories should be propounded to Mr. Van Wyck, and forwarded without delay to the commissioners at Nashville, Tennessee; and, pending this motion, Mr. Gillet moved that the committee should adjourn; which being negatived, the vote was taken on the proposed interrogatories to Mr. Van Wyck, as follows:

"Ayes—Messrs. Garland, Wise, Johnson, Hamer, Martin, Peyton.

"Noes—Messrs. Pierce, Fairfield, Gillet."

The following is an extract from the letter dated Nashville, February 9, 1837, to a member of the committee, from a gentleman in that city:

"It is peculiarly unfortunate that Van Wyck left this for New Orleans about the 15th of January. He stated the same here to ——, and others, that he did in Philadelphia; and were it possible to get his testimony, it would be a clincher," &c.

From a gentleman in Cincinnati:

"I am under subpœna to testify in the Whitney inquiries. My information is hearsay only. The questions, as propounded, are not calculated to elicit facts and motives as they exist in the deposite banks here. Under the present questions, nothing will be obtained," &c.

On the protest of the said Whitney the minority will forbear to make any further comment than to remark that the learned counsel who drew up that protest, in which they portray *and defend* in such eloquent terms the sanctity of *private rights*, appear to have overlooked the point upon which the whole argument turns, to wit: that R. M. Whitney's agency, in transacting the business between the deposite banks and the Treasury, and which gives him the control of the public money, is not a *private* and *individual*, but a *public* and *official* employment.

The minority would earnestly call the attention of the House to the position assumed in the protest of said Whitney, as well as by several of the deposite banks, that the *Secretary* of the *Treasury alone* has the right of examining, either by himself or by his agent, into the condition of the deposite banks and safety of the public money, but that *Congress* has no right whatever to exercise a visitorial or supervising power over the banks who are depositories of the public money, in any case whatever.

To illustrate the absurdity of this position, it is only necessary to suppose a case in which a Secretary of the Treasury, either from want of capacity or integrity, should give up his control, and permit the treasure of the nation to be squandered or divided out as legitimate spoils between the fiscal agents of the Government and their secret and confidential agent. In such a case as this, has not Congress the power to interpose and rescue the treasure of the country?

In the conclusion of the protest of the witness, (R. M. Whitney,) he introduces the subject of his character, his conduct during the late war, and his examination before a committee appointed to examine into the affairs of the United States Bank in 1832. (See page 79 of journal.) He says:

"I went to Canada as a clerk; I afterwards became engaged in business on my own account. When the war broke out I had a great deal of money scattered about in that country, having sold much on credit, all of which I should have sacrificed by leaving it, when war was declared. I remained, therefore, having the permission of the British Government to do so. I took an oath to obey the laws of the country while I remained there."

The witness having thus voluntarily made an issue as to his character and conduct, the minority will submit a brief statement of the facts, without comment.

In the minority report of the bank committee, at page 307, it is stated:

"There was one occurrence during the transactions of Thomas Biddle & Co. with the bank which merits particular notice.

"An informer and witness by the name of Whitney, who had formerly been a director of the bank, was produced, who declared, upon oath, that in May, 1824, two of the cashiers of the bank had informed him that Thomas Biddle & Co. had been in the habit of drawing money out of the bank on a deposite of stock in the teller's drawer, *without paying interest*, and that the president of the bank has discounted two notes, one for Thomas Biddle & Co. and one for Charles Biddle, without the authority of the directors. This witness stated that he went with these officers of the bank, and examined the teller's drawer and the discount book, and found the facts which had been stated to him verified by the examination. He also stated, to give additional certainty to his averments, that he made a memorandum at the time, with the dates of the transactions, which memorandum he produced to the committee. Having thus unalterably fixed the date of the transaction, as if by some fatality he went on to say that he immediately proceeded into the room of Mr. Biddle, the president, and remonstrated with him against the irregular proceedings, and that Mr. Biddle promised him that they should not occur again.

"In the interval between the adjournment of the committee that day, and its meeting the next, a member of the board of directors suggested to Mr. Biddle that he was, about the time of this alleged transaction, in the city of Washington. On examining the journal of the board, and the letter-book, it was found, by entries and letters, that for several days previous to the alleged interview between the president and Whitney, and for several days afterwards, the president was absent on a visit to this city, on business of the bank, and General Cadwalader was acting as president in his place. Thus was this artfully devised story, which was intended to blast the reputation of a high-minded and honorable man, through one of those extraordinary interpositions by which Providence sometimes confounds the contrivances of the wicked, made to recoil upon the head of its inventor, who must forever stand forth as a blasted monument of the speedy and retributive justice of Heaven."

The following resolution was unanimously adopted by the committee, a majority of whom were the political friends of said Whitney, and three of that majority, to wit: Messrs. F. Thomas, of Maryland, C. C. Cambreleng, of New York, and Col. R. M. Johnson, of Kentucky, are now members of the House of Representatives:

"*Resolved*, That the charges brought against the president, of lending money to Mr. Thomas Biddle & Co. without interest, and of discounting notes for that house, and for Charles Biddle, without the sanction of the directors, are without foundation; and that there does not exist any ground for charging the president with having shown, or manifested any disposition to show, any partiality to those individuals, in their transactions with the bank."

The following questions were propounded to said Whitney, when examined before that committee in 1832:

"Question by Mr. Watmough. How long have you been a resident of this country?

"Answer. I was born in this country.

"Question by same. Were you not a resident of Canada during the late war?

"Answer. I resided there from 1808 to the spring of 1816, when I removed to this city.

"Question by Mr. Adams. In what place in Canada did you reside during the late war?

"Answer. In Montreal. I went to Canada as a clerk. I afterwards became engaged in business on my own account. When the war broke out, I had a great deal of money scattered about in that country, having sold much on credit, all of which I should have sacrificed by leaving it when war was declared. I remained, therefore, having the permission of the British Government to do so.

"Question by same. Did you ever ask permission of the Government of the United States to remain there?

"Answer. I never did.

"Question by same. On what conditions did the British Government permit you to remain in Canada during the war?

"Answer. I took an oath to observe the laws of the country while I remained there.

"Question by same. Did you understand that to be an oath of allegiance?

"Answer. No; I did not, *permanently*."

The committee adopted the following as the 29th interrogatory:

"At the time he [Whitney] was so designated, were you acquainted with him personally; and was he favorably known to you, either for capacity or integrity?

"To this interrogatory some of the officers of the bank responded favorably to said Whitney. And one of them, (Philip Riley,) a director in the Moyamensing Bank of Philadelphia, responded unfavorably to his character."

The following interrogatory was proposed by Mr. Peyton, to be put to Chief Justice Taney, (page 146:)

"Question 5. At that time, was Mr. Whitney known to you? If yea, was he favorably known to you for capacity, *as well as integrity?*

"Mr. Gillet objected to this question; which was decided in the negative, by the following vote:

"Ayes—Messrs. Garland, Wise, Peyton.

"Noes—Messrs. Fairfield, Gillet, Hamer, Martin."

And the question was not propounded to Mr. Taney, notwithstanding it had been to other witnesses.

Page 61, question 48: To Mr. Woodbury:

"Do you know Reuben M. Whitney's general character for truth and veracity; and would you believe him on oath, when strongly tempted to swear falsely?

"Mr. Hamer objected to this question; and it was rejected."

Questions of a like nature, embracing the general character for honesty and veracity, were propounded to many other witnesses, and rejected.

The following questions were propounded to Wm. D. Lewis, cashier of the Girard Bank:

Page 223, Question 7.—"In your last answer you say that, so far as your personal knowledge extends of Mr. Whitney, it is favorable to his character for capacity and integrity. Will you be good enough to say how far your personal knowledge does extend? Do you know R. M. Whitney's general character as an *honest, trustworthy man?* If yea, is that general character good or bad?

"Mr. Gillet objected to this question; which was decided in the negative, by the following vote:

"Ay—Mr. Peyton.

"Noes—Messrs. Garland, Pierce, Gillet, Fairfield, Martin.

"Question 8. Are you or are you not acquainted with the general moral character of R. M. Whitney?

"Mr. Gillet objected to this question; which was decided in the negative, by the following vote:

"Ay—Mr. Peyton.

"Noes—Messrs. Garland, Pierce, Fairfield, Gillet, Martin.

"Question 9. Do you or do you not know, from information of a general nature, that said Whitney was one of the British commissaries during the late war in Canada? Has he not the reputation of having been the keeper of a gambling-house or faro bank in Philadelphia, since he returned to the United States? Has he not been guilty of many dishonest practices to defraud his creditors; and is he not notoriously a bankrupt, and at this time living in luxury and splendor in the prison-bounds of this city?

"Mr. Gillet objected to this question; which was decided in the negative, by the following vote:

"Ayes—Mr. Peyton.

"Noes—Messrs. Garland, Pierce, Fairfield, Gillet, Martin."

For further evidence of the character of said Whitney for veracity and integrity, reference is made to the evidence and letters of Chief Justice Taney, and other witnesses, and papers herewith reported to the House. For the fact that he is a bankrupt, now in the prison-bounds of this city, with judgments against him for damages to the amount of ninety-five thousand and twenty-one dollars, ($95,021) with suits now pending to the amount of $5,700 in the court of this District against him, reference is made to the extracts from the records herewith filed, (exhibit W.) For the fact that he has been guilty of dishonest practices to defraud his creditors, reference is made to the examination of R. S. Coxe, Esq., the attorney who has had the management of many claims against him.

The minority of the committee cannot conclude their report without calling particular attention to the fact that, after said Whitney was discharged from his examination before the committee, the anonymous letter of the 8th November, 1834, which was enclosed by him as a recommendation of himself to the Bank of Burlington, Vermont, of which he says: "I herewith enclose you a letter written by one living here, *high* in the confidence of the *Executive*," was sent to the committee by said bank.

A motion was made by Mr. Peyton that the said Whitney be re-summoned to appear, and state on oath who was the author of that letter. The proposition was negatived by the committee, as follows:

Ayes—Messrs. Garland, Johnson, Wise, Peyton.

Noes—Messrs. Gillet, Fairfield, Hamer, Martin, Pierce.

Mr. Peyton presented the matter to the House, and offered a resolution directing that the Speaker issue a subpœna for said Whitney to appear before the committee of which the Hon. James Garland is chairman, to testify in relation to the authorship of that letter; which resolution was negatived in the House, by the following vote: Yeas 86, nays 97.

Mr. Peyton then offered a resolution that said Whitney be summoned to appear at the bar of the House, and testify as to the authorship of said letter; which was negatived: Yeas 76, nays 102.

Thus has been suppressed the author of a letter which is calculated to throw much light upon the most important inquiry contained in the resolution of the House of Representatives. But the committee would only hope that, so far as the character of the House is concerned, there was no necessity that the witness (Whitney) should stand mute, and refuse to answer the following interrogatories:

Page 81, journal of committee.—"Question 4. Have you held conversation, consulted, or advised, with any member of this committee, or of the House of Representatives, as to the course you should or should not pursue?

"Answer. This, like the last interrogatory, I consider entirely of an inquisitorial character; yet I will nevertheless answer it so far as to say that I have never held 'conversation, consulted, or advised, with any member of this committee,' as to the course I should or should not pursue.

"Question 5. In the answer just given you refer only to members of this committee. State if you have ever held such conversation, consultation, or been advised, by any member of the House of Representatives, as to the course which you should or should not pursue, in your examination before this committee.

"Mr. Gillet objected to this question; which was decided in the affirmative, by the following vote:

"Ayes—Messrs. Garland, Martin, Peyton, Johnson, Wise.

"Noes—Messrs. Fairfield, Gillet, Hamer.

"The question being propounded to the witness, he rereplied as follows: I stated that I considered the last interrogatory *altogether* of an inquisitorial character, though I subsequently answered a part. I consider this interrogatory, also, altogether of an inquisitorial character, and decline answering it.

"Question 6. Did any member of this committee, or House, give any advice, assistance, or opinion, in relation to the drawing up the protest, as filed by you to-day, or to the propriety or impropriety of your making such protest?

"Answer. This interrogatory I view as altogether of an inquisitorial character, and decline giving any answer.

"Question 7. Has any member of this committee, or of the House of Representatives, read, or heard read, or been informed of, the contents of the protest which you have this day filed, before it was filed?

"Answer. This, like the last interrogatory, I consider inquisitorial, and therefore decline answering it."

At page 90 of journal of committee, said witness states, in answer to a question of Mr. Hamer:

"No member of this committee has given any advice, assistance, or opinion, in relation to drawing up my protest, whatever. Ever since the committee was appointed, I have, from motives of delicacy, studiously avoided holding conversation with any member of it."

In accordance with the foregoing facts and views, the minority submit to the House, as they submitted to the committee, the following resolutions, as the conclusion to which they have been brought, by the evidence before them.

BALIE PEYTON.
HENRY A. WISE.

March 1, 1837.

Wednesday, February 22.

Mr. Wise proposed seven resolutions, and moved the first as a substitute for Mr. Pierce's first resolution:

1st. *Resolved*, It is the opinion of this committee, and it finds the facts to be so, from much of the testimony of several witnesses, that several of the deposite banks, how many is not ascertained in evidence, and whether by joint or several contract does not clearly appear, have employed an agent, to reside at the seat of Government, to transact certain business for them with or at the Treasury Department, as described in the various testimony before the committee; and that in *most* of the cases Reuben M. Whitney is their agent, who resides here *permanently*, and who has his office in the same block of buildings occupied by the Treasury Department, and that other agents have, in the like manner, in some instances, been temporarily, if not permanently, employed, by some of the deposite banks.

This was put to the vote, and decided in the negative, as follows:

Ayes—Messrs. Wise, Johnson, Peyton.

Noes—Messrs. Garland, Pierce, Fairfield, Gillet, Hamer, Martin.

The question then being on the adoption of Mr. Pierce's first resolution, it was decided in the affirmative by the following vote:

Ayes—Messrs. Garland, Pierce, Fairfield, Gillet, Hamer, Martin.

Noes—Messrs. Wise, Johnson, Peyton.

Mr. Wise moved the 2d, 3d, 4th, 5th, 6th, and 7th of his resolutions, as substitutes for all the others of Mr. Pierce.

The following are the resolutions:

2d. *Resolved*, That, in the opinion of this committee, the character of the business which such agent or agents are so employed to transact is generally described in the following letter from officers of certain deposite banks to

the Hon. R. B. Taney, Secretary of the Treasury, (see exhibit A, page 17 of the printed journal, as published in the former part of this report,) and in the testimony of Mr. Woodbury, as contained in his reply to this committee of January 11, 1837, to wit:

"Some of the banks are so situated as to their *extensive capital* and *discounts*, their heavy *business* in exchanges, their large *deposites*, *payments*, and *transfers*, that it is manifest to all acquainted with such operations as stated in the above letter addressed to my predecessor, and in my reply of 5th November, 1834, before annexed, that an *intelligent agent* or *correspondent* here *might often prove very useful and convenient*, both in respect to their business in behalf of the Treasury, and their business with the commercial community, as well as with each other."

In answer to the next question, "I know nothing with accuracy beyond what *has already* been stated, as to the *duties* he is to discharge for those banks which employ him. But I presume, as just intimated, it is *to communicate* the *earliest information* on all subjects *he* may suppose to *affect* their interest, whether *as public* DEPOSITORIES or private banking institutions; to give his advice and *aid* when called for or *deemed* useful *in the transaction* of *their* business of EITHER character; to be the *organ*, at times, of *presenting their wishes to the Department in respect to subjects connected with their public obligations*; and to procure here and communicate the *best* intelligence in his power on the *state* of the *money market* at home and abroad; on the *condition of the currency*, and of the exchanges, and on the *supposed legislation likely* to happen in Congress, either as to the *banks* themselves, or as to *heavy appropriations* to be paid by them; and, in fine, on *any other* topic which he may consider interesting or beneficial to his employers." And, further, that the character of the business which such agent is employed to transact is shown by some of the replies of the deposite banks, particularly that of the Bank of Burlington, Vermont, and of Michigan, Detroit.

It is further shown, by circulars franked by the Department for Reuben M. Whitney, to the deposite banks, and by those sent by him to the receivers of the public money, which are on the files of this committee, and by the evidence of McClintock Young, Esq., chief clerk of the Treasury Department.

3d. *Resolved*, That the committee cannot report precisely the full amount of compensation to such agent, but it has ascertained that several banks pay one thousand dollars each per annum, that several pay five hundred dollars each per annum, and that several pay lesser sums each per annum, to Reuben M. Whitney, as their agent, besides several sums which have been paid by one or more banks to him, at different times, in the form of a bonus. And it is the opinion of this committee that each bank which employs said Whitney pays him whatever it deems reasonable and proper.

4th. *Resolved*, (as the opinion of this committee,) That no such agent was employed at the request or through the procurement of the Treasury Department whilst the Hon. Wm. J. Duane or the Hon. R. B. Taney was at the head thereof, as appears by their letters, as given in evidence by them and the witness, Reverdy Johnson, Esq.

That, after the Hon. Levi Woodbury was appointed Secretary of the Treasury, on the 4th day of November, 1834, Reuben M. Whitney addressed to him the following letter, enclosing the said letter from the deposite banks in Philadelphia, New York, and Boston, to wit:

(See exhibit B, page 19, of the printed journal, published in this report.)

That, in reply thereto, Mr. Woodbury addressed to him (Whitney) the following letter, to wit:

(See exhibit C, page 19, of the printed journal, published in this report.)

That Reuben M. Whitney did use and exhibit the said letter from Mr. Woodbury as a letter of recommendation to several of the deposite banks, as shown by their replies in answer to the interrogatories of this committee; that said banks themselves received and acted upon that letter as a recommendation to appoint such an agent, and as a recommendation of said Whitney; and it is the opinion of this committee that some of the deposite banks would not have appointed said Whitney their agent if said letter had not been written to him and sent to them as a letter of recommendation from the Secretary of the Treasury.

5th. *Resolved*, That, as to "whether the business of the Treasury Department with said banks is conducted through said agent," this committee would refer to the entire testimony of Mr. Woodbury, the correspondence of said Whitney with the Treasury Department and the banks, so far as this investigation has developed the same, to the said circulars of R. M. Whitney to the banks and the receivers of public money, and to the character of his business generally, as described by the testimony before mentioned. This committee is clearly of opinion that much of the information as to the business of the deposite banks with the Treasury is communicated through said Whitney to and from the Department, verbally and in writing.

6th. *Resolved*, (as the opinion of this committee,) That the several deposite banks became, by contract, before and since the act of Congress regulating the deposite of the public money, fiscal agents of the Government; that those of them which have employed an agent or agents to transact their business with the Treasury Department would not have employed or paid such agent or agents unless their fiscal relations and public obligations to the Government had existed; and though said agent does not directly receive any compensation from the Treasury Department, yet he would not be employed and paid by the banks which do employ and pay him or them, if they were not *public depositories*, and which have the keeping and the use of the public money upon the terms and conditions imposed by act of Congress.

7th. *Resolved*, That this committee refers to the entire testimony before it upon the various points of inquiry referred to it, and that the same be reported to the House.

The question being on the adoption of the above resolutions as substitutes, it was decided in the negative, by the following vote:

AYES—Messrs. Wise, Peyton, Johnson.

NOES—Messrs. Garland, Pierce, Fairfield, Gillet, Hamer, Martin.

Mr. Wise moved his fourth resolution, with the addition, to wit: "With the exception of said letter, there is no evidence of any recommendation of said Woodbury for the appointment of said Whitney, or any other agent," as a substitute for Mr. Pierce's second; which was decided in the negative, by the following vote:

AYES—Messrs. Garland, Wise, Johnson, Peyton.

NOES—Messrs. Pierce, Fairfield, Gillet, Hamer, Martin.

Mr. Johnson moved to amend the second resolution offered by Mr. Pierce, by adding thereto the following words: "Unless the letter of Mr. Woodbury to R. M. Whitney, dated November 5, 1834, in reply to the letter of the said Whitney, dated November 4, 1834, shall be construed as a recommendation of 'an agent of the deposite banks, resident in Washington, from whose services and correspondence great advantage might, in a fiscal and commercial view, be derived to said banks.'" The amendment was decided in the negative, by the following vote:

AYES—Messrs. Garland, Wise, Johnson, Peyton.

NOES—Messrs. Pierce, Fairfield, Gillet, Hamer Martin.

The question then being on the adoption of Mr. Pierce's second resolution, it was decided in the affirmative, by the following vote:

AYES—Messrs. Garland, Pierce, Fairfield, Gillet, Hamer, Martin.

NOES—Messrs. Wise, Peyton, Johnson.

Mr. Wise moved his fifth resolution as a substitute for Mr. Pierce's third resolution; which was decided in the negative, by the following vote:

AYES—Messrs. Wise, Johnson, Peyton.

NOES—Messrs. Garland, Pierce, Fairfield, Gillet, Hamer, Martin.

The question then being on the adoption of Mr. Pierce's third resolution, it was decided in the affirmative, by the following vote:

AYES—Messrs. Garland, Pierce, Fairfield, Gillet, Hamer, Johnson, Martin.

NOES—Messrs. Wise, Peyton.

Mr. Wise offered his sixth resolution as a substitute to Mr. Pierce's fourth resolution; which was decided in the negative, by the following vote:

AYES—Messrs. Wise, Peyton, Johnson.

NOES—Messrs. Garland, Pierce, Fairfield, Gillet, Hamer, Martin.

The question then being on the adoption of Mr. Pierce's fourth resolution, it was decided in the affirmative, by the following vote:

AYES—Messrs. Garland, Pierce, Fairfield, Gillet, Johnson, Hamer, Martin.

NOES—Messrs. Wise, Peyton.

Mr. Wise offered his second and third resolutions as substitutes for Mr. Pierce's fifth; which was decided in the negative, by the following vote:

AYES—Messrs. Garland, Wise, Johnson, Peyton.

NOES—Messrs. Pierce, Fairfield, Gillet, Hamer, Martin.

Mr. Wise then offered his first, second, and third resolutions, as substitutes for Mr. Pierce's fifth; which was decided in the negative, by the following vote:

AYES—Messrs. Wise, Johnson, Peyton.

NOES—Messrs. Garland, Pierce, Fairfield, Gillet, Hamer, Martin.

The question then being on the adoption of Mr. Pierce's fifth resolution, it was decided in the affirmative, by the following vote:

AYES—Messrs. Garland, Pierce, Fairfield, Gillet, Johnson, Hamer, Martin.

NOES—Messrs. Wise, Peyton.

APPENDIX.—TABLES REFERRED TO IN THE REPORT.

Names of deposite banks for which Reuben M. Whitney is *not* agent, and not paid a salary.	Amount of public money deposited in the banks which do not employ R. M. Whitney, on the 1st October, 1834.	Amount of public money deposited in the banks which do not employ R. M. Whitney, on the 1st October, 1835.	Amount of public money deposited in the banks which do not employ R. M. Whitney, on the 1st October, 1836.	Capital of these banks.
Maine Bank, Portland, Maine, - -	$44,958	$134,578	$243,975	$305,000
Bath Bank, do. - -	35,769	35,769	35,769	
Cumberland Bank, do. - -	–	–	100,000	200,000
Granite Bank, do. - -	–	–	37,500	
Commercial Bank, Portsmouth, N. H. -	27,106	148,309	137,502	102,000
Portsmouth Bank, do. -	–	–	105,000	100,000
Merrimack County Bank, do. -	–	–	75,030	100,000
Mechanics' Bank, do. -	–	–	30,000	100,000
Merchants' Bank, Boston, Massachusetts, -	584,480	386,535	1,212,820	750,000
Commonwealth Bank, do. -	545,207	558,837	539,946	500,000
Franklin Bank, do. -	–	–	100,000	150,000
Fulton Bank, do. -	–	–	150,000	500,000
Hancock Bank, do. -	–	–	375,653	500,000
Phœnix Bank, Charlestown, do. -	–	–	100,000	150,000
Merchants' Bank, Salem, do. -	23,946			
Bank of Windsor, Vermont, - -	–	–	60,000	75,000
Mechanics' Bank, New Haven, Connecticut, -	11,049	13,896	288,128	472,970
Arcade Bank, Providence, Rhode Island, -	11,226	91,921	242,071	200,000
Bank of Newport, do. -	4,731	8	–	500,000
Bank of Bristol, do. -	6,735			
Union Bank, Newport, do. -	–	–	100,000	
Seventh Ward Bank, city of New York, N. Y.	–	–	375,000	500,000
Lafayette Bank, do. -	–	–	300,000	500,000
Phœnix Bank, do. -	–	–	600,000	1,500,000
Leather Manufacturers' Bank, do. -	–	–	300,000	600,000
Tradesmen's Bank, do. -	–	–	200,000	400,000
Dry Dock Company Bank, do. -	–	–	150,000	200,000
Merchants' Bank, do. -	–	–	300,000	1,490,000
Union Bank, do. -	–	–	350,000	1,000,000
Merchants' Exchange Bank, do. -	–	–	200,000	750,000
Brooklyn Bank, Brooklyn, New York, -	–	–	150,000	200,000
Troy Bank, Troy, do. -	–	–	15,500	300,000
Trenton Banking Company, New Jersey, -	–	–	178,000	300,000
State Bank, Newark, do. -	–	–	200,000	400,000
State Bank, Elizabeth, do. -	–	–	106,000	200,000
Brandywine Bank, Wilmington, Delaware, -	–	–	90,000	120,000
Bank of Delaware, do. -	–	–	80,000	110,000
Farmers' Bank, Newcastle, do. -	33			
Bank of Harrisburg, Pennsylvania, - -	26			
Bank of the Metropolis, District of Columbia, -	593,897	158,460	150,261	500,000

Names of deposite banks for which Reuben M. Whitney is *not* agent, and not paid a salary.	Amount of public money deposited in the banks which do not employ R. M. Whitney, on the 1st October, 1834.	Amount of public money deposited in the banks which do not employ R. M. Whitney, on the 1st October, 1835.	Amount of public money deposited in the banks which do not employ R. M. Whitney, on the 1st October, 1836.	Capital of these banks.
Bank of Alexandria, District of Columbia, -	$27,500	$27,518	$27,518	$400,000
Bank of Virginia, Richmond, Virginia, -	63,591	133,152	326,948	3,240,000
Branch, Norfolk, do. -	62,786	128,546	423,888	
Do. Fredericksburg, do. -	18			
Do. Lynchburg, do. -	83			
Do. Petersburg, do. -	19,564	11,064	32,770	
Bank of North Carolina, Raleigh, N. C. -	–	29,202	587,732	1,114,000
Planters and Mechanics' Bank, Charleston, S. C.	–	181,227	737,147	1,000,000
Charleston Bank, South Carolina, - -	–	–	200,200	2,000,000
Planters' Bank of Georgia, Georgia, - -	10,665	59,052	206,908	535,400
Bank of Augusta, do. - -	15,000	23,299	278,024	897,000
Branch Bank of Alabama, Mobile, Alabama, -	258,101	942,427	1,060,246	2,000,000
Agricultural Bank, Natchez, Mississippi, -	–	–	385,469	1,999,750
Union Bank, New Orleans, Louisiana, -	373,191	534,743	2,518,023	7,051,000
Louisville Savings Bank, Kentucky, -	22,013	106,795	429,993	96,512
Northern Bank of Kentucky, Lexington, -	–	–	293,350	*1,000,000
Branch at Louisville, do. - -	–	–	554,777	
Bank of Louisville, do. - -	26,268			
Franklin Bank, Cincinnati, Ohio, - -	404,073	136,776	921,682	1,000,000
Franklin Bank, Columbus, do. - -	–	–	174,363	434,425
Branch of State Bank, Indianapolis, Indiana, -	–	261,247	1,158,685	
Do. do. Lawrenceburg, do. -	–	–	159,251	
Do. do. New Albany, do. -	–	38,203	457,919	1,279,857
Do. do. Madison, do. -	–	–	71,808	
Do. do. Richmond, do. -	–	71,388	200,000	
Bank of Illinois, Shawneetown, Illinois, -	–	–	46,000	*151,700
	$3,133,684	$4,212,952	$16,899,887	$37,974,614
	27,106			
	3,160,790			
	11,226			
	3,172,016			

Note.—Capitals of banks marked * have been ascertained otherwise than from letters of the Secretary of the Treasury.

Names of deposite banks for which Reuben M. Whitney *is* agent, so far as appeared to the select committee.	Amount of public money deposited in these banks on the			Capital stock of these banks.	Salary paid R. M. Whitney by these banks.
	1st Oct. 1834.	1st Oct. 1835.	1st Oct. 1836.		
Bank of Burlington, Vermont, - -	$33,385	$50,755	$107,437	$125,352	$200
Farmers and Mechanics' Bank, Hartford, Ct.	15,975	73,188	225,310	408,996	125
Bank of America, New York, N. Y. -	1,498,934	2,001,705	3,329,851	2,001,200	1,000
Manhattan Company, do. -	1,618,950	1,517,865	3,253,321	2,050,000	1,000
Mechanics' Bank, do. -	1,453,042	2,096,953	3,037,550	2,000,000	1,000
Mechanics and Farmers' Bank, Albany, N. Y.	25	101,455	462,242	442,000	750
* Girard Bank, Philadelphia, Penn. -	486,094	1,300,284	2,347,664	1,500,000	500
Moyamensing Bank, do. -	70,509	241,381	237,677	174,950	300
Merch'ts and Manuf'rs' B'k, Pittsburg, Penn.	–	63,782	241,366	600,000	
† Franklin Bank, Baltimore, Maryland, -	–	–	468,801	508,915	
Union Bank, Baltimore, do. -	530,849	797,509	1,018,518	1,845,487	500
Bank of Michigan, Detroit, Michigan, -	222,053	798,006	1,237,974	444,779	Fail to tell.
Farmers and Mechanics' Bank of Michigan,	36,481	728,730	1,029,200	150,000	200
Commercial Bank, Cincinnati, Ohio, -	22,923	1,011,044	1,631,757	1,000,000	500
Agency of this bank at St. Louis, Missouri,	–	674,237	1,398,078	–	500
Clinton Bank, Columbus, Ohio, -	–	228,710	423,628	289,225	Fail to tell.
Union Bank, Nashville, Tennessee, -	73,080	85,723	565,867	1,811,890	
Planters' Bank, Natchez, Mississippi, -	542,935	1,320,951	1,393,930	4,139,140	
Branch Planters' B'k, Columbus, Mississippi,	63,084				
Commercial Bank, New Orleans, Louisiana,	327,601	580,574	1,817,273	2,657,255	
	$6,995,920	$13,672,852	$24,227,444	$22,160,189	$6,575

* This bank has paid R. M. Whitney $500 on each of two occasions, in addition to his annual allowance.

† This bank has paid R. M. Whitney $250 for circulars, &c., but does not pay an annual salary.

Note.—In the construction of these tables cents have been omitted.

EXHIBIT W.—*Transcript from the records of the circuit court of the District of Columbia for Washington county.*

William Folwell, jr., survivor of Richard F. Allen, *vs.* Reuben M. Whitney.

Coxe.

March term, 1834. June 27. Judgment for $10,000. Damages and costs. Damages to be released on payment of $4,997 82, with interest from 16th June, 1832, until paid. Costs $9 53.

Test: W. BRENT, *Clerk.*

Nathaniel Jones, surviving partner of Gates & Barcroft, *vs.* Reuben M. Whitney.

Coxe.

March term, 1835. June 6. Judgment for $30,000. Damages and costs. Damages to be released on payment of $15,007 30, with interest from 18th March, 1826, until paid. Costs $12 11.

Ca. sa. issued to November term, 1836, and delivered to plaintiff's attorney. Not returned.

Test: W. BRENT, *Clerk.*

Nathaniel Jones, surviving partner of Gates & Barcroft, *vs.* Reuben M. Whitney.

Coxe.

March term, 1835. June 6. Judgment for $30,000. Damages and costs. Damages to be released on payment of $15,000, with interest from 17th February, 1826, until paid. Costs $12 11.

Ca. sa. issued to November term, 1836; delivered to attorney, and not returned.

Test: W. BRENT, *Clerk.*

Nathaniel Jones, surviving partner of Gates & Barcroft, *vs.* Reuben M. Whitney.

Coxe.

March term, 1835. June 6. Judgment for $12,000. Damages and costs. Damages to be released on payment of $6,159 31, with interest from 3d January, 1825, until paid. Costs $12 01.

Fi. fa. to November term, 1836; delivered to plaintiff's attorney, and not returned.

Test: W. BRENT, *Clerk.*

Nathaniel Jones, surviving partner of Gates & Barcroft, *vs.* Reuben M. Whitney.

Coxe.

March term, 1835. June 6. Judgment for $12,000. Damages and costs. Damages to be released on payment of $6,159 30, with interest from 2d February, 1826, until paid. Costs $12 11.

Ca. sa. issued to November term, 1836, and returned. "*Cepi* released on prison bounds bond." Francis P. Blair and John C. Rives sureties in bond.

Test: W. BRENT, *Clerk.*

Charles Vezin *vs.* Reuben M. Whitney.

Coxe.

November term, 1836. No. 334. Imparlances' suit brought against Mr. Whitney, as endorser on Andrew Curcier's note for $1,021 33, dated 7th July, 1834. Azariah Fuller, special bail.

Test: W. BRENT, *Clerk.*

The Bank of Pennsylvania *vs.* Reuben M. Whitney.

Coxe.

November term, 1836. 431. Appearances: on defendant's own note for $600, dated 25th July, 1832, payable two days after date. Francis P. Blair, special bail.

Test: W. BRENT, *Clerk.*

Bank of Pennsylvania *vs.* Reuben M. Whitney.

Coxe.

November term, 1836. 432. Appearances: on defendant's own note for $1,800, dated July 6, 1832, payable in twenty days. Francis P. Blair, special bail.

Test: W. BRENT, *Clerk.*

Bank of Pennsylvania *vs.* Reuben M. Whitney.

Coxe.

November term, 1836. 433. Appearances: on defendant's own note for $3,300, dated July 18, 1832, payable in ten days. Francis P. Blair, special bail.

Test: W. BRENT, *Clerk.*

Andrew Curcier, use of Farmers and Mechanics' Bank of Philadelphia, *vs.* Reuben M. Whitney.

Mason.

November term, 1836. 121. Appearances: suit brought against Mr. Whitney, as endorser on Charles Callaghan's note for $1,600, dated 11th August, 1832. Thomas L. Smith, special bail.

Test: W. BRENT, *Clerk.*

Andrew Curcier, use of Farmers and Mechanics' Bank of Philadelphia, *vs.* Reuben M. Whitney.

Mason.

November term, 1836. 122. Appearances: on defendant's own note for $900, dated 7th August, 1832, payable in twenty days. Thomas L. Smith, special bail.

Test: W. BRENT, *Clerk.*

Andrew Curcier, use of Farmers and Mechanics' Bank of Philadelphia, *vs.* Reuben M. Whitney.

Mason.

November term, 1836. 123. Appearances: on defendant's own note for $550, dated 11th August, 1832, payable in twenty days. Thomas L. Smith, special bail.

Test: W. BRENT, *Clerk.*

Deposition of the directors of the Bank of Burlington, and cashier.

ANSWER to 1st interrogatory: That they pay Whitney at the rate of $200 per annum, commencing with the 1st January, 1835.

CORRESPONDENCE WITH THE BANK OF BURLINGTON.

Nathan B. Haswell, a director of said bank, to R. M. Whitney, dated

BURLINGTON, *July* 16, 1836.

"The branch bank at this place will soon cease its operations; and, to enable us to meet the public demand, I need not repeat that a deposite of a *permanent character* will enable us to continue to keep our bills *at par*, as above stated, (in New York and Boston,) and meet the wants of the people in this section of the country.

R. M. Whitney to N. B. Haswell.

WASHINGTON, *July* 27, 1835.

"This, it was found, could not be done under the existing laws, [Treasury appoint an agent,] *but it was suggested* that all the advantages could be derived by each bank appointing its own agent, *provided each selected the same individual*, which could accrue to the banks themselves, *and to the Treasury Department*, in case the *agent was appointed by that Department.*" * * *

"A central agency, for the purpose of intercommunication, has been found, thus far, productive of *great benefit to the public.*"

R. M. Whitney to N. B. Haswell.

WASHINGTON, *August* 8, 1835.

"I intend to see the Commissioner of Pensions, and recommend to him to place the money in the hands of the branch banks only about as fast as they will want it to pay out, so as to give the use of it to you as long as possible," &c.

"I want to see the Bank of Burlington engage more extensively in the domestic exchange business," &c.

R. M. Whitney to N. B. Haswell.

WASHINGTON, *August* 21, 1835.

"In a few days I shall prepare a circular," &c. * *

"The same will be forwarded to all the land offices. This

will lead to the receipt of your notes by all the public receivers."

"I am particularly anxious that the deposite banks should turn their attention to that branch of business," [domestic exchange.]

R. M. Whitney to the president of the Bank of Burlington.

WASHINGTON, *January* 23, 1835.

"With this I forward you the copy of a letter written by a person residing here, high in the confidence of the Executive, to some friends in New York and Boston. This will explain to you more fully the object of the agency, and the duties which will appertain to it."

Extract from the letter above referred to, which is not signed.

"The President and Secretary of the Treasury, I know, view the subject in the same light that I do, and will be gratified if the bank will establish such an agency; and from his talents, experience, and fidelity, *no appointment would be more acceptable to them than that of Mr. Whitney*, who has already been recommended to the Department." [Query. Is not this Amos Kendall?]

President of the bank to R. M. Whitney.

BURLINGTON, *February* 12, 1835.

"Your letter dated the 23d ult. is received, on the subject of an agency of the deposite banks. I have communicated the same to our board of directors, and am instructed to say that in all business transactions with the *Government they have and wish to meet their views*, and do the public business intrusted to them to their satisfaction.

"So far as this institution may be profited by an agency, as it respects business, public or private, they will cheerfully pay a sum commensurate to such *advantages*."

Cashier of the Bank of Burlington to R. M. Whitney.

BURLINGTON, *March* 10, 1836.

"We are informed that the Mechanics and Farmers' Bank, located in this place, are making a movement, through various channels, to obtain the payment of pensions, and to perform the duties of a deposite bank." * * * * "It was chartered to take the place of the branch here, and is under the direction of those who were the managers of the branch—the same cashier—and occupy the same house. Those gentlemen have not yet forgotten their mortification in having the business of the Government taken from them, and probably feel no little desire to retrieve their characters, if possible." * * * *

"The information which I received, in relation to the designs of the Mechanics and Farmers' Bank, came from Washington. Nothing of the kind is intimated here. I wish you, therefore, to ascertain if it is correct, and, if so, to apprize the honorable Secretary of the character of the applicants."

Cashier of the Bank of Burlington to R. M. Whitney.

BURLINGTON, *January* 25, 1836.

"Being located in the same place where a branch of the United States Bank was established, and as we are a deposite bank where the branch has discontinued its operations, the public seem to expect that we would at once afford the same facilities and accommodations that they enjoyed when the branch was doing business. There has been, on the part of our directors, a desire to meet this expectation; and the *consequence has been* that a very sensible change has taken place, *politically, in favor of the Government; and as it is our desire to strengthen these sentiments*, we feel that it is important to afford to our farmers and merchants, the coming spring, a pretty extensive accommodation, especially about the time of the wool clip." * * * "My wish is that you would have an interview with the Secretary of the Treasury on the subject of allowing the present amount to remain, or, rather, that the warrants in favor of the pension agent should not be made upon the deposite for the next payment," &c.

R. M. Whitney to the cashier of the Bank of Burlington.

WASHINGTON, *March* 18, 1836.

"I called upon the Secretary of the Treasury, and went to the Commissioner of Pensions, and can assure you that you have nothing to fear from the effort of your neighbors. *No other bank will be employed by either department, unless compelled to do so by the legislation of Congress.* Mr. Everett, a member from your State, has been trying to have the pensions paid in another quarter, (Windsor, I suppose.)

"You need not fear but I will look after and protect your interest."

R. M. Whitney to the cashier of the Bank of Burlington.

WASHINGTON, *August* 23, 1835.

"As it may be important for you to know, as a guide in your operations, I can state to you that, until January next, I feel confident you may safely calculate upon the Treasury deposites being kept up to the maximum of what your bank can hold; say three fourths of the amount of capital."

CORRESPONDENCE WITH THE STATE BANK OF ILLINOIS.

From the Secretary of the Treasury.

TREASURY DEPARTMENT,

December 14, 1835.

"As you request that part of it may be considered as confidential, and other parts of it be communicated to third persons with whom this Department has no official connexion, and as much of it relates to subjects on which the Department has opened no correspondence, or asks for any explanation," &c.—all returned.

"But as to any other, whether of a *political* and party character, or otherwise, as they have had no influence with the Department, and have not been inquired about by *me*, it will not be necessary to offer *to me* any remarks."

To CASHIER State Bank of Illinois.

STATE BANK OF ILLINOIS,

SPRINGFIELD, *January* 7, 1836.

"I have had the honor to receive your communication of the 14th ult. I addressed you the letter to which it is a reply, under the impression that Mr. Whitney held an official station in your Department, with which was connected a supervision, under, you, of the interests of Government, as connected with the deposite banks. Under this erroneous impression, I considered his letter to Mr. Tillson as *official* in its character; and as it contained charges against this bank of a political and even party character, I deemed that, the subject being thus opened, there could be no impropriety in my referring to those charges in a communication to yourself. I regret the misapprehension, and I hope it will be a sufficient apology for a course which I certainly would never have taken, had I known, as I now do, that Mr. Whitney is not connected with the Treasury Department."

N. H. RIDGELY, *Cashier.*

To L. WOODBURY, *Secretary*, &c.

From T. W. Smith to the Secretary of the Treasury.

EDWARDSVILLE, *June* 22, 1835.

"The stock has fallen, by (what I do not hesitate to say) means the most disreputable and dishonest, into the hands of a combination of some eight or ten individuals of Cincinnati, St. Louis, and this State, composed of the friends of the United States Bank, and deadly foes to the present

administration, who will use their influence and that of the bank, which has in its direction but one friend of the administration, in favor of the recharter of the United States Bank, and adverse to every fair measure of the Government."

N. Raney to the Secretary of the Treasury.

St. Louis, *June* 24, 1835.

"The Bank of Illinois, in a few days, will go into operation; and as an agency from Cincinnati has been established in St. Louis, to receive the public funds, &c., I deem it a duty to state that the great body of the stockholders of the Illinois Bank are red-hot opponents to the administration, and have elected for the cashier of the mother bank the chief clerk of the United States Bank of St. Louis; and such being the fact, I think their paper should not be received in the land offices, and, consequently, the agency here being compelled to take it at its nominal value.

"It has been very much the case, that several individuals who oppose the administration in this country have received the public patronage."

Wm. L. May, Representative in Congress, to the Secretary of the Treasury.

Springfield, (Illinois,) *July* 20, 1836.

"At the last session of the Legislature of the State, the proposition to create the present [State] bank was brought forward by the friends of the administration, with the view to aid the Government of the United States in its fiscal operations, and to supply the place of the branch of the United States Bank.

"Your annual report to Congress had no small influence, and to it may be ascribed, in a great measure, the triumph of carrying the bank." Adds: "It was natural that the stockholders should wish to share, to some extent, the advantages to be derived from the custody of the public money.

"This favor, it is thought, our State has some reason to expect; she has always been foremost in sustaining the measures of the administration; but this, it is conceded, would not constitute a claim to the custody of the public money. When, however, to this is added an ability on the part of the bank to meet all its liabilities, and when the high standing, talents, and integrity of its directors are considered, it is thought that the State Bank of Illinois ought to be entitled to the utmost confidence."

John Reynolds, Representative in Congress, to the Secretary of the Treasury.

Belleville, *July* 24, 1835.

"The bank [Illinois State] has now commenced its operations under favorable auspices, and such organization as warrants the conclusion that the confidence of the United States will not be abused. As measures, looking at the promotion of golden opinions in favor of the present and future administrations of the United States, in this State, I should say none more happy in its influence could be devised. The officers are, many of them, believed to be for the success of the distinguished candidate for the presidency. But the measures alluded to, of themselves, independent of personal predilections, I should think, would do much to advance the views of the administration. Should your Department deem it expedient to direct the reception of the issues of the bank at the land offices merely, this alone would be productive of great advantages to the friends of the administration, as a measure unequivocal to be pointed out, indicating the most friendly relations." * * * "Should these or other views cause the adoption of these measures, no doubt need be entertained of a most decided and beneficial influence in behalf of the administration."

William Kinney to the Secretary of the Treasury.

Mount Pleasant, *October* 14, 1835.

"I have no doubt of that institution [State Bank of Illinois] having been chartered, by the influence of a designing man, for the sole purpose of speculation, both in pecuniary and political matters; and if the public deposites are placed therein for any length of time, I should not be surprised if the conduct of that institution, ere long, should be such as to throw sand into the eyes of the present administration and its true advocates.

"All that I would wish to say further is, to advise great precaution in relation to making deposites in Western banks, especially those which have lately sprung up." * * * "I am the friend of the present administration in all its features."

Samuel Roberts, receiver of public money, Danville, Illinois, to the Secretary of the Treasury.

Louisville, *November* 29, 1835.

"In regard to the application of the State Bank, I think proper to inform you that the president and nearly all of the directors of the principal bank, all the cashiers of the branches, and an immense majority of the branch directors, have been the most decided opposition men to Gen. Jackson, to his measures, and his friends and supporters. The cashier of the principal bank was an officer of the United States Branch Bank at St. Louis; and I believe that the Bank of Illinois is, at this time, under the dominion of federalism.

"I think it due to you to give you this information, because I have recently learned that a different representation has been made to the Department, and no doubt with a view to produce a different impression. I know most of the directors and officers personally, and have made inquiry as to the politics of those I do not know. While the bank continues in the hands and under the control of the federal party, I hope it may not receive any patronage from the Government."

[No answer by the records.]

Secretary says the principal charges are: 1. That the stock was not properly distributed. 2. That State has no interest, and therefore charter not legal. 3. The bank has issued large amounts of paper, and not redeemed as expected.

Wm. L. May, Representative in Congress, to the Secretary of the Treasury.

Washington, *January* 29, 1836.

"The safety of the bank is only matter of opinion; but I cannot, in justice to my own feelings, omit the present opportunity of expressing my entire confidence in the integrity and ability of its board of directors, as well as the capacity of the bank to meet all its liabilities."

John Reynolds, member of Congress, to the Secretary of the Treasury.

Washington, *January* 29, 1836.

"To make the Bank of Illinois a depository of the public funds, and the paper of the bank land-office money, would be very acceptable to the people; and, from all the information I can procure in relation to its solvency, I conclude it would be a safe depository. Therefore, I do earnestly recommend the measure to make the State Bank of Illinois a depository for the public funds, and the paper thereof land-office money."

John M. Robinson, Senator, to the Secretary of the Treasury.

Washington, *January* 30, 1836.

"To your communication of the 25th instant, asking my opinion whether the selection of the Illinois Bank would

be useful and acceptable to our community, and safe to the Government, I have to reply, I have no doubt but it would be both useful and acceptable to that community. As to the safety of the Government funds, my information upon that part of the subject is very limited, the bank having only been in operation a short time, and its location being in a different part of the State from where I reside. With many of the directors I am personally acquainted, and have the highest opinion of their integrity and financial ability."

W. L. D. Ewing, Senator of the United States, to the Secretary of the Treasury.

"In reply to your inquiries, I have no hesitation in saying that the deposite of the public funds in the State Bank of Illinois would not only be useful and acceptable to the people of Illinois, but is confidently expected by them." * * * "This expectation had a controlling influence with the Legislature in the establishment of the bank."

"I believe the institution is ably and prudently conducted. I have the utmost confidence in the integrity and honor of the officers having the management of it. I believe the public funds would be as safe as in any bank west of the mountains. I have no doubt of the constitutionality of the charter."

CORRESPONDENCE WITH THE SEVENTH WARD BANK OF THE CITY OF NEW YORK.

Walter Bowne, president of the Seventh Ward Bank, New York, to R. B. Taney, Secretary of the Treasury.

NEW YORK, *October* 2, 1833.

The services of the Seventh Ward Bank are respectfully offered to the honorable the Secretary of the Treasury.

The directory feel much confidence in this application, being, (without exception,) as well as the stockholders, with few exceptions, friends of the administration.

It is also respectfully recommended to your notice that, at the time of the distribution of the stock of this institution, the commissioners awarded no portion to the brokers in Wall street. This excited their indignation against the bank, and engendered a resolution (passed at their board) that they would not deal in the stock, either directly or indirectly; and the members of their board bound themselves to abide by such resolution, on pain of exclusion.

The directors having the highest personal consideration for General Jackson, respectfully request the Secretary to lay this letter before the President.

WALTER BOWNE, *President.*

NEW YORK, *December* 16, 1833.

We, the subscribers, officers and directors of the Seventh Ward Bank, in the city of New York, friends of the administration and of the revered chief at the head of the Government, do solicit a portion of the fiscal patronage of the United States Treasury for the Seventh Ward Bank; the terms are those most favorable to the Government.

Walter Bowne, *President.*	Philip Harmad.
William S. Coe.	Luther Halsey.
Henry Ogden.	Wm. O'Connor, *Cashier.*
Abraham Daley.	Samuel N. Dodge.
G. Hopkins.	John V. Greenfield.
William Scott.	James A. Whiting.
David Brown.	H. Erber.

December 31, 1835.—The Secretary of the Treasury writes to George Newbold to suggest some mode of dividing the balances in the deposite banks in the city of New York, and requests him to consult the other deposite banks in the city on the subject.

The presidents of the deposite banks in the city of New York to the Secretary of the Treasury.

"The measure suggested in your communication, that the present selected banks should make suitable arrangements with the other local banks here, to leave balances with them for a limited period, or until Congress, by some act, shall render it necessary or proper to call for the whole or part of those balances, meets our entire and cordial approbation," &c. * * * * * *

"The arrangements with the other banks, that we should propose and desire, would be such as are liberal and equitable, having a due regard to the entire safety of the funds, and to a prompt repayment thereof when required or called for; and we should accordingly deem it proper that *security* should be given by those banks that would be ample and satisfactory." * * * * * *

"In regard to the question of security to be given by those banks, we may remark that, although we are quite satisfied that *most of them* are perfectly good, and their corporate responsibility abundantly sufficient, and we have no reason to believe but that all of them are so, yet there are many considerations that seem to render it proper that they should give additional suitable security; and if you shall be of that opinion, and will so express it in your instructions to us, it would evidently facilitate the arrangement, and render them the more ready to give the security, inasmuch as sensibilities might otherwise be awakened by the supposition that there is a want of proper confidence and liberality on our part."

GEO. NEWBOLD,
President of the Bank of America.
M. GELSTON,
President of the Manhattan Company.
JNO. FLEMING,
President of the Mechanics' Bank.

CORRESPONDENCE WITH THE FARMERS AND MECHANICS' BANK AT DETROIT, MICHIGAN.

FARMERS AND MECHANICS' BANK,
DETROIT, *February* 23, 1835.

SIR: The temporary absence of the president of this bank has prevented an earlier reply to your communication of the 23d ultimo.

This bank desires to co-operate with the Treasury Department in its measures for the general good; and, with that view solely, the proposition received from you will be acceded to in due time, or so soon as, by the terms of its charter, the proper step can be taken. In the mean time, it is hoped and expected that you will act as if the arrangement had been concluded. I need not assure you that the board will justly estimate and reward the attention which the interests of the public and of the institution may receive at your hands. Yours, &c.

JOHN A. WILLIS, *Cashier.*

R. M. WHITNEY, Esq.

From R. M. Whitney to John A. Willis—March 18, 1835.

SIR: I had the pleasure of receiving your letter of the 23d ultimo a few days since. I shall communicate to you every thing whereby I think the interests of the bank will be promoted, with the same readiness as if final action had taken place upon my proposition.

I have got the heads of the various Departments to furnish an estimate of the probable sums and periods which they will call for money from the Treasury, as well as the States in which it will be required. This will enable me to lay out a course of operations for the next six months of the Treasury with the deposite banks, whereby I can inform each the sums they will be called upon to pay or transfer during that period, on account of the Government; which information will enable them to proceed with security in the employment of the money while it remains in their hands. R. M. WHITNEY.

JOHN A. WILLIS, Esq.,
Cashier Farmers and Mechanics' Bank, Detroit.

From same to same—April 20, 1835.

Sir: I understand that the Secretary of the Treasury is about to issue a circular to the selected banks, making the following inquiries, viz:

1st. Whether the banks now issue notes of a less denomination than five dollars.

2d. Whether the bank (in case it now makes such issues) will be willing to discontinue any further issues of any notes of a denomination less than five dollars, after the 3d day of March, 1836.

3d. Whether the bank will also be willing to discontinue the issue of any note of a denomination less than ten dollars, at any early future day.

4th. If so, the terms upon which the bank is willing to come under such agreement.

It is, in my opinion, very desirable that the selected banks, generally, should express a willingness to enter into such an arrangement. Besides aiding the Government in restoring a metallic circulating medium, for the purposes of all the small transactions of society, and thus producing great good to the community, I think it will lead to causing all the banks which unite in carrying out this measure to obtain increased and extended popularity, &c. * *

The considerations which the selected banks ought to require, in case they consent to discontinue the issue of all notes under five, and then under ten dollars, I think ought to be something like the following:

1st. That the Government shall not receive in payment notes of a denomination less than five dollars after the 30th day of September, 1835, nor any note of a denomination less than ten dollars after the 1st day of July, 1836.

2d. That interest shall not be required of them upon the public moneys while remaining on deposite in their hands; the duties which are now performed under the contract with the Treasury Department, and the surrender of the advantages growing out of the right to issue and circulate notes for sums less than ten dollars, being considered a full equivalent for the use of the public money.

3d. Provided that Congress shall not impose, through legislation, onerous conditions, or make of the banks injurious exactions.

In 1816, both Messrs. Webster and Sergeant opposed all legislation touching the regulation of the currency. They contended, then, that the Secretary of the Treasury had command of the currency and exchanges of the country, and could employ it more beneficially than any body or every body else. My own observation satisfies me that they were right. I think it would be well that the board of directors of each bank should give an expression of their opinions touching this subject.

I think it would be agreeable that the banks should fix the 1st day of October, 1836, for the period of discontinuing the issue of all notes less than ten dollars.

R. M. WHITNEY.

To the Cashier *of the*
Farmers and Mechanics' Bank, Detroit.

From the same to same—July 16, 1836.

Dear Sir: Your favor of the 4th instant came to hand this day, with your draft on the City Bank at Albany for $100, for balance of my salary on the 1st instant.

I notice your remarks respecting the time required to convert the funds received for land sales with available funds at New York, and have spoken to the Secretary of the Treasury upon the subject. It is his wish to do nothing in the way of transfer which will cause you the least inconvenience. R. M. WHITNEY.

Jno. A. Willis, Esq.

From the same to same—July 17, 1835.

Dear Sir: I notice by your return of the 1st instant, that your specie was reduced to $12,882 01. This, I presume, was caused by payments made to disbursing agents of the War Department. I would remark that it is desirable to avoid, as far as possible, the reduction of the specie fund of the deposite banks so low.

R. M. WHITNEY.

Jno. A. Willis, Esq.

From same to same, (extract)—May 30, 1836.

"These considerations, collectively, induce me to suggest, and even to recommend, to all the deposite banks which receive deposites of the public money from the land receivers, to forthwith give them notice that they will not, after the receipt of that notice, receive from them, and place at the credit of the Treasury, any thing else than, silver and gold, and the notes of such banks as will redeem such notes as are received in payment of public lands in the cities of New York and Philadelphia."

* * * * * * *

"Any steps which you and any of the deposite banks may take for carrying into effect the suggestions I have made, I feel confident will be approved by all sound financiers; and I am fully persuaded that their adoption will not only prove beneficial to the deposite banks, by relieving them, in part, of an onerous duty, but will prove most salutary in its consequences to the public in general," &c.

R. M. WHITNEY.

Jno. A. Willis, Esq.

From same to same—July 7, 1836.

Dear Sir: I duly received your favor of the 22d ultimo, covering your check payable at the Phœnix Bank, in New York, for one hundred dollars, due me the 1st instant; for which please accept my thanks.

The Indian department, I have just learned, have issued requisitions for $65,000, payable in Detroit, in specie. They will, between this and the 1st of September next, require from six to seven thousand more, of which two hundred thousand must be in specie. I shall know more about the subject to-morrow.

Yours, truly, R. M. WHITNEY.

John A. Willis, Esq.

From the same to same—July 8, 1836.

Dear Sir: You will be informed by the Treasury Department that the Indian department will have occasion, between this and the 1st of October, for from seven to eight hundred thousand dollars at Detroit; and Mr. Harris informed me yesterday that he should want from two hundred to two hundred and fifty thousand dollars of the amount in specie. To meet this, it has occurred to me that you will have to send abroad for specie. I have therefore thought proper to inform you that gold in almost any quantity can be had at the Bank of America, at New York, which has been received from France, and is under the control of the Treasury Department; and I would recommend that the two deposite banks at Detroit unite together and send to New York, and obtain two or three hundred thousand dollars, with which to meet the wants of the Indian department. It will be *good policy* for the banks to do so, as it will be aiding in carrying out one of the permanent measures of the administration—that of circulating gold.

If you should conclude to adopt these suggestions, please inform me, and I will obtain such instructions as will enable you to obtain the gold without difficulty.

Yours, truly, R. M. WHITNEY.

John A. Willis, Esq.

From same to same—Extract from a letter dated July 26, 1836.

"Dear Sir: * * * There is about four million dollars arrived, and to arrive, of the French indemnity money, which the Government wish to have distributed throughout

the country; and it is expected that the deposite banks will lend their aid in doing it."

R. M. WHITNEY.

John A. Willis, Esq.

Farmers and Mechanics' Bank,
Detroit, *July* 8, 1835.

Sir: Your circular letter of the 25th uitimo came duly to hand. As this bank now furnishes complete lists of all banks whose notes it receives in deposite for sale of public lands, embracing all in credit north of the Potomac and Ohio rivers, and all Southern banks redeeming in New York and Philadelphia, no misapprehension can possibly exist on the subject; nevertheless, it is the determination of the bank to lend its feeble aid to perfect the great plan adopted by the Treasury Department, having for its object the equalisation of the currency. It has not, at present, an emission of notes of the denomination of $50, or over; but having recently ordered one, it will soon be able to comply with the terms of your proposition. Some little time will be necessary to make the arrangements in New York; until which, I cannot inform you at what bank the notes will be redeemed. Permit me to suggest that the deposite banks be instructed peremptorily to present at the office redeeming in New York such notes only as are actually received for sales of land, as the extension of the rule to all receipts at their respective counters would be productive of great embarrassment to banks remote from the point in question.

JOHN A. WILLIS.

R. M. Whitney, Esq.

From same to same—Extract from a letter dated July 24, 1835.

"Dear Sir: I hasten to reply," &c. "Our specie shall be increased instantly; the diminution can be accounted for in a manner, doubtless, satisfactory," &c.

"We intend to be well protected below, and to prepare for any emergency that can possibly arise. I enclose a draft for $100 on New York, for your salary to the 1st instant."

J. A. WILLIS, *Cashier.*

R. M. Whitney, Esq.

Extract from a letter dated August 19, 1836, *from Mr. Whitney to Mr. Willis.*

"Dear Sir: I am this day favored with yours of the 10th instant," &c. * * * "He [meaning the Secretary of the Treasury] has informed you, in the circular to which I have referred, that the payments may be made at an earlier period than specified in the transfer warrant. If you should at any time wish them extended, for your own convenience or that of the public, it can be done." &c.

R. M. WHITNEY.

J. A. Willis, *Cashier.*

Farmers and Mechanics' Bank,
Detroit, *January* 4, 1836.

Dear Sir: I annex my draft for $100, to pay your salary to 1st of January. I believe this is right. I hardly need say to you that, of the very large receipts on account of land sales, more than nine tenths consist of uncurrent money, which it requires over sixty days to convert, and at great risk and expense. These considerations, undoubtedly, have great weight with the Department, and will cause the transfer drafts to be made more gradually than if the deposites were available at once.

I am, dear sir, truly yours,
JOHN. A. WILLIS,
Cashier Farmers and Mechanics' Bank.

R. M. Whitney, Esq.

Copy of Mr. Taney's letter to Mr. Thomas Ellicott.

[private.]

Washington, *October* 22, 1836.

My Dear Sir: I have only a moment to say to you that Whitney's proposition is entirely unauthorized by me, and that I have no concern whatever with it: and, moreover, if all the selected banks were to recommend it, I would not appoint such an agent at this time, nor until I have more time to examine into its propriety. Certainly there will be none until Congress decide what measures are to follow the removal of the deposites; and, if one should ever be selected, I am not committed to appoint Mr. Whitney. I am perfectly at large for a selection.

Very truly, yours, R. B. TANEY.

Thomas Ellicott, Esq., *Baltimore.*

Copy of Mr. Taney's letter to Reverdy Johnson.

[private.]

Washington, *October* 24, 1833.

My Dear Sir: Although the time for closing the mail is almost at hand, I hope I yet have time to thank you for your friendly letter, and to assure you that I perfectly agree with you in the opinions you express about the reported appointment. My private letter to Mr. Ellicott has, I hope, been shown to you, and will remove any suspicion that I could have countenanced the plan. In the first place, there is no law authorizing the establishment of such a bureau, and it would be the grossest and most indefensible usurpation of power, if I presumed to make such an appointment. I never, for a moment, have dreamed of committing such a folly; yet the imposing form of the papers given to Mr. Ellicott, coupled with the publication in the Standard, was well calculated to create the apprehension that I was participating in this wild scheme. But if I had authority, even by act of Congress, (and nothing short of an act of Congress would authorize it,) to establish such a bureau in my Department, rest assured it would not be given to the person you name. I believe he has been much wronged; but it is one of my fixed theories in politics, that a man must not only be qualified for the office he fills, but the public, who must have an interest in it, must be satisfied of his fitness, or at least must not have made up their minds against him. And whatever may be the qualities of the person in question, his appointment to that office would, under existing circumstances, be received, I am sure, with one general, universal feeling of disapprobation, by friends and foes; and, rely on it, I will never mortify my friends by such a usurpation of power, nor by such an injudicious appointment, where I have a lawful right to fill an office. The whole proceeding has been the indiscreet act of the party himself, and wholly unauthorized by me.

Again thanking you for your kind letter, I am, very truly, your friend and obedient servant,

R. B. TANEY.

Copy of Mr. Whitney's letter, referred to.

Washington, *August* 29, 1835.

Sir: I have the pleasure to inform you that, since my circular to you, of the 25th June last, I have received communications from the greater part of the deposite banks, upon the subject of redeeming such of their notes in New York and Philadelphia as may be received on deposite from receivers of proceeds of public lands, as well as receiving from such receivers the notes of such of the deposite and other banks as redeem the same either in New York or Philadelphia; and I am now enabled to communicate to you the arrangements made with the following banks, viz:

Bank of Burlington, Burlington, Vermont.—This bank redeems its notes of all denominations of five dollars and upwards, *unlimitedly*, at the Merchants' Bank in

the city of New York. It also receives on deposite the notes of such banks as are at par, either in New York, Philadelphia, or Boston.

Mechanics and Farmers' Bank, Albany.—This bank redeems all its notes of the denomination of fifty dollars and upwards, *unlimitedly*, at the Merchants' Bank in the city of New York. It also receives the notes of all banks which are at par in New York or Philadelphia.

Bank of America, New York.—This bank will receive the notes of all the deposite banks situated north and east of that city, of the denomination of fifty dollars and upwards, on deposite, from deposite banks, which they may have received from the receivers of sales of public lands.

Mechanics' Bank, New York.—This bank will receive the notes of the two deposite banks in Boston, (the Commonwealth and Merchants',) they having arranged with this bank to redeem the same, of all denominations of five dollars and upwards.

Girard Bank, Philadelphia.—This bank will receive from all the deposite banks the notes of any and all the deposite banks north and east of Philadelphia, which they may receive from the public land receivers, of the denomination of fifty dollars and upwards.

Union Bank of Maryland, Baltimore.—This bank redeems its notes *unlimitedly*, in New York, at the Merchants' Bank, and in Philadelphia, at the Philadelphia Bank; and it receives on deposite, and in payment of all dues, the notes of all good banks which are redeemed in those cities.

Bank of the Metropolis, Washington.—This bank redeems its notes *unlimitedly*, in Philadelphia, at the Girard Bank, and in New York, at the Bank of America, Mechanics' Bank, and the Manhattan Company. It receives on deposite the notes of all such banks as are at par in either of those cities.

Bank of Virginia, Richmond.—This bank redeems its notes *unlimitedly*, in Philadelphia, at the Girard Bank and the Farmers and Mechanics' Bank, and in New York, at the Mechanics' Bank and Manhattan Company. It receives the notes of all banks, above the denomination of ten dollars, which redeem their notes in either of the above cities.

Bank of Augusta, Augusta.—This bank redeems, at the Bank of America, in New York, such of its notes as may be received by the receivers of proceeds of sales of public lands.

Union Bank of Louisiana, New Orleans.—This bank will redeem, at the Merchants' Bank, in New York, all its notes which may be received by the deposite banks, in payments on account of the Government. It will receive on deposite, from the receivers of public lands, the notes of all such deposite banks as cause them to be redeemed in New York or Philadelphia.

Commercial Bank of New Orleans, New Orleans.—This bank will redeem, at the Bank of America, in New York, such of its notes as may be received by deposite banks for all payments made on account of the Government. It will receive on deposite, from the receivers of public lands, the notes of all such deposite banks as redeem the same in New York or Philadelphia.

Planters' Bank, Natchez.—This bank has, in no instance since it became a selected bank, refused to receive from a public receiver a note of any one of the deposite banks. It will continue to receive on deposite, from the public receivers, the notes of each and all deposite banks, without regard to their location.

Union Bank, Nashville.—This bank issues but few notes which are not made payable, upon their face, either at Philadelphia or New Orleans. It will receive, in payment of all dues to the Government, the notes of all deposite and other banks, which redeem the same either in New York or Philadelphia.

Commercial Bank, Cincinnati.—This bank will redeem, at the Girard Bank, in Philadelphia, all its notes of the denomination of fifty dollars and upwards, which may be received by any deposite bank, to be placed to the credit of the United States. It will receive on deposite, from public receivers, the notes of all such deposite and other good banks, at Cincinnati, and its agency at St. Louis, as redeem the same in New York or Philadelphia.

Clinton Bank, Columbus.—This bank will redeem, at the Phœnix Bank in New York, all its notes of the denominations of fifty dollars and upwards, as may be received by any deposite bank from the public receivers. It will receive on deposite, from the public receivers, the notes of all such deposite and other good banks as redeem the same either in New York or Philadelphia.

State Bank of Indiana, Indianapolis.—This bank will redeem, at the City Bank in New York, any of its notes of the denominations of fifty dollars and upwards, which may be received by any deposite bank, from the public receivers. It will receive on deposite, from the public receivers, the notes of all such deposite and other good banks which redeem the same either in New York or Philadelphia.

State Bank of Indiana, Richmond Branch.—This bank will redeem, at the Bank of North America, in Philadelphia, and the Merchants' Bank, in New York, all such notes, of the denominations of fifty dollars and upwards, as may be received by any deposite bank from the public receivers. It will receive from the public receivers the notes of all such deposite banks as redeem the same either in New York or Philadelphia.

Bank of Michigan, Detroit.—This bank will redeem, in the city of New York, through their agents, Messrs. John Ward & Company, all such of its notes, of the denominations of fifty dollars and upwards, as may be received by any deposite bank from the public receivers. It will receive from the public receivers the notes of all such of the deposite and other good banks as redeem the same either in New York or Philadelphia.

Farmers and Mechanics' Bank, Detroit.—This bank will redeem, at the Bank of America, in New York, all such of its notes, of the denomination of fifty dollars and upwards, as may be received by any deposite bank from the public receivers. It will receive from the public receivers the notes of *all good banks* north of the Potomac and Ohio rivers, and of such Southern banks as redeem the same in New York or Philadelphia, of the denominations of twenty dollars and upwards.

Merchants and Manufacturers' Bank, Pittsburg.—This bank will redeem, *unlimitedly*, such of its notes as may be received by any deposite bank, from the public receivers, at the Commercial Bank in Philadelphia. It will receive on deposite, on public account, the notes of all such deposite or other good banks as redeem the same in New York or Philadelphia, of the denominations of twenty dollars and upwards.

These arrangements have been entered into with the understanding and full reliance that each bank will act towards the other in fairness, and with the most sacred fidelity; that no one will call upon any other to redeem their notes which have not been received from the public receivers, or in payment of public dues, in cases where the banks have extended the limitation that far.

I have forwarded a copy of this to each of the public receivers, and I have no doubt but they will act with such fairness that no injustice will be done to any of the deposite banks. Should it ever be otherwise, and any one of the banks have cause to feel aggrieved, I am authorized by the Secretary of the Treasury to say that he will take the most prompt measures to remove any just cause of complaint.

It is expected by all the banks which have come into

the arrangement, that when one forwards for redemption, at the places named, the notes of any other bank, it will, at the same time, inform such bank the amount which it has thus sent forward.

I would suggest that, in case any one of the deposite banks which have not entered into this arrangement shall hereafter do so, they communicate the terms, &c. to me, that the same may be communicated to the others, as well as to the public receivers.

As it will greatly increase the security against counterfeits, I would suggest that each deposite bank which has or may enter into this arrangement forward to each of the other deposite banks, and to each of the public receivers, the signatures of their respective presidents and cashiers. For this purpose, I forward with this a list of the public receivers, with the places of their residence.

I am, very respectfully, your most obedient servant.

[Here follows the list of the public receivers referred to.]

EXECUTIVE ADMINISTRATION.

Views of the majority of the Committee on the Administration of the Executive Departments.

House of Representatives, March 3, 1837.

Mr. Wise, from the committee appointed on the 17th of January last, to inquire into the condition of the Executive Departments, &c., made the following report:

The select committee of the House of Representatives, to which, on the 17th January, was referred to the following resolution, viz:

"*Resolved*, That so much of the President's message as relates to the 'condition of the various executive departments, the ability and integrity with which they have been conducted, the vigilant and faithful discharge of the public business in all of them, and the causes of complaint, from any quarter, at the manner in which they have fulfilled the objects of their creation,' be referred to a select committee of nine members, with power to send for persons and papers, and with instructions to inquire into the condition of the various executive departments, the ability and integrity with which they have been conducted, into the manner in which the public business has been discharged in all of them, and into all causes of complaint, from any quarter, at the manner in which said departments, or their bureaus or offices, or any of their officers or agents, of every description whatever, directly or indirectly connected with them in any manner, officially or unofficially, in duties pertaining to the public interest, have fulfilled or failed to accomplish the objects of their creation, or have violated their duties, or have injured and impaired the public service and interest; and that said committee, in its inquiries, may refer to such periods of time as to them may seem expedient and proper," report:

That the sessions of the committee, in pursuance of this resolution, commenced on the 21st day of January, and were subsequently continued, with leave to sit during the sessions of the House, until the close of the examination of witnesses, on the 25th of February, there having been but three days, viz: the 26th of January and 8th and 11th of February, on which the committee did not meet, in consequence of imperative business requiring their attendance in the House. The sittings of the committee commenced at ten o'clock A. M. of each day, and were generally continued until four, five, and six o'clock in the evening. Twenty-eight witnesses were personally examined.

The committee state these facts in proof of the assiduity with which they have devoted themselves to the duty assigned to them by the House of Representatives, to the exclusion and almost entire sacrifice of their duties in the House; and, also, to show that, from the time occupied in this inquiry, ample opportunity has been furnished for the full development of decisive and unequivocal acts of corruption, abuse, violation, or neglect of public duty in the various executive departments, if, in truth, any such acts had been committed, or could be pointed out, through any responsible or specific source of "complaint, from any quarter, at the manner in which said departments, or their bureaus or offices, or any of their officers or agents, of every description whatever, directly or indirectly connected with them in any manner, officially or unofficially, in duties pertaining to the public interest, have fulfilled or failed to accomplish the objects of their creation, or have violated their duties, or have injured and impaired the pnblic service."

The committee, in the outset, confidently submit it to the judgment of the House and the country, that if, in the details of a laborious investigation of thirty days, given minutely in the journal of their proceedings, with no restriction whatever to any inquiry proposed, by any member of the committee, into any *specific* act of abuse, corruption, violation, or evasion of law, or neglect of duty, no such act is proved, implicating the various executive departments, the only possible inference can be, that it is not proved, solely because it does not exist.

To assume as the basis of grave charges, which, if true, ought to lead to the impeachment of the President and the heads of the executive departments, that acts of corruption, abuse, and violation of law exist, but cannot be *proved*, and thence to argue that the administration of the Government must be corrupt, from the very failure to prove vaguely alleged abuses, by any species of evidence known to the laws, is so utterly at war with the rights of the citizen, the genius of our institutions, and the safeguards of the constitution, that it would seem to the committee that no justly balanced mind can for a moment draw such an inference from the results of this investigation. The representations made in the House, when this investigation was called for, at so much cost of time, labor and expenditure, diverted from the public business, and the allegations of corrupt violations of official duty, before the committee, must be regarded in the nature of an impeachment of the President and the heads of the various executive departments.

The committee can view this form of inquiry, instituted by the resolution referred to them, in no other light than a preliminary measure to ascertain whether there were sufficient grounds to justify a process of impeachment.

The power of the House to institute an inquiry of this kind into the conduct of the Executive, directly personal in its application, can nowhere exist, unless it be an incident of "the sole power of impeachment," which is given to the House of Representatives by the constitution. This power extends to the President, and all civil officers of the United States, on charges of treason, bribery, or other high crimes and misdemeanors. Such, in effect, were the representations upon which the resolution creating this committee was founded, and the necessity of its adoption urged before the House. Such is the nature of the allegations formally put upon the journal of the committee by the mover of the resolution in the House, the chairman, viz: "charges of violation of duty; of corrupt violation of duty; in abusing legal authority; in corrupting and subsidizing the public press; in retaining corrupt and fraudulent officers in place, knowing of their malfeasance and malversation in office; in appointing and paying agents of various descriptions; in making unjust and exorbitant allowance for services to political favorites; in paying a Treasury warrant which was gambled away by a disbursing officer; in allowing an account which had virtually been disallowed, and then paying it after its allowance had been forged, without causing the offender to be prosecuted; in speculations on the offices of the Government, and on the public

property; in interfering with the proceedings of Congress in an improper manner; turning a deaf ear to complaints against dishonest and corrupt subordinates, and permitting inferior officers to hold their offices under the President, after they had been proved to be guilty of dishonest and corrupt practices."—(See pages 14, 15, and 42, of the journal of the committee.)

These are the general allegations, constituting, if proved, matter of impeachment for "high crimes and misdemeanors;" and that the committee do not misapprehend the import of these allegations, is inferred from the statement of the chairman, when under oath as a witness before the committee, (page 15 of journal,) viz: "I have been informed of, and believe, much more matter of accusation and complaint against most of the heads of the executive departments; but they have never confided *to me* any of their secrets, and, therefore, the most I know is not of my own knowledge. *If half of what I have been informed was or had been known to me personally, some of the heads of departments would have been* IMPEACHED *before this moment.* If I did not apprehend the strength of the executive departments to be too overpowering for inquiry itself, much more for trial, *they would be impeached at all events.*" This appears to the committee to be a direct affirmation that the object of the "*inquiry*" contemplated in the resolution moved by the author of that affirmation, and referred to this committee, was to investigate matters of impeachment.

It follows, therefore, that the only constitutional power under which the House of Representatives, as a co-ordinate branch of the Government, could constitute a committee to inquire into alleged "corrupt violations of duty" by another co-ordinate branch of the Government, (the Executive,) is the power of impeachment.

By the terms of the resolution referred to the committee, and by the express declaration of the mover of that resolution, as well as by the legal construction of the constitutional powers of the House, this inquiry cannot be brought within the only other clause of the constitution which, by any possible implication, can be made applicable to it, viz: that "the Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the Government of the United States, or in any department or officer thereof."

The allegation is nowhere made that the laws are defective in relation to the "powers vested in any department or officer" of the Government, and that this inquiry is made to enable Congress to "make laws;" but the charges are against the individual officers for "corrupt violation" of existing laws; and the ground is expressly taken by the chairman, in his declaration, under oath, (page 15 of journal,) "that the whole Government needs reform, *and more patriotic and honest men to administer it.*"

The committee, therefore, conceive that they were fully warranted and imperatively required to regard this investigation in the light of a preliminary inquiry into facts and evidence, to show whether a process of impeachment ought not to be instituted by the House of Representatives against the Executive and the heads of departments.

Any other construction of the resolution, it seems to the committee, would be unjust to themselves and derogatory to the dignity of the House, as a legislative body, by assuming that they had required nine of its members, acting on this committee, to detach themselves from the proper business of legislation, with power to send for persons and papers, at great inconvenience to citizens summoned before them, and at a great waste of the public time and money, with no legal object whatever in view within the constitutional powers of the House.

This view of the duties of the committee, and the nature of the inquiry instituted through them, will explain the grounds of their general course, as detailed in their journal, in relation to the class of questions to witnesses, and the calls upon public officers, which they felt bound to admit or reject in the progress of the investigation.

If, then, the committee are well founded in their view of the constitutional power of the House to create a committee in matters not appertaining to the law-making power of Congress, to inquire into alleged corrupt violations of duty by a co-ordinate and independent branch of the Government, it follows that they were bound to give a strict construction to the resolution empowering them to act, and to regard it not as a piece of party machinery to run down this administration or embarrass and discredit the next, but as a direct instruction to inquire whether proofs of corrupt violations of duty, amounting to matter of impeachment, could be produced against the heads of the executive departments.

The bearing of the resolution, from its reference to a particular passage in the annual message of the President, might seem to have been to get up an issue of fact between the House of Representatives and the Executive, as to the *truth* of a paragraph in that message. Such an inquiry might, with propriety, within the meaning and spirit of the constitution, be had, in relation to such portions of a message from the President as recommended or contemplated the legislative action of Congress thereon. But can it be entertained as a position consistent with the respect and decorum due from one branch of the Government to another, that in matters of alleged fact in a message of the Executive, having no reference to any act of legislation, or in the mere expression of an *intention* or *belief*, a formal investigation, through the intervention of sworn witnesses, with full powers to send for persons and papers, may be instituted by one branch of the Government, to test the veracity or sincerity of another branch of the Government?

Such would be the extraordinary character of this investigation, if the question of veracity and sincerity were to be put at issue between the House of Representatives and the President, upon a passage in the annual message—a passage merely complimentary, on the retirement of the President from office, to the heads of the departments; and declaratory of the *intention* of the President, during his administration, to have the departments conducted with ability and integrity, and of his *belief* that they have been so conducted. Here, then, are a compliment, an intention, and belief, having no reference whatever to the legislation of Congress, which (under any other construction than that which the committee have given to the resolution) would have been made the subject of grave investigation by witnesses under oath, and by calls upon the executive departments, in order to decide and report to the House whether, in the opinion of the committee, the President had improperly flattered his cabinet officers, or had insincerely and falsely stated his own *intention* and *belief* in regard to them!

The committee do believe that, to have gone into such an investigation upon such a construction of the resolution referred to them, and of the constitutional powers of the House, would have been to trifle with the House, with a co-ordinate branch of the Government, and with the country.

That there may be no doubt that the passage in the President's message, which is recited as the basis of the resolution proposing investigation, will bear no other construction than the one here put upon it, as a mere expression of belief and intention, and not a recommendation of a public measure to Congress, let that passage be examined in this connexion, viz:

"Before concluding this paper, I think it due to the various executive departments to *bear testimony* to their prosperous condition, and to the ability and integrity with which they have been conducted. It has been my *aim* to

enforce, in all of them, a vigilant and faithful discharge of the public business; and it is gratifying to me to *believe* that there is no just cause of complaint, from any quarter, at the manner in which they have fulfilled the objects of their creation."

This investigation, as the committee think they have clearly shown, could be instituted only for one of two purposes—impeachment or legislation; they have shown it was not for legislation, because no defect in the laws has been any where alleged, only in their execution. The very charge, "corrupt violation of duty," implies that the laws are well enough, but are corruptly administered. It was not the laws, therefore, that the resolution proposed to reform, but the administration of those laws; consequently, so long as neither "treason, bribery, or other high crimes and misdemeanors," were proved, or even indicated in any alleged act of "corrupt violation of duty," notwithstanding the earnest call of the President and heads of departments upon the committee "to point to *any case* where there is the slightest reason to *suspect* corruption or abuse of trust;" by what authority, or for what purpose, within the constitutional powers of the House, could this committee go into an inquiry in the nature of an impeachment, upon any other than specific allegations, to be proved by extraneous evidence, and not by calling for confessions from the parties accused; and which allegations, if proved, would amount to matter of impeachment?

Is it not apparent, therefore, that the only constitutional and legal object of instituting an inquiry into the conduct of the heads of the executive departments, and the complaints of neglect or violation of their "duties pertaining to the public interest," must be to ascertain whether, instead of deserving the *compliment* in the President's message, they have not violated the laws so as to deserve *impeachment?*

What, then, was the duty of the committee under the resolution? Surely not to make an issue with the President on a matter of compliment, intention, and belief; surely not to imbody, in the form of evidence, the assertions of every vindictive, disaffected, or disappointed man, who should hint suspicion, with or without the concealment of his name, or with a pledge of secrecy from those of the committee to whom he might communicate his vague aspersions; surely not to give the impress of solemn inquiry, under oath, to the anonymous rancor and malevolence of the party press in its assaults upon the characters of men in or out of office; but, in the language of their instructions, "to inquire into the *condition* of the various executive departments," and "into the *manner* in which the public business has been discharged in all of them;" a "condition" and "manner" solely relating to this discharge of "duties pertaining to the public interest," and growing out of the direct personal acts of the heads of the departments and their agents: not in their private relations; not in their individual transactions; not in any matter whatever that does not appertain, by law, to the discharge of their public duties; but such a "condition" of the departments, and such a "manner of discharging the public business in them," as, if proved, would amount to "corrupt violation of duty," and justify a process of impeachment against the authors of, and the connivers at, such corruption.

And, further, by the instructions to the committee, this "corrupt violation of duty," this "condition" of the departments, and the "manner" of conducting the public business in them, are to be proved by an examination "into all causes of complaint, from any quarter." Complaint of what? Of *private* acts of officers or agents of the Government, not pertaining to the public interest, and not declared unlawful? Surely not; but, in the language of the resolution, complaint at the *manner* in which said departments, or their officers or agents, "in duties *pertaining to the public interest*, have fulfilled or failed to accomplish the objects of their creation, or have violated their duties, or have injured and impaired the *public* service and intetest;" clearly meaning such corrupt neglect and violation of duty as would come within the "misdemeanors" for which the constitution provides the process of impeachment.

One of the powers conferred on the committee by the resolution of the House was, the power to send for persons and papers; another proof that the investigation was to be regarded in the nature of an inquiry preliminary to impeachment. At best, this is a vague and not well-defined power; incidental, and not derived from any express provision in the constitution. In its exercise, therefore, there should be some limitation; and it should be carefully used; only in cases where the direct legislation of Congress, the protection and enforcement of the privileges and rules of either House, or manifest public interest, imperatively demand it. It is a judicial power, which Congress can exercise merely as a power incidental to the power "to make all laws which shall be necessary and proper."

To construe it into an unlimited power for a committee of this House to bring before them the persons of citizens from any part of the Union, at their own arbitrary will, without just cause, or to compel the surrender of all papers which a committee might see fit to send for, would be to set up an incidental power of the House, nowhere expressly recognised in the constitution, which would totally annul one of the express provisions of the constitution, to secure the citizen against these very outrages, viz:

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures."

In applying this principle to the calls which were proposed, in this investigation, upon the President and heads of departments, for statements and papers, the committee have considered that a public officer is not put without the pale of the protection afforded to other citizens, against being required to furnish statements or evidence to accuse himself; and against unreasonable demands for papers not constituting a part of the public documents; and, in their opinion, the call for papers ought to be limited to such as are already made and on file in the departments.

To every call for statements going to show any act of a public officer without authority of law, and for papers coming within the above description, the committee have uniformly responded in the affirmative; while, as a general rule, they have felt bound to reject all calls for statements touching motives and acts not shown to be unlawful, if proved; and for all real or supposed papers, private in their character, and not coming within the denomination of public papers on file.

If it be contended that this distinction enables a public officer to exclude from the files of his department whatever he chooses to consider private, and which ought to be placed there, the answer is, that this cannot alter the powers of a committee of the House to send for papers, nor change the nature of the call; and if any paper, shown to be of a public character, and such as ought to be placed on file or record, is excluded, there is just ground for accusation against the officer for violation of duty. But the bare suspicion that papers which ought to be on file are not there cannot warrant a call for all the personal and private papers of such officer, in order that the committee may decide, by inspection, whether there are any which ought to go into the public files.

Besides, in calls made by Congress upon the President or heads of departments, the reservation is impliedly established, by usage, of such papers as, in their opinion, cannot be communicated without injury to the public service. Consequently, all calls for papers must be subject to this discretion of the public officer of whom they are required; and if he abuses that discretion he must be held re-

sponsible for it in some other form of investigation into his official conduct.

The committee can find no power in their instructions to inquire into *motives*: illegal acts, or omission of legal acts, are the subjects of their investigation. With this view, too plain to require illustration, the committee refused to go into any investigation touching the *motives* with which the President and the heads of departments, or other officers under them, had exercised the appointing and removing power, or their lawful official patronage; and in this course they are sustained by the uniform refusal of Congress to inquire into such motives.

Whenever there was pointed out "any case where there was the slightest reason to *suspect*" that the appointing or removing power, or the employment of any individual, had been exercised "without authority of law," or where, within legal authority, a fraudulent officer had been retained in office, and his malversations connived at, in all such matters of allegation or suspicion the committee have given the broadest latitude to inquiry.

But in cases where an act had been done by due authority of law, in the exercise of the power of nomination conferred on the President by the constitution, or of the power of appointment of inferior officers vested by law, under the constitution, "in the President alone, in the courts of law, in the heads of departments," or in other officers, the committee considered that they had no authority to inquire into mere motives, or matters of opinion, touching either the power appointing or the persons appointed; the act itself being a lawful exercise of discretionary power.

Whatever might be the result of such an inquiry into motives, had it been gone into, it would not have been within the province of the committee to recommend, nor of the legislation of Congress to enact a law, requiring that the President and other officers having the power of nomination or of appointment should select their political opponents and neglect their friends, or prescribing what sort of qualifications and what sort of political opinions the persons they appoint to office should possess. As well might a committee of the House, instructed to inquire into the "condition" and the "manner" of conducting the business in the judiciary department, on accusations in the nature of an impeachment of the judges, undertake to call in question the motives of the Supreme or any other inferior court of law, in appointing its officers and clerks. As well might a committee of one House inquire into the motives of the other House in selecting its presiding and other officers, as for this committee to investigate the *motives* of the President, the heads of departments, or inferior officers, in the lawful exercise of the appointing and removing power. The people must judge for themselves of the motives, intentions, and opinions, of their public servants, in the exercise of their official functions; and with the people, in all cases where they elect, and with those who appoint or remove, in all cases of subordinate or inferior officers not elected by the people, rests the right of condemning or approving any act of a public officer in the exercise of his constitutional and lawful power of appointment and removal.

If the will and the wishes of the people are to be regarded as the only legitimate censors of the motives and opinions of an administration, in generally preferring competent political friends to political foes in appointments to office, it is obvious that the course of the administration for the last eight years, in this respect, as far as it has gone, has been most signally and triumphantly sustained. In fact, is not the assumption set up by the opponents of the administration, that it ought to place the official power in the hands of the opposers of the principles and measures which that administration was chosen by the people to maintain and enforce, nothing less than the declaration that the majority ought to let the minority govern?

The committee will now proceed to an examination of the calls on the executive departments, and the testimony offered and given in this investigation, applying to both the analysis they have endeavored to present of the grounds of their proceedings.

The committee, in commencing their labors, had no accusations to make, either of their own knowledge or derived from any private disclosures to them, of corrupt violations of law, or neglect or abuse of official duty. But they were instructed to "inquire," and they were ready to receive any information, authorize any call, or admit any testimony coming within the construction which they put upon the resolution defining their duty and jurisdiction.

They inferred that the chairman of the committee, who had moved the resolution that induced the House, almost unanimously, to institute inquiry, would be ready to formally present and distinctly point out such specifications and evidence as would come within the constitutional and legal rights of the parties implicated, and the powers of the committee.

The form chosen by him, in the inquiry, was a series of resolutions, offered by the chairman, (page 4 of journal,) calling upon the President and heads of departments for certain information.

The first resolution, in that call, required of all the departments a minute exhibit of every item in the accounts of every printer or editor of a newspaper, who had been paid a dollar within the last year; with the residence, name, service, consideration, &c.

This was a call devolving immense and, in fact, wholly impracticable labor upon the departments. It had no connexion with the "condition of the various executive departments." It had nothing to do with complaints at the "manner" in which the public officers had fulfilled or failed to accomplish the objects of the creation of the executive departments; nor did it involve any violation of duty, or any act injuring and impairing the public service and interest. It was a call for information of *legal* acts; the mover of the call admitting that "the illegal patronage of the Government to the press would not subsidize a two-penny country newspaper."

At the same time the charge made was, abuse of the patronage of the departments to subsidize the public press, and a "corrupt violation of duty, in abusing legal authority, in corrupting and subsidizing the public press."

Now, if the law required the heads of departments to employ newspapers for certain specific acts, at stipulated or reasonable prices, (and it is not alleged that they have employed any more newspapers or paid any more compensation than the law allows,) where is the violation of duty? Where is the subsidizing and corrupting the public press?

If the officers of the Government, in compliance with acts of Congress enjoining this duty, employ an editor or printer of a newspaper to publish an advertisement, and pay him a fair compensation, as others do in like cases, in matters of private business, is it a fair or just imputation upon the whole community of editors and printers throughout the United States, to represent them as being a class of citizens so mercenary and unprincipled as to be susceptible of being subsidized and bought up to sustain men and measures they in reality condemn—bought, too, not by any gratuity or bounty, but by the mere payment of a fair price for the same services which they are constantly receiving pay for from private individuals? Is the doctrine to be maintained, that the people of this country are so degraded and corrupt, that every citizen who sells an article in his trade or business to the Government, or performs a service for it, and is paid, becomes thereby subsidized and profligate, and sells his conscience along with his commodities and labor?

Can the head of a department, by a Government advertisement, corrupt or subsidize the press, any more than a

bank, a corporation, or a merchant could, by giving their advertisements to a newspaper; especially where the employment from the latter sources is so much more profitable, so much larger in amount, and so much more widely distributed, and generally upon grounds of strict party preference?

The committee do not believe that the employment of a newspaper to publish what the law requires to be published, for a fair equivalent, is to be regarded in the light of favor or patronage, any more than the employment of any other mechanical labor by the Government or by private citizens.

Besides, would it not be well for those who make this charge of mercenary corruption against editors and printers of newspapers, to reflect that it is their own party press they censure; for the plain reason, that the administration need not buy up the newspapers that already support its measures; and that, if there is any buying or corrupting, the traffic must be carried on with those editors and printers who oppose the administration?

If, then, the allegation is merely that the officers of the Government, who are required by law to employ newspapers, exercise their own discretion, strictly within the law, in employing such as they think proper, does it not resolve the whole question into an inquiry into motives, (not an inquiry into violation of law,) an inquiry which the committee have shown is not within their jurisdiction under the resolution referred to them?

And if this call upon the departments had been adopted, and could have been carried into effect, of what avail would have been a detail of all the items of newspaper advertising, embracing every letter remaining in post offices, every proposal for mail contracts, for work, for supplies, and the like, within the provisions of law, to detect abuses, or to discover whether the press of the country was "subsidized" and "corrupted" by being paid for its mechanical labor? Had such returns been made in an answer to the proposed call, this committee, instead of inquiring into the condition of the executive departments, must have resolved itself into mere auditors of newspaper accounts.

Again: If the administration, in the use of its legal employment of the newspaper press, corrupts and subsidizes that press, and if the press of the country is susceptible of such corruption, how happens it that the opponents of the administration, though in a minority, sustain so many more newspapers than are sustained by the party in power? Of the daily press, for instance, in the city of New York, there are *nine* opposition to *two* administration papers; in Philadelphia, *six* to *two*; in Baltimore, *four* to *one*; in Boston, *seven* to *two*; in New Orleans, *six* to *two*; in Albany, *two* to *one*; and even in the city of Washington, *two* to *one*—making, in seven of the principal cities, *thirty-six* opposition to *eleven* daily administration papers. A like comparison extended throughout the Union would show nearly the same result.

The committee have dwelt longer on this topic than its real importance might seem to demand. They have done so, because it appeared to be one of the most vehemently urged grounds of accusation against the executive officers, and was brought before the committee for a decision seven distinct times by the mover of the call, in the form of resolves, amendments, and questions to witnesses, and was each time rejected by the committee, for the reasons here stated.

Their object was to get at practical results, and not, by a mass of papers, encumber all inquiry or examination into the condition of the executive departments, and the discharge of the *public* duties by their officers and agents. In this, as in all other cases, the rule the committee uniformly adhered to was, that they were ready to inquire into any act of abuse or violation of law, or neglect of duty, complained of from any quarter, and presented in any specific form of allegation susceptible of investigation by any known principles of evidence. They believed it to be neither practicable, nor within their powers, to call upon the executive departments for a history of every act of those departments during the last eight years, and then go into an examination of this history, to detect, if possible, some act that might be construed into a violation of law. As well might a citizen be arraigned by a public prosecutor, and called upon to relate every transaction of his life, in order to discover whether there was not some act for which an indictment would lie against him.

On the grounds heretofore explained, the committee rejected questions to witnesses as to any supposed possible connexion of officers of the Government with the newspaper press, except in cases where it appeared that such connexion, if proved, was a violation of law, or of some rule or requisition of the department with which such officers were connected.

A question proposed to the Postmaster General, (page 121 of journal,) as to political *combinations* of officers of the executive departments to influence the public press, was permitted to be put, on the ground that the *combination* charged might be in the nature of a conspiracy, and, therefore, a violation of law. The answer of Mr. Kendall entirely negatived the existence of any such combination within his knowledge. Another question to the same witness, as to the supposed existence of a club or association, and whether its members were officers and agents of the executive departments, and what its designs and means were, and a similar question to Mr. Secretary Woodbury, (page 81 of journal,) were rejected, because the questions involved no violation of law, and had no relation to the manner of discharging the public duties in those Departments. The committee could not prescribe what political or literary or social associations the public officers should or should not belong to, any more than they could the religious denomination to which they should or should not be attached. A question, also, put to the Secretary of the Treasury, (page 80 of journal, question 13,) was rejected, because it went into the *motives* of the executive departments in employing editors and printers, in the exercise of a discretion authorized by law.

This review embraces all the material matters in the course of the investigation, relating to the newspaper press; and the committee, in disposing of this branch of the grounds of complaint against the executive departments, feel bound to say that no evidence whatever was produced, or offered to be produced, by any specific allegation, of the acts of any officer or agent of the various executive departments, which goes, in the least degree, to sustain the grave charge of a violation of public duty in subsidizing and corrupting the public press.

The second resolution offered by the chairman (page 4 of the journal) proposed a call on the President and heads of departments for a list of all officers, &c. appointed and paid without having been nominated to or confirmed by the Senate.

If this meant inferior officers, the appointment of whom is vested in the President and heads of departments by Congress, it was a useless call, and implied no violation of duty.

If it meant the appointment, and not merely the nomination, of officers required by law to be confirmed by the Senate, it could only apply to the President; and no such supposed case was suggested as the ground of the call.

The third resolution proposed calling for the amounts of moneys paid for contingencies by the departments, (page 5 of the journal,) for changes in specific appropriations, and for irregular expenditures.

The fourth resolution called for a list of officers and agents who had received salaries or pay without rendering service or being in office, whose commissions had been antedated, and who were engaged in other employment or

held other offices, whilst receiving pay and rendering no service.

The inquiry proposed by the third and fourth resolutions above described, in fact, comes within the provisions of the 77th and 78th rules of the House of Representatives, to which the President, in his reply to the call on him, very properly referred the committee, and the extent of which did not occur to them when the resolutions were under consideration. Those rules establish a standing committee for each of the departments, whose duty it is "to examine the state of accounts and expenditures," and to inquire and report particularly whether the expenditures of the respective departments are justified by law; whether the claims discharged are supported by sufficient vouchers, establishing their justness as to their character and amount, and have been discharged out of funds appropriated therefor; whether all moneys have been disbursed in conformity with appropriation laws; whether any retrenchment can be made in the expenditures of the several departments; and to report such provisions as may be necessary to add to the economy of the several departments, and the accountability of their officers.

These powers and duties embrace every matter of inquiry proposed in the call upon the heads of the executive departments, by the third and fourth resolutions. It therefore was not the province of a select committee to interfere with the prescribed duties of a standing committee.

The committee were satisfied of the impropriety and inconsistency of all the calls upon the President and heads of departments embraced in the resolutions offered by the chairman; but to reject them entirely in the beginning, although, in effect, they called upon the accused to furnish evidence against themselves, might have subjected the committee to the charge of suppressing inquiry, from apprehension of disclosures injurious to the departments. They preferred, therefore, to assume the responsibility of giving too great latitude to inquiry, rather than to seem to check it in the beginning; but they were bound by the construction of their powers to limit the inquiry to violations of public duty. With this view, the resolutions were amended, by being confined to acts "without authority of law;" there being, otherwise, no definite limits, scope, or perceptible object, in the proposed calls. With this limitation, they permitted the calls to be made; and the replies to them by the President and heads of departments entirely negative any presumption, arising from this source, of neglect or violation of official duty.

The committee, therefore, could see no ground for adopting the resolution, proposed on receipt of the President's letter, to dissolve the committee, on the ground that that letter and the President's instructions to the heads of the departments would bar all investigation. (See page 19 of journal.) Instead of barring, the letter of the President *invited* investigation.

It says: "If you are able to point to *any* case, where there is the *slightest* reason to *suspect* corruption or abuse of trust, *no obstacle* which I can remove shall be interposed to prevent the *fullest* scrutiny by all legal means. The offices of *all* the departments will be open to you, and every proper facility furnished for this purpose."

The replies from all the heads of departments have been to the same effect, pledging the whole disposable force of their offices to ferret out any the slightest specified act of neglect or violation of public duty complained of from any quarter; and not only so, but affirming that they knew of no employment or payment of printers, officers, or agents, in their departments, without authority of law.

Neither did the committee discover in the letter of the President any attack upon the proceedings of the House or the privileges of its members; for the plain reason that neither the House nor its members have any privilege to call upon parties accused to criminate themselves. Consequently, they could not sanction the resolution offered by the chairman, (page 29 of journal,) to censure the President for his emphatic repulsion of what he construed to mean charges of personal accusation, and calls for self-crimination; nor could they consent to put a stop to the public business by getting up a debate in the House to enforce any pretended "privilege" of the House or its committees, to compel public officers to furnish evidence against themselves.

The committee would suggest one other reason for permitting these calls to be made on the parties implicated thereby, for acts done without authority of law. This might be construed to mean palpable violations of law, or it might mean a mere prescriptive irregularity in the business of a department, not provided for by law, but supposed to be incidental to some general provision, or sanctioned by long usage.

With this view, the committee appended to the calls the 5th resolution, requesting explanations as to any innovations not authorized by law, if such existed; and they also considered that there was a distinction, as to the strict rules of evidence, between a letter of inquiry and a question put to a witness under oath. In cases where witnesses were called before them, the committee felt bound to adhere to the rule by which self accusing questions were excluded; and this will explain the reason of the rejection of a large class of the very numerous questions put by the chairman.

That too much latitude has sometimes been given in admitting self-accusing questions to be put to witnesses, is quite probable. The committee notice one, and there may be others in the journal, viz: the question put to Mr. Secretary Woodbury, (page 80,) as to his being engaged in purchases of public lands, which, in his case, would be a violation of law. The witness, however, waived his obvious right not to reply, and fully answered in the negative. If there has been error or inconsistency, therefore, in not conducting the examination of witnesses invariably on the known rules of evidence, it has been on the side, not of exclusion, but of admission of questions. It has also shown that the several members of the committee decided on each matter as it came up, without previous concert—the adoption or rejection of a question frequently being determined by a single vote, or by the equal division of the committee.

During the thirty days of the actual sittings of the committee, the following-named witnesses were examined, viz:

Hon. Henry A. Wise, Hon. Abijah Mann, jr., Hon. James Parker, Hon. John Bell, Hon. Hugh L. White, Hon. Balie Peyton, Hon. F. W. Pickens, Hon. Dutee J. Pearce, Hon. A. H. Sevier, and Hon. Garret D. Wall, all members of Congress; S. R. Hobbie, of the Post Office Department; William Van Hook, of New York; William D. Lewis, Philadelphia; Levi Woodbury, Secretary of the Treasury; John Forsyth, Secretary of State; Amos Kendall, Postmaster General; William Littlefield, Newport, Rhode Island; James L. Anthony, Treasury Department; James L. Edwards and George W. Crump, Pension Office; D. A. A. Buck, War Department; George W. B. Towns, Georgia; Charles Morris and Charles W. Goldsborough, Navy Commissioners' Office; N. Towson, Paymaster General; Samuel D. Langtree, War Department; David Henshaw, Massachusetts; and John Ross, a Cherokee chief—28.

Hon. Aaron Vanderpoel, Hon. James Standefer, members of Congress, and William J. Duane, late Secretary of the Treasury, attended as witnesses; but the questions propounded to them were rejected, on grounds fully explained in this report, and obvious from the nature of the inquiries proposed. (See pages of journal 60, 77, and 81.)

Hon. John C. Calhoun, of the Senate, was summoned as a witness, but neither attended nor replied to the call.

Hon. Felix Grundy, of the Senate, was requested to at-

tend as a witness, on motion of the chairman; and though not acceding to the right of the committee to require his attendance, he communicated his readiness, when not engaged in public business, voluntarily to wait upon the committeee and give testimony, if notified. No such notice was given to Mr. Grundy.

Honorables Cave Johnson and James J. McKay, of the House of Representatives, were also summoned, at the request of the chairman, but not examined.

The witnesses who were summoned and appeared, but were not examined, were Jonathan Seaver, (office of Second Comptroller;) John N. Moulder, Thomas B. Reilly, Robert S. Wharton, David Saunders, and John J. Abert, of Washington; Samuel Kendall and Charles Gooch, (Post Office Department;) Henry L. Ellsworth, (Patent Office;) John M. Walker, Richard Harrison, (First Auditor's Office;) John Green, (War Department.)

The witnesses summoned, and who did not appear, were J. L. Joseph, New York; R. J. Phillips, James Schott, Henry Fry, and James Reeside, Philadelphia; N. S. Ruggles, Newport, R. I.; Duncan Clinch and Reuben M. Whitney, Washington; David Williamson and John S. Shriver, of Baltimore. Interrogatories sent to James Jackson, of Alabama, were not returned. Thirty witnesses summoned and not examined.

One hundred and fifty-two questions were proposed to witnesses under examination. Of these, one hundred and thirty-one were proposed by the chairman, (Mr. Wise,) except five or six put by the member from Massachusettts, (Mr. Lincoln.) The remaining twenty-one were all that were suggested by other members of the committee. Eighty-nine of the questions were adopted, and sixty-three rejected.

The proposition is therefore presented from these facts as a conclusive answer to all pretence, if set up, that no abuses have been detected, because the committee suppressed investigation, viz: that if eighty-nine questions were put to some thirty witnesses, without, in the opinion of the committee, drawing out a single material fact calling in question the ability, integrity, and fidelity, with which the executive departments have been conducted, does it not follow, either that the interrogatories were unskilfully framed, or that the fifty-eight rejected questions were the only ones that specified any act of abuse, neglect, or violation of duty? An examination of the questions rejected and admitted will demonstrate that no such distinction exists between them.

To enable them to get at all the means of detecting abuses, the committee called upon the chairman, who was the mover of the resolution in the House, to state, under oath, whether he, of his own knowledge, knew of any act of the heads of the executive departments that was either corrupt or a violation of duty. Failing in this, and receiving no answer, except a declaration of the political creed of the witness, he was then called upon for the names of those from whom he had received the information on which he founded his belief that the executive departments have corruptly violated their duties. His answer was, (page 16, journal:)

"I do positively refuse to give up the names of those who have informed me as to the conduct or misconduct of executive officers."

How, then, could the investigation be prosecuted further than it has been, if the mover of the resolution, who affirms he has information from certain persons, on which he founds a belief of the existence of corrupt violations of law, and of which the rest of the committee are entirely ignorant, positively refuses to give up the names of his informers, that they may be called upon to disclose these alleged acts of corruption and violation of duty?

Under such circumstances, can there be just cause for complaint of the committee, of the Executive, or of the heads of departments, that they have restricted or withheld proofs of violation of duty, when he himself, by his own admission, as a member of the committee, is in possession of the names of witnesses who can prove the charges, and yet refuses to name or to call those witnesses? Who is responsible for restricting inquiry, if he is not, who, having the names of witnesses within his knowledge, refuses to give up their names, or call upon them to testify? If the reason assigned for withholding the names of the alleged witnesses, viz: that they are "dependent upon the will of arbitrary power for the stations they hold," is a justification of this refusal, does it not amount to a useless waste of the time of the House, and the labor of the committee, to demand an investigation in order to prove corrupt violations of public duty by the executive officers, when it was known that neither to the House nor to the committee could or would be disclosed the names of the witnesses who, it was assumed, could prove this corrupt violation of official duty?

The committee do not impugn the motives or call in question the course of proceeding adopted by any member of the committee, but they are bound to state all the alleged sources of information which have been withheld in the investigation.

Here the committee might justly have declined all further proceeding; but they deemed it more satisfactory to use all the means in their power of arriving at the foundation of the charges that had been made of misconduct and corruption in the heads of the executive departments. With this view they called upon those who, they had reason to believe, were best acquainted with the facts and the witnesses in the case, and requested the attendance before them of Messrs. Bell, Peyton, and Pickens, of the House, and Messrs. White and Calhoun, of the Senate. The first three of those gentlemen complained of this proceeding as an act of personal injustice, and an infringement of the freedom of debate; but on no grounds which the committee can consider just or reasonable. They were called upon as the best sources to furnish the committee with proofs or with the names of witnesses; and, instead of doing so, they make complaints against the committee and the President, as if *they* were the authors of the charges, the movers of the resolution of inquiry, and the promoters of this whole investigation! They testify to no corrupt act that they know, but to much that they "have been informed of and verily believe," but give no names of informers or witnesses, who know the alleged acts of corruption in official duty.

The voluminous statements and arguments of these gentlemen, including that of Judge White, occupy seventy-one pages of the printed journal, setting forth their political creeds and belief, in the form of testimony under oath. They communicate no facts, nor allegations of facts, that have not been fully discussed, in almost every particular, in the public press; been tested by the votes of the people in the elections, or passed upon in some form or other by one or both Houses of Congress. The committee permitted them to form a part of their journal, though they are argumentative, and entirely devoid of every legal characteristic of testimony; but, as they prove nothing, the committee do not regard them as having any bearing whatever upon the inquiry they were instructed to make into the condition of the executive departments, and the allegations of corrupt violation of duty. The statements of those gentlemen, and particularly that of Judge White, who was released from every obligation of private confidence by the President, are remarkable proofs of the purity and honesty with which the administration has been conducted. These gentlemen were for years the political friends of the President, and in his confidence. They are now his opponents, and have been called on to state every transaction they knew, implying a violation of public duty; and they have

not disclosed a single fact within their own knowledge that affects the character or conduct of the President or heads of departments in the discharge of their public duties. Even the statements they adopt from others, whether true or false, relate to private opinions and acts having no connexion with the discharge or neglect of public duty. One of their *opinions* is, that there was favoritism and extravagance in the appointment of, and allowance to, the three commissioners on Indian treaties, under the act of July 14, 1832. "The commission," says Mr. Bell, (page 263 of the journal,) "turned out to to be almost an entire failure." This opinion, unsupported by any evidence, is singularly at variance with the report made by a member of the opposition, from the Committee on Indian Affairs in the House of Representatives, May 20, 1834. That committee, in reference to this same commission, say, (page 23 of their report:) "The labors of the committee have been much assisted by the very able and interesting report of the commissioners, which is annexed to this report. It contains much valuable information, and will enable the public to appreciate the *zeal*, *industry*, and *ability*, with which they have executed the duties of their commission."

The opinion of Mr. Bell in this matter would also seem to be at variance with the fact that the Senate have approved and ratified important treaties made by these same commissioners with the Cherokee, Creek, Seneca, Seneca and Shawnee, Quapaw, Otto, Missouri, and Pawnee tribes of Indians.

The compensation allowed the commissioners appears to have been in strict conformity with the usages of the Government under previous administrations, viz: the per diem and mileage of members of Congress.

That there have been abuses and gross injustice towards the Indians practised by speculators and unprincipled men, is undoubtedly true; but none of these abuses are traced to any act, authority, neglect, or connivance of the President and heads of departments; and in every instance, where fraud or injustice is shown to have been alleged against any public agent, the executive officers have been prompt in investigating and correcting the evil. This fact fully appears from the "documents relating to the letter of R. T. Archer to the chairman," (pages 125 and 274 of journal.) In that matter, (which is made a ground of complaint after a lapse of more than three years, coming from the distance of Columbus, Mississippi,) it appears that the complainant is totally mistaken in his facts—the President and the department having caused a full investigation of the charges, and "the strictest inquiry into this matter," and the Commissioner of the Land Office having ordered the decision of the register at Chocchuma to be corrected, so far as it was erroneous.

The impropriety of witnesses substituting party opinions for testimony, under oath, is shown in the statement of Hon. F. W. Pickens, (page 46 of journal.) He appeared as a witness, to testify whether he knew, of his own knowledge, of any act, by either of the heads of the executive departments, which was corrupt, or a violation of their official duties. His answer is, that he knows of many acts in violation of official duty, but will name only those that are most prominent; and then he places at the head of violations of official duty the proclamation of the President in 1832, against the nullification doctrines of South Carolina! The removal of the deposites, the employment of State banks, proscription, and the specie Treasury order, make up the catalogue of "gross and palpable violations of official duty," affirmed by the witness. Had the testimony of numerous honorable Senators and Representatives of the opposition party, to which the witness belongs, comprising a majority, been taken in this matter, they would doubtless have pronounced the proclamation against nullification the purest act of the whole administration; and had a vast majority of the people testified before the committee as they have done through the ballot-box, they would have pronounced all the other acts of the administration, referred to by Mr. Pickens, the highest and most faithful discharge of official duties.

What, then, are the *facts* touching the "condition" of the executive departments, the "manner" in which the public business has been discharged in them, and "the causes of complaints against them," which are proved in this investigation?

The charges attempted to be proved are:

First. Speculations in the public lands. The committee permitted this inquiry to be made, touching all officers who were by law prohibited from purchasing or speculating in the public lands. The acts of September 2, 1789, and March 3, 1791, prohibit such purchase to persons appointed to any office instituted by the act to establish the Treasury Department, and to all the clerks employed therein. There was no proof before the committee that any officer or clerk, prohibited by law from dealing in the public lands, had violated the law.

The committee did not feel authorized to extend this inquiry to public officers who were not prohibited from making such purchases, such act not being a violation of official duty any more than the purchase of any article of trade or commerce. If it leads to abuses, Congress should apply the remedy.

Second. Disbursing officers drawing specie, and selling the same as merchandise to purchasers of public lands or others. The evidence (pages 30, 32, 37) negatives this charge.

Third. "Paying a Treasury warrant which was gambled away by a disbursing officer." This charge was first suggested as an allegation that drafts to the amount of $20,000 had been paid by the late Secretary of War, Governor Cass, to the assignee of a disbursing officer named Johnston, with the knowledge that they had been gambled away, and after they had been protested by a deposite bank, and countermanded by the Secretary of the Treasury. The facts in this case are highly creditable to the vigilance of the executive departments. Instead of $20,000, the amount was $2,500, which was not paid to the holder until it was proved that the drafts came into his possession with no knowledge of the original gambling transfer; nor then, until the opinion of the Attorney General had been taken, and ample indemnity secured to the Government, should it be made to appear that the holder was cognizant of the fraudulent transfer. This case is fully explained in the testimony of Hon. Ambrose H. Sevier, (page 49 of journal,) by documents, (pages 62 to 71,) and the opinion of the Attorney General, (page 68 of journal.) It does not appear that Johnston, the disbursing officer, who died soon after this transaction, was employed after the fraud by the Department.

Fourth. The case of T. B. Waterman, viz: the allowance of an exorbitant account by Mr. Secretary Cass, after it had been virtually disallowed; and then paying it after its allowance had been forged, without causing the offender to be prosecuted. The facts in evidence are, that Waterman was temporarily employed to copy papers in the Pension Office, for which he presented a bill of $188. It was not allowed. Subsequently, an assignee of the bill, Mr. Causten, of Washington, who had advanced the amount to Waterman, presented it, endorsed with the approval of Mr. Secretary Cass, which proved to be a forgery, and it was not paid. Some months after, the claim was again presented by the assignee, and, being reduced to $144, which was a fair compensation for the work, it was allowed and paid. (See pages 51 and 57 of journal.) This transaction was entirely proper on the part of the Department. The forgery on the first account did not discharge the actual debt due; nor was the Secretary of War,

or his agents, bound to prosecute Waterman; and neither were they in possession of proof that he committed the forgery, except from the statement of Mr. Causten to Mr. Crump, that he had confessed it to the former.

Fifth. The case of David Melvill, a weigher and gauger in the customs at Newport. The charge is, that Melvill was removed from office for opinion's sake. The facts are, that when Mr. Ellery, the collector who appointed Melvill, resigned, and Mr. Littlefield was appointed collector, the latter, in the exercise of the discretion the law gave him in such cases, did not reappoint Melvill, whose office was at an end by the resignation of his principal. The public service was not impaired, but, it would seem, promoted by this act; and, as it comes under the class of inquiries into *motives*, it was not, for reasons before given, within the jurisdiction of this committee. In fact, at the very time it was pressed upon this committee, a standing committee of the House (on Commerce) had the whole matter in charge, on a petition from David Melvill, and made their report, February 23d, adverse to the petitioner. The same subject was before the Senate the last session, and all the documents connected with it published at that time. A full explanation of the case is given in the testimony of Mr. Littlefield and Mr. Secretary Woodbury, (pages 189, 75, and 80, of journal.)

Sixth. The case of J. W. Reckless, collector at Perth Amboy, New Jersey. This appears to be a charge under the head of "retaining corrupt and fraudulent officers in place, knowing of their malfeasance in office." The specification is wholly unsupported by the evidence in the case, which has encumbered the journal with a mass of documents occupying fifty-eight printed pages. The President, in the exercise of his discretion, and with all the original papers before him, decided that irregular incidental expenses had been charged, but that there was no proof of corruption or fraud, and the collector was required to refund the irregular charges. This case is fully and satisfactorily explained in the answers of Hon. Garret D. Wall, of the Senate, to questions put to him, (page 309 of journal.) This is the only specific allegation made of corrupt retaining in office; and the facts disclosed warrant no suspicion of improper acts or motives in the executive officer.

Seventh. The late Secretary of War, Governor Cass, paying for services never performed. The evidence on this point (pages 51 and 54) is, that D. A. A. Buck, a citizen of Vermont, received the appointment of a clerk in the Pension Office July 8, 1835; that, on the 27th of that month, he commenced his journey to Washington, which journey was suspended and interrupted in consequence of severe indisposition; that, during the delay of his journey, thus caused, he was elected a member of the Vermont Legislature the first Tuesday of September following, and took his seat the second Thursday in October, and continued a member of the Legislature five weeks, till its adjournment; that on the 20th November he proceeded to Washington, and entered upon the duties of his office December 4th; that he presented his account to Mr. Secretary Cass, who knew the facts in the case, for salary, at the rate of $1,200 per annum, from the 27th July to the 4th of December, deducting the five weeks he was a member of the Legislature, and was allowed pay for four months in the service of the United States. This was a matter for the discretion of the Secretary of War. The usage is stated to be, that the pay commences from the time of starting for the seat of Government. The account, and all the circumstances, were fairly and fully stated by Mr. Buck, with no attempt at concealment, and, as he believed, in conformity with usage. The committee, in so inconsiderable a matter, cannot call in question the upright intention of the late head of the War Department, upon this statement of facts.

Eighth. The apparent attempt to connect the Secretary of State, in his official capacity, with his private interest as counsel in the Golphin claim, introduced into the last treaty with the Cherokee Indians, in 1835-'36, but excluded from the treaty by the Senate. The answers of Hon. G. W. B. Towns, (page 88,) and of Mr. Forsyth, (page 105 of journal,) need only be examined to show the high sense of honor and official responsibility with which the Secretary conducted in relation to that transaction. Even John Ross, the Cherokee chief, who was questioned by the chairman on this point, disclaims all knowledge of any means employed, or influence exerted, by any officers or agents of the executive departments, to have the stipulation respecting the Golphin claim inserted in the Cherokee treaty, (page 291 of journal.) It is proper to state, the answers of this witness were handed in the last day of receiving testimony; and from the absence of members of the committee, who were occupied by the business of the House, no opportunity was had for a cross-examination, touching implied charges against individuals, having, however, no connexion whatever with the executive departments.

There only remain unnoticed, in all the mass of testimony, five or six minor charges, which are distinctly disproved by the evidence, viz: the anonymous charge from some reckless newspaper against Mr. S. R. Hobbie, Assistant Postmaster General, of holding stock in a New York bank, which was given as a gratuity by mail contractors. The affidavits produced by Mr. Hobbie leave not a vestige of this calumny, (page 101 of journal.)

The charges by William Hobby against Paymaster General Towson, (page 107,) which are shown by Col. T. to be entire fabrications.

It is proper to state that the appendix attached to the journal of the committee has no relation to any of the acts of the executive departments. It has been printed at the request of the chairman; and the explanations of Commodore Morris, and Mr. Goldsborough, Secretary to the Navy Commissioners, the latter in the form of an argument, appended.

Much space in the journal is occupied with the statement of Hon. Balie Peyton, relating to the non-removal of John Spencer, receiver of the land office at Fort Wayne, Indiana. This case was fully explained by the reply of the Secretary of the Treasury to a call made by the House of Representatives the 30th of January, the present session. That document is appended to Mr. Peyton's statement, (page 234 of journal.) It shows the vigilance of the Secretary of the Treasury in calling upon the receiver before any complaint had been made, and in causing a thorough investigation into the matter by a special agent. So satisfactory was the result of the whole matter, that the committee apprehend, that if the Secretary had urged the removal of Mr. Spencer, and the President had caused it to be made, there would have been, from the same source, a stronger complaint for "proscription" than there now is for retaining in office.

The matter of the Decatur Bank, in Alabama, was introduced on the last day of receiving testimony before the committee, (p. 289 of journal.) The facts in the case are, that last March, before the specie circular was thought of, a contract was made by the Treasury Department with the branch of the Alabama State Bank at Decatur, which never was a deposite bank, for about half a million of State bonds purchased in behalf of the Chickasaw Indians. A part of the agreement was, that the branch bank should take such money as was paid in at Pontitoc, from time to time, for Indian lands sold there on account of the Chickasaws, and send to Washington bonds for the amount. Enough was not received to discharge the whole contract, in September last, when the bank wrote that it was willing to take its own bills in payment, instead of specie, if the Treasury Department would assent to it. The bank

was accordingly advised by the Department that, to the extent of the contract, and no further, there was no objection to receiving the bills of the bank instead of specie, if the bank, to which the money was to be paid, preferred them. The Department, it appears, saw no reason why the payee might not be permitted to waive specie payment, if he pleased.

In this transaction the committee can perceive no relation to a total or partial repeal of the Treasury order, as to public lands generally, or any favor conferred on the bank or the State of Alabama. It was merely carrying into effect a contract as to proceeds of Indian lands, which was made long before the Treasury order issued, and merely assenting, under that contract, that the money to be paid to the contracting party, and not into the Treasury, might, to the extent of the contract, and no further, be paid in bills, instead of specie, if that party preferred it.

The committee have now disposed of all the material points involved in this long and laborious investigation. They regret that the brief space allowed for preparing their report did not admit of more condensation of the mass of matter before them; but, as the attention of the whole country has been called to this investigation, the committee have deemed it an indispensable duty to present, in a full and distinct form, a view of the principles on which they have conducted this examination, with a summary, from the voluminous and disconnected testimony, of all the allegations and specifications of violation of duty, and the evidence produced to sustain them.

The result of the whole is a firm conviction that, to an extent which the warmest friends of this or any other administration could not have anticipated in passing through such an ordeal, to which no other administration was ever subjected, is demonstrated, beyond question or doubt, the truth of the testimony borne by the President, in his annual message, to the "prosperous condition of the various executive departments, and to the ability and integrity with which they have been conducted."

Equally well established, by undeniable facts, is the sincerity and uprightness of the untiring "aim" of the Chief Magistrate "to enforce in all of them a vigilant and faithful discharge of the public business;" and it seems to the committee that, after this long and laborious investigation into the official conduct of the President and the heads of the departments, with the fearless invitation of the former to his once bosom friends to disclose every matter of confidence that ever existed between them, no fair mind can resist the conviction that there in reality exists "no just cause of complaint, from any quarter, at the manner in which the executive departments have fulfilled the objects of their creation."

The committee recommend the adoption of the following resolution:

Resolved, That, so far as has come to the knowledge of the committee, from the results of this investigation, the condition of the various executive departments is prosperous, and that they have been conducted with ability and integrity; that the President has aimed to enforce, in all of them, a vigilant and faithful discharge of the public business; and that there is no just cause of complaint, from any quarter, at the manner in which they have fulfilled the objects of their creation.

VIEWS OF THE MINORITY.

The undersigned, members of the select committee appointed under a resolution of the House of Representatives of the 17th January last, disagreeing to, and dissenting from, the report adopted by a majority of said committee, beg leave to offer the following reasons for said disagreement and dissent, and request that the same may be entered on the journal:

1. Because the construction put, by a majority of the committee, upon the resolution of the House, has so narrowed and restrained the scope of inquiry, as, by necessary consequence, to preclude and suppress the investigation which, in the opinion of the undersigned, was most manifestly the object of the mover and advocates of the resolution, and must have been the intention of the House in its adoption.

2. Because the committee having, by various resolutions, sought from the President of the United States, and the heads of the departments, information which was deemed material to the investigation of the condition and management of those departments, and into the manner in which the executive Government has been administered in those departments, respectively, which resolutions were answered by a most extraordinary communication addressed by the President to the chairman, now entered upon the journal, declining to furnish the information asked for by the committee, and deemed indispensable to the faithful execution of the duties devolved upon them by the resolution of the House, the undersigned are without the means of justifying to their own minds the reasonings and conclusions which the majority of the committee have adopted in their report.

3. Because many documents and papers, and much evidence sought by the committee in the resolutions addressed to the heads of departments, have not been obtained by the committee, for reasons assigned in the answers given to those resolutions, or otherwise apparent on the journal; and, in the absence of such documents, papers, and evidence, the truth or falsehood of the allegations of numerous abuses or neglects of duty in the administration of said departments cannot, at this time, be arrived at.

4. Because, by the decision of the majority of the committee, expressed in numerous votes, in reference to various subjects, testimony deemed by the undersigned altogether material to the investigation of the "condition of the various executive departments, the ability and integrity with which they have been conducted, the manner in which the public business has been discharged in all of them, and into all the causes of complaint, from any quarter, at the manner in which said departments, or their bureaus or offices, or any of their officers or agents, of every description whatever, directly or indirectly connected with them in any manner, officially or unofficially, in duties pertaining to the public interest, have fulfilled or failed to accomplish the objects of their creation, or have violated their duties, or have injured and impaired the public service and interest;" has been determined to be inadmissible, and has not been permitted to be produced before said committee, so as to enable the committee to pronounce, either affirmatively or negatively, upon the truth of the various matters referred to their consideration by the resolution under which they are constituted.

5. Because on many, if not most, of the subjects which were referred to the attention of the committee, as well from the want of time as from the absence of alleged existing testimony, the investigation has been manifestly and necessarily incomplete and imperfect, and no just, impartial, and satisfactory judgment can be pronounced thereon.

6. Because the report of the majority does express opinions and conclusions upon partial and imperfect investigation, which should be the result only of the most satisfactory examination of the various and complicated subjects to which such conclusions and opinions relate.

7. Because the report of the majority, under the limited and imperfect examinations which have been given of the matters referred to the consideration of the committee under the broad scope of the resolution of the House, does express judgments and opinions, as the result of conviction upon full investigation, instead of submitting only the jour-

nal of the proceedings of the committee for the action and judgment of the House thereon.

Inasmuch, therefore, as the undersigned cannot, consistently with their own convictions of duty to themselves, and their sense of obligation to the House and to the country, unite in the reasoning and conclusions of opinion adopted by the majority, and have no opportunity otherwise to express their disagreement with, and dissent thereto, they respectfully resort to this only mode, at the very moment of adopting their report, to declare their opinion that the committee are only warranted, by the progress and present state of the investigation with which they are charged, in reporting the journal, unaccompanied by any expression of opinions or judgment of the matters referred to them.

LEVI LINCOLN.
ROBERT B. CAMPBELL.

I concur fully in the foregoing, except in the opinion that the committee should have reported only its journal of proceedings.

HENRY A. WISE.

REPORT OF MR. WISE.

The undersigned, of the committee to which was referred "so much of the President's message as relates to the condition of the various executive departments," &c., begs leave to show his reasons for dissenting from the majority.

The resolution of the House of Representatives, under which this committee was appointed, was passed on the 17th day of January. On the 20th of that month, the chairman, who was serving during the session of the House on another committee of investigation, was notified by the Clerk of the House of the appointment of this committee, after his calling at the Clerk's office and requesting to be furnished with a copy of the resolution and of the list of committee.

On the 21st day of January the committee was organized, and proceeded to its labors. The resolution, it was thought, embraced every species of legitimate inquiry, in the fullest extent, into the condition of the various executive departments, the ability and integrity with which they have been conducted, into the manner in which the public business has been discharged in all of them, and into *all causes of complaint, from any quarter*, at the manner in which the departments, or their bureaus and offices, or *any* of their officers or agents, of *every* description whatever, directly or indirectly *connected with them in any manner, officially or unofficially*, in duties pertaining to the public interest, have fulfilled or failed to accomplish the objects of their creation, *or have violated their duties*, or have *injured and impaired the public service and interest*. The scope of inquiry was vast and unlimited; the time in which to institute and accomplish investigation was very short and insufficient. The call for this investigation had, in fact, been made early during the past session of Congress, and was not granted until within six weeks of the close of this. Many subjects, therefore, of the highest importance, which required the strictest scrutiny and the longest time, the testimony as to which was to be obtained from the greatest distance of the extremes of the Union, could not be touched in the short period left for the execution of the task of this committee. There were many subjects, however, of deep interest, the evidence as to which was known to be near at hand, which could be inquired into; and, accordingly, several of those were proposed to be examined.

Among these, the first in importance, and the first proposed to be examined, were the subjects of executive patronage to the public press, of executive appointments to office, of the application of contingent items of appropriation, of irregular expenditures, allowances, and payments, and of sinecures. Accordingly, at the first meeting, four distinct resolutions were offered on these subjects, respectively. They were submitted, as appears by the journal, in the following form:

"1. *Resolved*, That the heads of the several departments be required to furnish this committee with a statement showing the sums of money paid within the year ending on the 1st of December last, by such departments, respectively, their agents or deputies, to printers or editors of newspapers, specifying the names and residences of such printers and editors, and also the names and places of publication of the newspapers owned or published by them, and showing the services or considerations for which such sums have been paid, giving each item as stated in the accounts of such printer or editor.

"2. *Resolved*, That the President of the United States and the heads of the several executive departments be required to furnish this committee with a list or lists of all officers, or agents, or deputies, who have been appointed, or employed and paid, since the 4th of March, 1829, to the 1st of December last, by the President or either of said heads of departments, respectively, without nomination to or the advice and consent of the Senate of the United States; showing the names of such officers, agents, or deputies, the sums paid to each, the services rendered, and by what authority appointed and paid.

"3. *Resolved*, That the heads of the several departments be required to furnish this committee with a statement showing the various amounts of money paid within the last four years, ending on the 1st of December last, for contingencies, whether appropriated or not by law, to whom and for what paid; showing whether any, and, if any, what appropriations have been changed from specific to other objects of expenditure than those for which they were made, and how such change was effected; and showing the amount of irregular expenditures, allowances, or payments, of every description whatever, if any, made by said departments, respectively, since the 4th day of March, 1829, to the 1st of December, 1836, by Treasury warrant or draft, or otherwise, to whom and for what made, and the authority and reasons for such expenditures, &c.

"4. *Resolved*, That the heads of the several departments be required to furnish this committee with a list of all officers, agents, or deputies, who have, since the 4th of March, 1829, to the 1st of December last, within the departments, respectively, received salaries, pay, or emoluments of any kind, without rendering service to the Government; who have received salaries, &c., without being in office; whose commissions have been antedated; who held other stations or appointments, State or Federal, when receiving pay for particular offices or agencies, or who have been engaged in private employment whilst receiving pay from, and rendering no services to, the Government of the United States; with the names of such officers, or agents, or deputies, the sums or salaries paid to each, and the time of service of each, respectively."

These resolutions were severally taken up in turn, and amended, as appears by the journal of the committee:

"The resolutions submitted by Mr. Wise, at the previous meeting, were taken up; and the first resolution being under consideration, Mr. Mann moved to amend the same by striking out the word 'required,' and inserting the word 'requested.'

"Mr. Pearce moved to amend the amendment by striking out 'requested,' and inserting 'directed;' and the question being taken by ayes and nays, was carried in the affirmative, as follows:

"Ayes—Messrs. Pearce, Hannegan, Lincoln, Wise—4.

"Nays—Messrs. Parks, Mann, Chaney—3.

"The question recurring on the amendment as amended, to strike out 'required' and insert 'directed,' it was carried in the affirmative, as follows:

"Ayes—Messrs. Pearce, Hannegan, Lincoln, Wise—4.

"Nays—Messrs. Parks, Mann, Chaney—3.

"Mr. Mann moved further to amend the first resolution, by inserting after the words 'agents or deputies' the words 'without authority of law, if any.'

"Mr. Wise moved to amend the amendment by substituting therefor 'with or without authority of law;' and the question being taken, said motion was lost, as follows:

"Ayes—Messrs. Lincoln, Wise—2.

"Nays—Messrs. Pearce, Muhlenberg, Hannegan, Parks, Chaney—5,

"The question recurring on inserting Mr. Mann's amendment, viz: 'without authority of law, if any,' it was carried in the affirmative, as follows:

"Ayes—Messrs. Pearce, Muhlenberg, Hannegan, Parks, Mann, Chaney—6.

"Nays—Messrs. Lincoln, Wise—2.

"Mr. Mann moved further to amend the 1st resolution, by adding, at the end of the same, the words 'and the reasons for making such payments;' which was carried in the affirmative, as follows:

"Ayes—Messrs. Pearce, Muhlenberg, Hannegan, Parks, Mann, Chaney—6.

"Nays—Messrs. Lincoln, Wise—2.

"Mr. Wise submitted the following amendment to the 1st resolution: 'and showing the sums of money legally paid within the year ending on the 1st of December last, by such departments, respectively, their agents or deputies, to printers or editors of newspapers, specifying the names and residence of such printers and editors, and also the names and places of publication of the newspapers owned or published by them, and showing the services and considerations for which such sums have been paid; giving each item as stated in the accounts of such printer or editor.'

"Which amendment was rejected, as follows:

"Ayes—Messrs. Lincoln, Wise—2.

"Nays—Messrs. Pearce, Muhlenberg, Hannegan, Parks, Mann, Chaney—6.

"The question recurring on adopting the 1st resolution, as amended, it was carried in the affirmative, as follows:

"Ayes—Messrs. Pearce, Muhlenberg, Hannegan, Parks, Mann, Chaney—6.

"Nays—Messrs. Lincoln, Wise—2.

"Mr. Mann moved to amend the second resolution, by inserting after the words '1st of December last,' the words 'if any, without authority of law.'

"Mr. Lincoln moved to amend the amendment, by adding thereto, 'or whose names are not contained in the last register of public officers, commonly called the Blue Book;' which amendment prevailed, as follows:

"Ayes—Messrs. Muhlenberg, Hannegan, Lincoln, Chaney, Wise—5.

"Nays—Messrs. Pearce, Parks, Mann—3.

"Mr. Wise moved further to amend the amendment, by inserting before the word 'without' the words 'with or,' so as to read 'with or without authority of law;' which motion was lost, as follows:

"Ayes—Messrs. Lincoln, Wise—2.

"Nays—Messrs. Pearce, Muhlenberg, Hannegan, Parks, Mann, Chaney—6.

"Mr. Mann moved further to amend the second resolution, by adding at the end thereof the following: 'and what reasons for such appointments;' which prevailed, as follows:

"Ayes—Messrs. Pearce, Muhlenberg, Hannegan, Parks, Mann, Chaney—6.

"Nays—Messrs. Lincoln, Wise—2.

"Mr. Hannegan moved the following additional resolution, viz:

"*Resolved*, That the various executive officers, in replying to the foregoing resolutions, be requested, at the same time, to furnish a statement of the period at which any innovations, not authorized by law, (if such exist,) had their origin, their causes, and the necessity which has required their continuance.

"And the question being taken, said resolution was adopted, as follows:

Ayes—Mr. Pearce, Mr. Muhlenberg, Mr. Hannegan, Mr. Parks, Mr. Mann, Mr. Chaney—6.

"Nays—Mr. Lincoln, Mr. Wise—2."

The obvious and proper design of the first of these resolutions was to ascertain the amount per annum of executive patronage to the press. That amount, judging from the evidence contained in the last Blue Book, was deemed to be great, and sufficient to influence, to a dangerous extent, the political sentiments and power of the public press, particularly at the seat of Government, and the great number of country or village newspapers throughout the United States; especially when systematically applied to party purposes, in conjunction with the patronage of the appointing and removing power to and from office. The resolution contemplated an inquiry into the *abuses* of the power to employ and pay printers, and into the *corruption* of applying the *lawful* authority to do so to the sinister purposes of political parties, as well as into the mere *illegal* payments which may have been made to public printers. Though, as originally presented, it embraced the latter inquiry, yet it regarded it as of minor consequence, when compared with the first. In all cases, the abuses and corruptions which are perpetrated and committed under the color of law are more aggravated, inveterate, and dangerous, than those which grow out of clear violations of official duty. Usurpations are rare; they are generally flagrant, and they rarely ever are the cause, but oftener the effect, of corruption. The latter first steals into the administration of the laws, and then prepares the pretext for the open aggressions of the former. The few accounts which may have been paid to printers beyond what the law allows were nothing, compared to the corrupting and bribing abuse of legal authority to discharge a long-established press, with extensive circulation and numerous subscribers, from the printing of the laws and public advertisements, because its politics happened not to agree with the powers that be, or with the men who were to be in power; and to establish, with pledges of the Government patronage, a new press, without subscribers and without circulation, except through the franking privilege of privileged partisans, for the uses of party; and to organize these pensioned presses, thus brought into existence by the generating power of corruption, into a combined phalanx of types from one end of the Union to the other, speaking the same words, echoing the same sentiments, praising or denouncing the same men or measures, dependent, and living, and moving, and having their being, in the same fiat of executive will! Better that the laws should never be published, like those of Caligula, so that the people should never read them, than that the press, which has been called the palladium of civil liberty, should be subsidized and corrupted. It should be the organ of information—the fountain of intelligence; it should be as independent as *truth*, as free as knowledge. "The freedom of the press is one of the great bulwarks of liberty, and can never be *restrained* but by despotic Governments." The most hampering restraint upon it is that imposed by party pains and penalties. These views were urged and pressed upon your committee. A majority replied that they had no authority to examine, and there was no necessity to inquire into the *legal* acts of the executive officers; that it was notorious that the present executive administration did distribute its patronage to presses favorable to its party purposes; and more than one of the committee was ready to enter a *cognovit* to the charge of dismissing one press, and establishing or employing another, for reason of their politics. Ac-

cordingly, the amendment to the first resolution was offered, to insert after the words "agents or deputies" the words "without authority of law, if any."

Against this it was urged that the amendment changed and restricted the inquiry almost totally; that it would call on the heads of departments to criminate themselves, when properly they should be called on for information only, and not for guilt; and that the committee would thereby make them the judges of their own acts, and deprive itself of the power to judge for itself, if they chose to respond generally "not guilty," without reporting simply the facts. The amendment, however, was carried by the votes of six members, friendly to the administration. Every form of amendment was offered in vain to counteract the effect of this amendment, as the journal shows. (See pages 5, 6, 7, 8.)

The second resolution embraced a subject of the most vital importance. An officer is one who performs public service and receives pay or emolument from the Government. The constitution prescribes the mode in which officers shall be appointed. The principle is sacred and vital to a republic, that the public officers, their pay and their duties, shall be known to the people and their representatives, in order that they may be duly responsible, and at all times amenable to them. It was represented to the committee that many officers or agents had been appointed, employed, and paid, by the Executive, who were not known to the constitution and the laws, and whose emoluments were not appropriated by bills before they were employed and paid by the President, without the advice and consent of the Senate or nomination, and without the appointment of such officers having been vested in the President alone, in the courts of law, or in the heads of departments. There is said and believed to be a long list of such officers and agents, almost as numerous as those legally appointed—such as commercial agents, special commissioners of various kinds, with a large compensation, as in the case of those to settle the controversy of the Michigan and Ohio boundary line, and innumerable other agents whose pay and service are never reported, and are known only to the Executive. It was proposed to ascertain the entire list of such appointments since the 4th of March, 1829, when the President became responsible for the faithful execution of the laws, with a view of then examining the authority of law, for appointing, employing, and paying, any or all of them. To this resolution, also, a similar amendment was proposed, by inserting the words, "if any, without authority of law." The same objections were urged again to this amendment of the 2d, as to the amendment of the 1st. On the one hand, it called upon the President and heads of departments to criminate themselves; or, on the other, it made them their own judges of their own acts, and gave them the opportunity of acquitting themselves. These objections were again unavailing, and the amendment to the 2d resolution also was adopted.

After these and various other amendments, and after adopting an additional or fifth resolution, by a vote of 6 to 2, which was regarded at the time by some of the committee as intended to give the departments an opportunity, and to call on them for a labored defence of the errors, if any, of their administration, the resolutions, as amended, were adopted, and ordered to be communicated according to their tenor.

These five resolutions were adopted on Monday, the 23d January. On Tuesday, the 24th of January, the chairman of the committee addressed to the President the following letter and resolutions enclosed therein:

"Washington, *January* 24, 1837.

"Sir: I am ordered by the select committee of the House of Representatives appointed to inquire into the condition of the various executive departments, &c., to communicate to you the enclosed resolutions.

Respectfully, &c.

HENRY A. WISE, *Chairman.*

To Andrew Jackson,
President of the United States."

The following are the resolutions enclosed as above:

"2d. *Resolved*, That the President of the United States be requested, and the heads of the several executive departments be directed, to furnish this committee with a list or lists of all officers, or agents, or deputies, who have been appointed, or employed and paid, since the 4th of March, 1829, to the 1st of December last, (if any, without authority of law, or whose names are not contained in the last printed register of public officers, commonly called the 'Blue Book,') by the President, or either of the said heads of departments, respectively, and without nomination to or the advice and consent of the Senate of the United States; showing the names of such officers, or agents, or deputies; the sums paid to each; the services rendered; and by what authority appointed and paid; and what reasons for such appointments.

"*Resolved*, That the various executive officers, in replying to the foregoing resolution, be requested, at the same time, to furnish a statement of the period at which any innovations, not authorized by law, (if such exist,) had their origin, their causes, and the necessity which has required their continuance."

On Friday, the 27th of January, the chairman of the committee was called upon by Mr. Mann to testify as a witness; and the following question was propounded to him, to wit:

"Do you, of your own knowledge, know of any act, by either of the heads of the executive departments, which is either corrupt, or a violation of their official duties?"

Another member of the House, also, the honorable John Bell, had been called on as a witness before the committee.

The chairman was proceeding to answer, when the private secretary of the President entered the committee-room, and presented a letter, signed by the President, as follows:

"Washington City, *January* 26, 1837.

"Sir: I received, on the evening of the 24th instant, your letter, covering a copy of certain resolutions purporting to have been adopted by a committee of the House of Representatives, of which you are chairman, and request that you will lay before that committee this, my reply, which I hasten to make.

"It appears, by the published proceedings of the House of Representatives, that the committee of which you are chairman was appointed on your motion. The resolution offered by you, and finally adopted by the House, raised a direct issue with that part of my annual message in which I held the following language: 'Before concluding this paper, I think it due to the various executive departments to bear testimony of their prosperous condition, and to the ability and integrity with which they have been conducted. It has been my aim to enforce, in all of them, a vigilant and faithful discharge of the public business; and it is gratifying to me to believe that there is no just cause of complaint, from any quarter, at the manner in which they have fulfilled the object of their creation.' Your resolution is in the following words: '*Resolved*, That so much of the President's message as relates to the "condition of the various executive departments, the ability and integrity with which they have been conducted, the vigilant and faithful discharge of the public business in all of them, and the causes of complaint, from any quarter, at the manner in which they have fulfilled the objects of their creation," be referred to a select committee to consist of nine members, with power to send for persons and papers, and with instructions to

inquire into the condition of the various executive departments, the ability and integrity with which they have been conducted, into the manner in which the public business has been discharged in all of them, and into all causes of complaint, from any quarter, at the manner in which said departments, or their bureaus or offices, or any of their officers, or agents, of every description whatever, directly or indirectly connected with them in any manner, officially or unofficially, in duties pertaining to the public interest, have fulfilled or failed to accomplish the objects of their creation, or have violated their duties, or have injured and impaired the public service and interest; and that said committee, in its inquiries, may refer to such periods of time as to them may seem expedient and proper.' It also appears, from the published proceedings of the House, that this resolution was accompanied and supported by a speech of considerable length, in which you preferred many severe but vague charges of corruption and abuse in the executive departments. The resolutions adopted by the committee, as well as that adopted by the House itself, must be taken in connexion with your introductory speech, which gives a character to the whole proceeding. When thus regarded, it is obvious that, by the resolution of the House, an issue is made with the President of the United States; as he had alleged, in his annual message, that the heads of the executive departments had performed their official duties with ability and integrity. In your speech you denied this; you charged them with manifold corruptions and abuses of trust, as you had done in former speeches, to which you referred; and you demanded an investigation through the medium of a committee. Certain other members of Congress, as appears by the published debates, united with you in these accusations; and for the purpose of ascertaining their truth or falsehood, the committee you demanded was ordered to be raised, and you were placed at its head. The first proceeding of the investigating committee is to pass a series of resolutions, which, though amended in their passage, were, as understood, introduced by you, calling on the President and the heads of the departments—not to answer to any specific charge; not to explain any alleged abuse; not to give information as to any particular transaction; but, assuming that they have been guilty of the charges alleged, calls upon them to furnish evidence against themselves!

"After the reiterated charges you have made, it was to have been expected that you would have been prepared to reduce them to specifications, and that the committee would then proceed to investigate the matters alleged. But, instead of this, you resort to generalities even more vague than your original accusations; and, in open violation of the constitution, and of that well-established and wise maxim, 'that all men are presumed to be innocent until proven guilty,' according to the established rules of law, you request myself and the heads of the departments to become our own accusers, and to furnish the evidence to convict ourselves; and this call purports to be founded on the authority of that body in which alone, by the constitution, the power of impeaching us is vested! The heads of departments may answer such a request as they please, provided they do not withdraw their own time, and that of the officers under their direction, from the public business, to the injury thereof. To that business I shall direct them to devote themselves, in preference to any illegal and unconstitutional call for information, no matter from what source it may come, or however anxious they may be to meet it. For myself, I shall repel all such attempts as an invasion of the principles of justice, as well as of the constitution; and I shall esteem it my sacred duty to the people of the United States to resist them as I would the establishment of a Spanish inquisition.

"If, after all the severe accusations contained in the various speeches of yourself and your associates, you are unwilling of your own accord to bring specific charges, then I request your committee to call yourself and your associates, and every other member of Congress who has made the general charge of corruption, to testify, before God and our country, whether you or they know of any specific corruption or abuse of trust in the executive departments; and, if so, what it is. If you are able to point to any case where there is the slightest reason to suspect corruption or abuse of trust, no obstacle which I can remove shall be interposed to prevent the fullest scrutiny by all legal means. The offices of all the departments will be opened to you, and every proper facility furnished for this purpose.

"I hope, sir, we shall at last have your charges, and that you will proceed to investigate them, not like an inquisitor, but in the accustomed mode. If you either will not make specific accusations, or if, when made, you attempt to establish them by making freemen their own accusers, you will not expect me to countenance your proceedings. In the short period which remains of my official duty, I shall endeavor, as I have heretofore endeavored, to fulfil the obligations of that oath of office by which I engaged, 'to the best of my ability, to preserve, protect, and defend, the constitution of the United States;' and for this and other reasons of the most solemn character, I shall, on the one hand, cause every possible facility consistent with law and justice to be given to investigation of specific, tangible charges; and, on the other, shall repudiate all attempts to evade the just rights of the executive departments, and of the individuals composing the same. If, after all your clamor, you will make no specific charges, or bring no proof of such as shall be made, you and your associates must be regarded by the good people of the United States as the authors of unfounded calumnies; and the public servants whom you have assailed will, in the estimation of all honorable men, stand fully acquitted.

"In the mean time, I cannot but express my astonishment that members of Congress should call for information as to the names of persons to whom contingent moneys are paid, and the objects of those payments, when there are six standing committees, under the seventy-seventh rule of the House of Representatives, whose special duties are to examine annually into all the details of those expenditures in each of the executive departments. The like remark is applicable to some other branches of the information sought by you, ample details in respect to which are to be found in the reports laid before Congress, and now on your files, and to which I recommend you to have recourse.

I am, respectfully, &c.

ANDREW JACKSON.

To the Hon. Henry A. Wise,
Chairman of the Investigating Committee on the abuses and frauds of the executive departments—charged!"

By this letter, it appears that the President had been distinctly informed of the proceedings of the committee. The chairman remarked upon the fact, and inquired whether any member of the committee had given information to the President of its proceedings. The Hon. Abijah Mann, jr. confessed immediately that he had conversed with the President on the subject of its proceedings, and was immediately put under examination, upon oath, in relation thereto.

"First question by Mr. Wise to Mr. Mann:

"Will you please to state to this committee all you know respecting conversations held with the President of the United States, either by yourself or any other member of this committee, in relation to the proceedings of this committee, the resolution communicated to him by the chairman, and the letter from him of this morning?

"Answer by Mr. Mann:

"I saw the President of the United States, I believe, on Tuesday evening of this week, at his house; and, in a gen-

eral conversation, he inquired from me what progress this committee were making under the resolution of the House of Representatives; and I informed him that the chairman had submitted a series of four resolutions of a broad character, as I considered them, and that the committee had amended them, with a view, as I believed, of limiting them to a more practical and definite operation, so as to enable those to whom they were addressed to give answers thereto at the present session, by inserting the words 'without authority of law' in some of said resolutions, as words of limitation and restriction.

"The President then told me that he would, in proper time, send his answer to this committee, after he should receive a copy of the resolutions. This, I believe, is fully the substance of the conversation to which I have referred. I cannot remember the words used, either by myself or the President. The President told me that he would desire this committee to examine, upon oath, such gentlemen as, had charged corruptions and abuses against the heads of the executive departments."

The minority of your committee cannot but remark fully upon the extraordinary character of this letter from the President, and of the proceedings of the committee in obedience to its request, and to his will as indicated therein, and to a member of the committee in conversation. Though it is directed to Mr. Wise, as *chairman* of the committee, whose organ merely he was in communicating its resolutions calling upon the President officially for information, yet it addresses itself to him in every relation of *chairman* of a committee, of *representative* in Congress, and of an *individual man*. Without stopping to comment upon the utter impropriety of his not discriminating at all between these relations, so essentially different and distinct, further than simply to remark that this is the first time a Chief Magistrate, in officially addressing a public functionary, has ever lost sight of the officer in regarding the individual person whom he addressed, the undersigned proceeds at once to show: *That this letter is an* OFFICIAL *assumption of authority by the Executive over the proceedings of the House of Representatives, and over the proceedings of one of its committees;* that it is an *official attack upon the privileges of members of both Houses of Congress; and that it opposes an unauthorized resistance to the just powers of the House and its committee, in direct hostility to inviolable principles necessary to the administration of a free Government.*

Your committee has no power to speak of its personal attack upon individual members.

The letter is official. It is the "REPLY" of the *President of the United States* to a letter of a *chairman of a committee*, covering a copy of certain resolutions *purporting to have been adopted by that committee of the House of Representatives.* The letter enclosing the resolutions of the committee was signed by the writer, *as chairman.* The reply of the President is signed precisely as he signed the "last annual message," and all the messages sent by him to Congress; and was directed on the envelope, and at the end of the letter itself, on the inside, to the *chairman* of the committee; as the latter direction, in the point and punctuation of passion itself, will emphatically show. It requests the chairman *to lay it before the committee*, and the committee *placed it upon its journal* as an *official communication* from the Executive, *to be reported to the House.*

In this official letter *the President assumes authority over the proceedings of the House.* In the first place, he therein assumes to *supervise* those proceedings. He says this committee was appointed *on the motion* of its chairman. What authority has the President for noticing, what necessity has he for inquiring, on *whose* motion a committee of the House is appointed?

That the House had the power to appoint this committee, no one will deny; that any member had the right to move for its appointment, it was once thought no one would oppose; and that the motion for its appointment by one instead of another member constituted any part of its illegality or impropriety, was never imagined before, though now we know its paternity constitutes its odium to the President. Now we have evidence that the President of the United States has not confined his consideration to the *results* of the proceedings of Congress, or of either House; but he assumes to look behind those results, and to supervise and consider what each House, for itself alone, by the constitution, has power to determine—*the proceedings by which it arrived at those results.* He has not looked at the *resolution* merely of the House, but to its *mover* and its *advocates*, and *their speeches* on the floor. He has interpreted it, not by its own words, its own declared sense—has expounded it, not by counter-propositions which failed, by substitutes which were refused, or by amendments which were rejected; but by *speeches* made at the time, and *other* speeches at different times referred to, and those entirely on one side only of the question discussed. How improper it is, and to what pernicious consequences it may lead, for the Executive thus to look beyond the order, the resolution, or the vote of either House, or both, the nation may clearly infer from how unfortunate it has been that a *particular member* was the mover for the appointment of this committee in this instance, and that the resolution from which it derived its duties and its powers was advocated by *him* and his "associates."

Again: The President assumes to *control* as well as to supervise the proceedings of the House.

What did the House do, and what did it refuse to do? It referred a part of the "last annual message" to a select committee, WITH POWER TO SEND FOR PERSONS AND PAPERS, and with INSTRUCTIONS TO INQUIRE INTO THE CONDITION of the various executive departments, &c. Whilst the resolution proposing this inquiry was pending, an amendment was offered by Mr. Pearce, of Rhode Island, to instruct the committee to inquire only into such SPECIFIC causes of complaint as might be alleged against the integrity of the administration.

The conflicting propositions—the one to *inquire* simply whether the CONDITION OF THE DEPARTMENTS WAS *good* or *bad*, the other to examine into the *truth or falsehood of specific* charges which might be alleged—were fully discussed in the House of Representatives. On the one hand, it was contended by the mover of the resolution which finally prevailed, and by his "associates" who advocated its passage, that there was reason to believe the administration of the Government was corrupt, and the executive departments to be in the worst condition. But whether corrupt or not, and whether that condition was good or bad, it was the duty of the representatives of the people, at all times when called on, TO INQUIRE INTO THE CONDITION OF THE GOVERNMENT.

"That this Government was instituted for the common benefit, protection, and security of the people; that its form was adopted as one most effectually SECURED AGAINST THE DANGER OF MALEADMINISTRATION; that all power is vested in, and consequently derived from, the people; THAT MAGISTRATES ARE THEIR TRUSTEES AND SERVANTS, AND AT ALL TIMES AMENABLE TO THEM." That if neither House of Congress could nor would inquire into the official conduct and administration of executive officers, the *people*, who could not inquire in their aggregated or conventional capacity; and the States, which cannot, from their own organization and that of the Federal Government, institute inquiries at all efficiently, could never be informed of the official conduct of their federal officers; and these officers would, in effect, become irresponsible, from their acts, except such as they might of themselves disclose, being unknown.

In addition to this general reason founded upon the right of the people and of the States to know the true condition of their Federal Government, and the actings and doings of its officers, and upon the duty of the representatives of both the people and the States to report to them upon that condition of Government, and official conduct of public officers, the constitution expressly and imperatively declares the President "SHALL, from time to time, give to the Congress information OF THE STATE OF THE UNION;" and thence it is clearly implied that the Congress HAS THE RIGHT TO CALL upon the Chief Magistrate for information of the state of the Union.

Not only so, but the constitution makes the President, Vice President, and ALL civil officers of the United States, REMOVABLE FROM OFFICE ON IMPEACHMENT; and it declares that the HOUSE OF REPRESENTATIVES shall have the SOLE POWER OF IMPEACHMENT. How could the House ever know whether the President, Vice President or any civil officer of the United States, deserved to be impeached, without inquiring into their conduct, and knowing its merits and demerits? How could the House ever know whether the President had obeyed the solemn injunction of the constitution, "to take care that the laws be faithfully executed," that clause upon which the President has been wont to rely for the exercise of so many extraordinary powers, WITHOUT INQUIRING HOW he had discharged that important duty?

Further: "THE CONGRESS SHALL HAVE POWER to dispose of, and make all needful rules and regulations RESPECTING, THE TERRITORY OR OTHER PROPERTY BELONGING TO THE UNITED STATES." And how shall it know what rules and regulations are necessary to PROTECT THE PUBLIC LANDS, THE PUBLIC MONEY, unless it possesses the means of acquiring the information necessary, it may be, to protect them from the abuses and corruption of executive officers to whom are confided their sales and their safe-keeping? How shall the House ever know without inquiry?

In reply to all this, it was urged that there was NO NECESSITY for the resolution, because the STANDING RULES of the House prescribing the jurisdiction of committees already required the very inquiries proposed by the resolution to be instituted; that the resolution took cognizance of all kinds of complaints FROM ALL QUARTERS, and there would be no end to the investigation; that there was no CONSTITUTIONAL POWER IN THE HOUSE to institute general inquiries; that such a power existed alone in the Executive as to the departments; that it was unusual to institute inquiries into the condition of the executive departments just as a President was about to retire from office; and that the resolution impugned the veracity of the President, and the integrity of him and his subordinate officers. Such were the arguments urged against the resolution, and in favor of the amendment.

These arguments were met by contending that the resolution did not authorize the committee appointed under it to TRY any officer of any department, on any CHARGE whatever. *Impeachment* in the House rather corresponded with *indictment* at common law in the courts. *Impeachment* must be *specific*. But a resolution of *inquiry* was not an *impeachment*; and, so far from *implying* even a charge, it imported, "*ex vi termini*," a *want* of knowledge upon which to *found* a charge or specification. It did not even necessarily imply an investigation *for the purpose of finding grounds for a charge*. *Inquiry* sought properly for a good condition, and a *faithful* conduct of public officers; and only exposed a *bad* condition and *corrupt* conduct, *if such should be found* on due and fair investigation. And in this consisted the distinction between *inquiry* and *inquisition*. Inquisition seeks for the *criminal* motives and conduct of *private* individuals in their *private affairs*, and often extorts confession of guilt from pain, where there is no crime. *Inquiry* into the condition and conduct of *public* affairs is *a right of legislators*. *Inquisition* into the condition and conduct of *private* affairs is *no* right, even of the *sovereign power*. *Inquisition* would violate the 4th article of the amendments of the constitution. The resolution of inquiry did not invade the security of these rights, as was urged by those in favor of the amendment proposed. That article reads: "The rights of the people to be *secure* in their persons, houses, papers, and effects, against *unreasonable searches* and seizures, shall not be violated."

This right is the right *of the people*. Are the executive departments and their officers the people? *They* belong to the people; though the history of Governments proves too sadly that, without constant vigilance and strict superintendence over them by the people or by their representatives, the people soon become to belong *to them!* "To be secure in their persons houses, papers, and effects." Are the departments the private houses, papers, and effects, of the *executive officers?*

Had these officers the right to be secure in them from all *inquiry?* It was thought that they were mere *trustees* and *servants*, who might be called on at any time to give an account of their stewardship. The *inquiry* proposed by the resolution was not deemed *unreasonable*.

What were the *standing rules* of the House? The 57th rule made it the duty of the Committee of Ways and Means "*to examine into the state of the several executive departments, &c.*, and to report, from time to time, such provisions and arrangements as may be necessary to add to the *economy of the departments* and the *accountability of their* officers." The 65th rule made it the duty of the Committee on Public Expenditures to examine into the state of the *several public departments, &c.* The 77th rule makes it the duty of the Committees on Public Accounts, respectively, to examine into the state of the accounts, &c., submitted to them, and to report particularly—

"Whether the *expenditures of the respective departments are justified by law*. Whether the claims from time to time satisfied and discharged by the respective departments are supported by sufficient vouchers establishing their *justness* both as to their *character* and *amount*.

"Whether such claims have been discharged *out of funds appropriated therefor;* and whether all moneys have been disbursed in conformity with appropriation laws; and whether any, and what, provisions are necessary to be adopted, to provide more perfectly for the proper application of public moneys, and to *secure* the Government from demands *unjust* in their character, or *extravagant* in their *amount*.

"And it shall be, moreover, the duty of the said committees to report, from time to time, whether any, and what, *retrenchment* can be made in the expenditures of the several departments, without detriment to the public service; whether *any*, and *what*, *abuses* at *any time* exist in the failure to enforce the payment of moneys which may be due to the United States from public defaulters or others; and to report, from time to time, such provisions and arrangements as may be necessary to add to the *economy* of the *several* departments, and the accountability of *their officers*."

Such were some of the rules, the standing rules of the House; and they are quoted to show the NECESSITY and the PRECEDENT for general and *searching inquiry*. The second argument was inconsistent with the first, that the resolution of inquiry should *specify charges*. In these standing rules were committees of inquiry instituted without oath or affirmation, or notice or specification of charges. If the resolution of the House was inquisitorial, these rules were, and had been, from the earliest period of the existence of the House itself, STANDING INQUISITIONS! There was the duty enjoined to examine into the STATE of the several executive departments. There was a search for ANY and WHATEVER abuses might be found to exist, and a

report of them required. Was it ever dreamed before that these standing rules were inquisitorial? No! They were the institutions of wise and jealous patriots, to insure that "eternal vigilance" which is the price of liberty!

To the argument that there was no necessity, however, for the resolution of inquiry whilst these rules remained, it was urged that, though these rules instituted precisely the same kind of inquiry as did the resolution, and with no more specification or intimation, even of charges, yet they were not so comprehensive or extensive. They related to the state of the several public DEPARTMENTS only. The resolution proposed to reach acts and proceedings of officers not to be found in the DEPARTMENTS—such acts as have been kept from the record. The resolution was intended to reach agents in fact who were not officers of the Government in form—to ascertain the public duties performed by persons not known to the laws, and not responsible at all for any duty, by bond or otherwise—to find out by whom these duties had been performed, by whose order, how performed, for what compensation, and by whom paid.

The duties of these committees related particularly to appropriations only, to the conformity of disbursements with the laws, and to subjects of economy and expenditure. They did not embrace fully the delicate subject of common honesty and purity in the administration of the Government.

But the truth was, these committees never had performed the duties assigned to them. Some of the Committees on Public Accounts had failed to sit or act at all. They had generally been composed of very good friends of the President and the administration, and generally had shown their full confidence in both, by holding neither accountable to themselves or to others. It was true one member of one of these committees had, during the last winter, exposed some astonishing items, in the accounts of the Department of State particularly; but, with the exception of his labors, the country had enjoyed the benefit of no efficient superintendence over public expenditures whatever.

In answer to the third objection, it was replied that the resolution was no broader than the President's own message, and used its own language for the greater part. It was shown that, though more extended, it was quite as specific as any resolutions of inquiry which had ever preceded it. For example, what was the resolution under which the celebrated Post Office Committee, which exposed such stupendous fraud, corruption, and maleadministration, was appointed?

"Mr. Connor, by leave, submitted, June 26, 1834, the following resolution:

"*Resolved*, That a committee be appointed *to examine the condition and proceedings of the Post Office Department*, with power to send for persons and papers," &c.

What could be more general and indefinite? Not to quote further precedents from the journals of Congress, which in some sense might be extended *ex parte*, and in favor of its own power, an executive authority on the point was cited—an authority which, with the President, should have had the greatest possible weight, not only because it was *his own*, but because it was his when just "fresh from the people," who had just triumphed in a severe struggle with officers who were *accused* in their places with being corrupt, and whose abuses the President was elected to reform, and pledged himself to reform. In his *first message* to Congress, in *December*, 1829, the present Chief Magistrate *himself* held this strong republican language:

"In connexion with this subject," [*frauds on the Treasury*,] "I invite the attention of Congress to a *general and minute inquiry into the condition of the Government*, with a view to ascertain what offices could be dispensed with, what expenses retrenched, and what improvements may be made in the organization of its various parts, *to secure the proper responsibility of public agents, and promote efficiency and justice in all its operations.*"

If this INVITATION was meant SINCERELY, why NOW the President's opposition to a "general and minute inquiry," when his recommendation has never been pursued, without a specific bill of impeachment first laid, which could not possibly be found without a previous inquiry for facts? Have the uses and abuses of power changed his opinions, or is it because he himself is now implicated?

One of the very objects of a resolution of inquiry may be to ascertain and establish facts upon which to found specific charges. If members knew already, there would be no necessity *to inquire*. A member might know, generally, that particular information was within the knowledge of a certain witness; that witness might be an executive officer. What authority would the member alone have to compel that witness to disclose to him facts, circumstances, particulars of time, place, and sums—every article of narration necessary to constitute a specific charge? If the charge should be inaccurately laid, the probata would not agree with the allegata, and the evidence would be excluded, though it might show the deepest guilt in some other crime or misdemeanor than that charged in the specification. Such mode of inquiry upon specific complaints only would be but a trap for honest inquirers for the truth of good or bad administration. Who best know the facts which would constitute the guilt of executive officers, superior or inferior? The best witnesses are executive officers themselves—witnesses who now dare not speak—whose mouths are stopped by the hard necessity for bread—whose lips are hermetically sealed by an arbitrary proscription!

The amendment proposed to the resolution of the House, so far from inviting or challenging any one to bring forward specific charges and proof, would, under all the pains and penalties of removal from office, and of persecution, after removal, in the sanctuary of private life, ever have FORBIDDEN the BEST-INFORMED WITNESS of the truth to speak. "SPEAK IF YOU DARE!" "ACCUSE IF YOU DARE!" would have been its language, in tones not to be misunderstood by any dependent on executive patronage.

The resolution referred to ALL time. True; but the amendment proposed gave NO time. A long session might be spent in threading a dark labyrinth for facts on which to found a specific complaint, when "a general and minute inquiry" would at once reveal many facts, and the witnesses be compelled to speak, and possibly be protected from proscription by the mandate of a summons and the solemnity of an oath. They might not then be excused, even in these times, for telling the WHOLE truth in its proper garb.

The power to inquire into the condition of Government was proved to be in Congress, or nowhere under the constitution. The power to inquire into crimes of PRIVATE individuals, even against the laws and treaties of the United States, exists in every branch of the Government. Whence derived the Executive the powers to ferret out who burnt the Treasury buildings, and to reward the active, energetic citizen, whose sagacity and perseverance apprehended the incendiary? Whence derived the President the authority to inquire into the causes of the Seminole and Creek wars, and into the frauds of officers and individuals in purchasing Indian reservations? The power and the duty of every branch of Government to inquire generally and minutely was never before doubted or denied in the history of this Government. If half the zeal and activity to prevent and detect frauds, to ascertain and arrest the causes of Indian hostilities, or to prosecute Indian wars, had been employed, that have been systematically exerted to INQUIRE into the political opinions of men, the frontiers would not now be ravaged by savage massacres, the national honor would not have been tarnished, the national arms not disgraced, and the Government would not now be decaying with corruption and groaning under oppression.

The objection to the resolution, that it had not been introduced until the President was about to retire from office, was not correct, either in fact or principle; that resolution, in substance, had not been delayed until he was about to retire; an attempt had been repeatedly, but unsuccessfully, made to call upon him and his subordinates for due accountability the session before the present. But if not, it was thought that the very time to settle the accounts with the public servants was when they were about to leave public employment. Was it forgotten how rigidly and unsparingly the administration of his predecessor had been held accountable by Congress? An able examination of laborious search, then made, found nothing compared with the stupendous frauds, the magnificent abuses, the foul corruption, the secret guilt, the open and unblushing profligacy and extravagance, which are alleged now to despoil our Government and to disgrace its administration.

In answer to the objection, that the resolution would impugn the veracity and integrity of the President and heads of departments, it was replied that such might be its effect; but such was the argument of vassals in respect to an autocrat. That the resolution was not to try the truth of ACCUSATIONS on the one hand, or of SELF-ACQUITTALS on the other; it was simply TO INQUIRE. But if it did thus impugn the Executive, so did the STANDING RULES of the House, and so did every guarantee and security which had ever been provided against the danger of maladministration. That it was the duty of freemen not to trust, implicitly and ignorantly, every thing to rulers. And were the representatives to fail or falter in the discharge of their duty because the President, or any thing that was his, stood in the way? There was no such thing as "*scandalum magnatum*" in this Government. True, members were warned that heavy penalties and curses of public odium would be heaped on them in conflict with a popular Chief Magistrate, whose frown has heretofore withered and blasted most men who have dared to incur his displeasure; but with those who dared to do their duty, without fear, favor, or affection, their sense of duty was stronger than their fear or their veneration for any man or any name; they were consoled with the virtuous reflection that they who DESERVED ignominy and reproach were NOT THOSE who honestly sought for purity in the administration of the Government which cannot live without it, but rather they who seek to conceal the corruption which is gnawing on its vitals.

Upon this discussion, the House of Representatives rejected the amendment requiring specific charges, and thereby declared that such should NOT be required before "general and minute inquiry." The President has said, in direct contradiction to this, that he will REPEL all inquiry as he would the establishment of a SPANISH INQUISITION, unless charges specific and tangible are made.

The House has declared that a member shall NOT be required to prefer an accusation BEFORE he inquires into the condition of Government; the President declares he shall be so required: and, if he does not prefer charges, or prove them when made, he denounces him and his associates as the authors of unfounded calumnies.

The House declared that inquiry should NOT be converted into impeachment; the President declares that the House shall not inquire unless it does impeach.

The House declared this committee to be NECESSARY and PROPER; the President has denounced it, in effect, to be UNNECESSARY and IMPROPER.

The House has said that the committee SHALL have power to send for persons and papers; the President has said that the heads of departments shall devote themselves to their public business in preference to any calls for information, which he was pleased to denounce as illegal and unconstitutional.

But the President has assumed not only to supervise and control the proceedings of the House; he has directly assumed to supervise, and has actually controlled, the proceedings of its committee. His letter clearly discloses that he had been informed by some one, necessarily a member of the committee too, *that its first proceeding was to pass a series of resolutions*; that they were *introduced by the chairman*; and *that they were amended* in a particular manner in their passage. It was believed that a system of espionage was in operation in this metropolis, and began to be felt throughout every precinct of power in the land; but it was not imagined that a member of Congress on a committee would regularly report its proceedings to the President without license to do so. That member of this committee was immediately put upon his oath, and testified that the President inquired of him for information respecting the proceedings of the committee. If he had told the Chief Magistrate of all the proceedings as particularly as he did of some of the facts, he would have informed him that the resolutions, which the chairman introduced to the committee, were in nowise obnoxious to the President's objections; he would have told him that the chairman proposed not to inquire whether he had done any act "*without authority of law*;" that *he* asked not the President to furnish evidence against himself, and imputed to him no guilt. The resolution sent to the President, as originally prepared, called for the evidence only of the public *record*; that of itself, it was known, would convict him, if guilty. What imputation of guilt was there in that resolution? Did it not call for information as to "particular transactions?" Did it ask the President to convict himself more than he was already convicted by the RECORD?

The President's *own friends*, he should have been told, interpolated the odious words "if any, without authority of law," against the consent of the mover and his "associates." The very informer who rendered these resolutions odious to the President, by telling him they were introduced by the *chairman*, should also have told him that the words which impute to him guilt, and which ask him to furnish evidence against himself, WERE INTRODUCED BY THE INFORMER HIMSELF.

The resolution merely called for an account of official acts, as evidenced by the public record, which every officer is bound to exhibit when called for by competent authority; the amendment called on that officer himself to pick therefrom the evidence alone which would convict him of violation of law. The OBJECT of this amendment may have been TO RENDER THE RESOLUTION IMPROPER, and the mover of it may have acted under instructions to do so. The undersigned will not affirm this to be so. But if the intention was not to put the committee in the wrong, in order that the President might obtain an advantage over it, by having it fully in his power to denounce its proceedings, it certainly WAS thought to be the intention of the President's friends, and it is but justice to their kind feelings towards him to say so, to LIMIT the call as much as possible, to make the executive officers alone the JUDGES OF THEIR OWN ACTS, and to afford them the opportunity of ACQUITTING THEMSELVES by simply replying, "WE HAVE MADE NO APPOINTMENTS, EMPLOYED NO OFFICERS OR AGENTS, PAID NONE WITHOUT AUTHORITY OF LAW." The majority of the committee took all means of forming a judgment or opinion themselves, and afforded the executive officers the opportunity of saying generally, according to their own good opinion of their own acts, "WE ARE NOT GUILTY." With this decided advantage, sought and obtained for them through THEIR OWN FRIENDS, by amendments which, though they do impute guilt, INSURE ACQUITTAL by the accused parties' own judgment, what are we to infer from their STANDING MUTE? Now that the President has NOT availed himself of this opportunity of pleading "not guilty," or FINDING HIMSELF INNOCENT, what must the world infer from his com-

plaint against his own friends, that they called on him to furnish evidence to convict himself? Might they not dare to suggest that he has not been over-cautious in admitting that he would be obliged to convict himself, HE himself being the judge of the evidence? The very object of their amendment was to afford him the chance of acquitting himself; and yet he complains that HE CANNOT DO SO, and reproaches his friends for seeking to make him his own accuser "on the authority of that body in which alone, by the constitution, the power of impeaching him and his advisers is vested." Sad dilemma, indeed, in which such obliging friends have placed him—forcing him to admit *he cannot acquit himself!* And one House of Congress cannot pass a declaratory resolution upon the President's *acts*, without impugning his motives, *because it is to try*; the other cannot inquire into his official conduct, though both his acts and motives have, as he alleges, been impugned, *because it is to impeach!* To what, then, has he resolved the *Executive?* To an inscrutable, irresponsible, unchecked, and unbalanced branch of the Government, which has all the power of committing every abuse of law and violation of duty with impunity, and all the power of concealment with certainty.

Here it might well be solemnly asked, if his ambition had not lately been sufficiently glutted with humbling the Senate to the desecration of its own inviolable records for his sake, not to have been insatiable in seeking to subdue also the other House of Congress, which is peculiarly the House of the people, and which for years has, in too many instances, been more than indulgent to his will? In the name of the country, he might have spared some check upon the will, and not left all a wreck—a sacrifice at the shrine of *one man?*

The President not only assumed to *supervise* the proceedings of the committee, but to *control* them by a bold *request*, which every one at all acquainted with his powerful influence well knows how to denominate *an order.*

It appears that the resolutions of the committee were adopted on Monday, the 23d; that Mr. Mann informed the President of the proceedings on Tuesday, the 24th, before the President received the letter of the chairman on the same evening; that *then* the President told him he *would*, in proper time, send his answer to the committee, after he should receive a copy of the resolutions; and that *he would desire the committee to examine, upon oath, such gentlemen as had charged corruption and abuses against the heads of executive departments;* that on Friday, the 27th, less than three days thereafter, Mr. Mann called on the chairman, and on Mr. Bell, to answer the general question "whether they, of their own knowledge, knew of any acts, by either of the executive departments, either corrupt or a violation of their official duties?" On that very day the letter of the President was handed to the chairman, whilst he was in the act of testifying; that the letter of the President itself did request the committee to call upon the chairman, and his associates, and every other member of Congress who had made the general charge of corruption, to testify, before God and our country, whether they knew of any specific corruption or abuse of trust in the executive departments; and if so, what it was; and that on Saturday, the 28th, the Hon. John Bell was sworn; and the Hon. B. Peyton and F. W. Pickens, of the House, and the Hon. John C. Calhoun and H. L. White, of the Senate, were ordered to be summoned, upon the motion of Mann. From this statement of facts it seems impossible to doubt that the President of the United States did inquire about the acts of the committee, was informed by a member of the committee concerning its proceedings; did indicate to that member, in conversation, and afterwards to the committee itself, in writing, his desire that it should call upon members of Congress to testify to the truth of their speeches made on the floor of either House in debate; that the member and the committee obeyed his desire and request, and did cause those members of Congress to be summoned to testify in the manner the President had indicated in conversation and in his letter.

Thus the President first repelled the inquiry from the Executive, and then turned it upon the two Houses of Congress. He first denounced the committee as worse than a Spanish inquisition, and then actually made his denunciation true by converting it into what he denounced. He condemned its acts as unconstitutional, and then made them so. He gave it the very character he condemned, and made its proceedings as odious as he would have them to be, in attacking the privileges of the representatives of the States and of the people. He has invaded these privileges, and violated the constitution, BY HOLDING MEMBERS OF BOTH HOUSES OF CONGRESS DIRECTLY ACCOUNTABLE TO HIM FOR WORDS SPOKEN IN DEBATE. He has called upon them to swear, before God and the country, to the truth of their speeches on the floor; thus holding them accountable, in the most odious and insulting manner, in the form of a TEST OATH. He first intimated his desire to a member of the committee, who was so swift to obey his merest wish, that the chairman was called on to swear to the truth of what he had spoken before even the official request by letter had reached the committee. Both his verbal and written, his secret and open order, were summarily obeyed by instantly summoning hoary and honored Senators and young and inexperienced Representatives, to purge themselves on oath of their contempt to the Executive! They obeyed—not the mandate of the President, or the summons of the committee, but a sense of obligation to the conntry, to show that their speeches were not the declamation of demagogues, not *ad captandum* harangues, not merely "SPARGERE VOCES," to excite false alarms or to raise a senseless clamor, but that THEY SOLEMNLY BELIEVED THE TRUTHS THEY HAD UTTERED, AND WERE READY TO SEAL THAT BELIEF WITH THEIR OATHS; at the same time protesting against the abuse and outrage upon their privileges. Happy if the OATHS of these witnesses shall not produce more direful effects than their *speeches;* and happier still, for the nation, if there shall be another foundation stone left for civil liberty to rest on, when the *freedom of debate shall thus be destroyed!*

The constitution expressly provides that "*for any speech or debate, in either House,* the Senators and Representatives *shall not be questioned in any other place.*" The object of this constitutional provision was to provide for such cases as that now under consideration: *cases where the Senators and Representatives might deem it their duty to comment and speak freely upon the conduct of public officers and others.* Who now will dare thus to speak in debate, if he may be called by the President to swear on the holy evangelists to the truth of every *suspicion* which he may feel it his sacred duty to utter, under the pain and penalty of being branded, by the highest authority in the land, with the infamy of falsehood and calumny? If this be tolerated, the Representative's mind must endure the weightiest convictions, but his tongue must be silent; the people must remain ignorant of their rulers, unless he have the hardihood to peril every thing personal for their sake and the public good.

After what has been said, it is not deemed necessary to show that the President has opposed a violent resistance to the just powers of the House and its committee, in direct hostility to every principle of liberty and law, justice and right. So far as his attack has been purely personal upon members of either House, it becomes them to remember that he is honored by office and by age. But the undersigned cannot refrain from saying, that if they had spread before them the whole catalogue of executive offences against law, liberty, right, reason, justice, truth,

principle, precedent, the constitution, and the country, however numerous and aggravated they may be, or have been, as the prison-houses of the departments might disclose—they would scarcely expect to find one more ruthless *than this official act* of the President, characterized as it is by the worst of principles, prejudices, and passions, *in violation of his duty, and injurious to the public institutions and to private persons.* The House, the Congress, the nation, should *rebuke* this act with patriotic indignation—with the indignation of freemen, of jealous lovers of liberty, and of the law by which it is secured. They should *defy* it as they do treason and tyranny. If this executive act and its principles be sustained, and go unrebuked—if it be settled that there shall *no inquiry* into the condition of the Government, *without specific charges against its officers*—that inquiry is *trial* and *inquisition*—that public officers are to be secure in THEIR departments, and the houses, papers, and effects, *belonging to the people*, as private persons are in theirs—that public officers are, as the people, free from scrutiny—that they are not subject, neither indeed can be, to reasonable accountability—that they must be impeached before they can be called on to report to the people—that select committees shall not be appointed to ascertain abuses—that agents unknown to the law may be protected, for that very reason, from all search into their conduct—that there shall be no general and minute investigation—that there is no constitutional power in the House of Representatives to inquire into the conduct of executive officers—that there shall be no inquiry, because it may impugn the veracity and integrity of the President, when that is the best of all reasons for inquiry—that inquiries shall tend to render odious those who institute them—that the President may supervise and control the proceedings of both Houses of Congress and of their committees—that he may resist their just powers—that he may convert their committees of inquiry into inquisitions upon themselves—that he may officially denounce their proceedings, grossly insult their members in the discharge of their duties, and violently trample upon their most sacred privileges—then is utterly gone all purity, all honesty in this Government, its strength, its dignity, its glory, its freedom itself!

Besides the letter of the 26th of January, the President addressed another, dated January 31st, (see 61st page of printed journal,) equally reprehensible in its tone and temper, and quite as high-handed in its assumption of authority. On the 30th of January the Hon. Hugh Lawson White, of the Senate, read a paper to the committee, assigning his reasons for consenting to testify. In that paper he used the following language:

"For many years I have been on the most intimate and confidential terms with the Chief Magistrate. We have conversed with and written to each other perhaps with as much freedom as if we had been brothers: much that has passed was, of course, highly confidential. I should hold myself disgraced by designedly bringing any matters of this kind before the public."

On the 4th of February, Mr. Mann laid the following letter before the committee, as communicated to him by the President:

"January 31, 1837.

"*To the Committee of Investigation of which* Mr. H. A. Wise *is chairman:*

"Being casually informed that Judge White, of the Senate of the United States, before the said committee of investigation into abuses, &c., charged against the executive departments, has stated that he and myself have had many confidential conversations, and intimating that there was something that would be prejudicial to me, (the President,) if disclosed, I therefore absolve him from all obligations of confidence in regard to any thing that has passed between us.

"I wish every conversation had or held with him, on all and every subject, faithfully disclosed, with the time when, and the place where; and I hope the committee will interrogate him as to every point or matter of confidence that ever existed between us.

ANDREW JACKSON."

This letter, it will be observed, is dated the 31st of *January, the day after the Senator read his reasons for testifying* to the committee. And, again, it is shown on the face, and by the first words of the letter, that he was quickly informed of what was done in the committee; and, again, the same man communicated the President's wishes to call on a particular witness to disclose, and to have that witness particularly interrogated.

The heads of the executive departments, in their replies to the committee, followed the courtly example of the President. In reply to the letter enclosing the five resolutions of the committee, the Secretary of State addressed the chairman of the committee the following communication:

"Department of State,

January 28, 1837.

"Sir: I had the honor to receive your letter of the 24th instant, enclosing five resolutions adopted by the committee of which you are chairman, directing me to answer, as the head of this Department, certain inquiries therein contained. It is proper that I should remind the committee that the Secretary of State is not and cannot be put officially under the direction of any committee of Congress. As a witness, he is, like any other citizen, subject to be called upon questions touching the actual or contemplated impeachment of the Chief Magistrate, or other officer of Government, for violations of constitutional obligations. In calls for information even, it is the duty of the head of this Department to withhold it, if any should be asked for concerning portions of its business, until directed to furnish it by the President of the United States. Information which is within the power of the Department, with the exception of that which is confidential, has at all times been, with all convenient speed, furnished to any of the committees of Congress, or any of its members, whenever it has been desired. I should be most happy to consider the resolutions you have enclosed to me of this character, and to answer them accordingly; but they are so presented as to oblige me to refuse a compliance with their 'directions.' I am directed to communicate what has been done by myself or my predecessors without authority of law in the expenditures of this Department, within the period designated in them. Self-respect forbids a reply as to myself; as to my predecessors, I should not become their accuser if I thought they had committed errors, and certainly shall not vindicate them while following their example. That the committee may judge for itself whether any of the expenditures made in this Department are contrary to law, I have the honor to make known to them, through you, the sources where information is to be obtained of all the money that has been expended under its direction. The enclosed documents will effect that purpose, and will, at the same time, I trust, protect me from any false inferences for refusing to be put under question as to the legality of my own conduct.

"If, in any part of this action of the Department, further explanation should be wished for, or any facts wanted, deemed important, and supposed to be in its possession, I hope the committee will apply for them, and they will be immediately transmitted, if within its reach.

"I have the honor to be, sir, your obedient servant,

"JOHN FORSYTH.

"Hon. Henry A. Wise,

Chairman Committee House of Reps. to inquire into the executive departments," &c.

In reply to a similar letter, the Postmaster General addressed the following answer:

"Post Office Department,
February 3, 1837.

"Sir: Your letter of the 24th instant, enclosing sundry resolutions adopted by the committee of which you are chairman, has been received.

"The contingent appropriation of this Department is expended by an agent appointed by the Postmaster General. The moneys are placed to his credit in bank, by a warrant drawn by the Secretary of the Treasury upon the requisition of the Postmaster General. All contingent bills are allowed by the Postmaster General; and all checks drawn for their payment have his approval written on their face, the bank being instructed to pay none others drawn by the agent on that fund. The contingent accounts of the Department have been settled down to the 1st January, 1837, and the accounts and vouchers are presumed to be on file in the Register's office, to which the committee is respectfully referred for the details which they ask. There is no other appropriation controlled by the Postmaster General, except the general one for the service of the Post Office Department; and no transfers have been made from the one to the other.

"These resolutions further require the heads of departments to communicate information to the committee in relation to acts and appointments which may have been done or made by them 'without authority of law.'

"If the words '*without authority of law*' are to be construed as meaning *in violation of law*, the committee will perceive that the report of a single case by the heads of departments, under their own administration, would, *ipso facto*, be an admission that they had violated the laws; and the report of any case of an earlier date would be to make such a charge against their predecessors. It is presumed the committee did not mean to compel the heads of departments to become the accusers of themselves or their predecessors; and that the words 'without authority of law' must be construed as meaning merely cases not provided for in express terms, but authorized, or supposed to be authorized, by general provisions.

"In this sense no objection exists, in principle, to giving the most ample answers. But in this Department an answer cannot be given without a minute search through the books, and overhauling probably more than 30,000 accounts. Nearly the whole force of the Department and of the Auditor's office would have to be withdrawn from the current business, to the incalculable injury of the public service, and employed in searching out thousands of items which cannot be of the least practicable utility in promoting the objects of the committee, when obtained. I do not feel authorized, in the discharge of my duties to the public, to suffer the clerks furnished me for other purposes to be so employed.

"If, however, there be any specific case or cases in which abuse or corruption in the expenditures of this Department shall be charged, I shall consider it my duty, when informed thereof, to lay before the committee, as promptly as possible, all the information having reference to the case contained in its books and files. And if clerical force adequate to the object be furnished me by law, the specific application of every dollar of the funds of this Department will, in due time, be most cheerfully exhibited.

"Very respectfully, your obedient servant,
"AMOS KENDALL.

"Hon. Henry A. Wise, *Chairman, &c.*"

In like manner, the Secretary of the Treasury answered as follows:

"Treasury Department, *Jan.* 30, 1837.

"Sir: I had the honor, on the 28th instant, to receive your letter dated the 24th, and enclosing certain resolutions purporting to have passed 'in select committee of the House to inquire into the executive departments,' &c. A copy of them is annexed.

"In reply to the first resolution, I would observe that I am not aware of any money having been paid by this Department or its agents, within the period mentioned, to any printers or editors, without authority of law. All which has been paid is believed to be regularly reported and adjusted in the proper office; and the results, periodically communicated to Congress, are to be found in the printed documents. Nor do I know, under the inquiry contained in the second resolution, of any officer, agent, or deputy, appointed, employed, or paid, since the 4th of March, 1829, to the 1st of December last, without authority of law. If the committee intend to embrace, under this question, a list of all officers, agents, or deputies, not both nominated to the Senate and included in the Blue Book, though appointed under what is considered due authority of law, and wish an account of their respective duties, compensation, and the date of the origin of their authority, &c., since 1829, it would probably require all the spare force in this office for many months to comply with that wish in all its details, as it would embrace all the revenue officers in twenty to thirty cutters, all the agents to build light-houses, custom-houses, bridges, branch mints, &c., all subordinate custom-house officers, and too many others for recital. But appointments, payments, and vouchers, connected with all these, appear in the proper offices.

"In answer to the third resolution, I would observe that the yearly reports of expenditures made to Congress, including that presented at the commencement of the present session, on the subject of contingencies, contain, it is believed, all requested on this subject. None of these contingencies, so far as known to me, are supposed to have been not appropriated by law, or to have been charged from specific to other objects of expenditure, or to have been illegal or irregular.

"As to the fourth resolution, I do not recollect any cases of the description there given within the period mentioned. The cases of illness or temporary absences in public officers are not supposed to be embraced in the inquiry; and, perhaps, no such cases as those where temporary duties, of a different character, have been performed by some person in office. If it was intended to embrace either of these classes, I have no doubt such cases have occasionally happened, in the instances of clerks and others; and any particular one designated by the committee, on which any specific information may be desired by them, will be explained with pleasure.

"In respect to the conduct of any of my predecessors in office in this Department on any of these subjects, since the 3d of March, 1829, whether legal or illegal, my remarks must, of course, be deemed general, in stating an impression in their favor. In any special case which may be pointed out to me, I might be able to offer a detailed opinion, were it supposed to be proper by myself, and desirable by the committee; but which, from motives of delicacy, if not correct principles of law, is presumed not to be now wished. Whether such an opinion ought to be asked of me in relation to any of my own acts, under any of the resolutions, tending, as the reply must, either to exonerate or accuse myself, is so questionable under the constitution, that I should have declined answering it, unless from an impression that, in such an event, an inference not warrantable by the facts might, by some persons, have been drawn from my silence or refusal.

"Respectfully, yours,
"LEVI WOODBURY,
Secretary of the Treasury.

"Hon. Henry A. Wise,
Chairman of Executive Committee."

So, also, the Secretary of the Navy replied as follows:

"Navy Department, *February* 10, 1837.

"Sir: I have the honor to acknowledge the receipt of your letter of the 24th ultimo, enclosing a copy of certain resolutions adopted by the above committee.

"These resolutions direct the heads of departments to furnish the committee with statements of acts implying official dereliction of duty on their part, or on the part of their predecessors in office, for different terms of years; extending, in some cases, from the 4th of March, 1829, to the 1st December, 1836; and these statements to be made upon general allegations, without direct charges or specifications.

"The appointment of this committee to inquire into the condition of the executive departments, &c., does not, in my opinion, confer upon them power to direct the heads of those departments to make disclosures of the money paid by them without authority of law; or of officers, agents, or deputies, appointed or employed by them without authority of law; or of any other official acts by them without authority of law; or to bear testimony as to like misdemeanors on the part of their predecessors in office, or others, upon such general suggestions as are contained in the resolutions.

"No such power is shown, and I do not feel justified, answering, as I do, for the Navy Department, to acknowledge such a power.

"Yet I have no hesitation in stating, in answer to the first resolution, that no sums of money have been paid by this Department, its agents or deputies, to printers or editors of newspapers, within the year ending on the 1st of December last, to my knowledge or belief, without authority of law.

"Should the committee think proper to designate and specify any case or cases in which they may think such illegal payments have been made, such case or cases, with the facts attending the same, will be communicated without delay.

"To the second resolution, I beg leave to state that no officers, agents, or deputies, have, to my knowledge or belief, been appointed, employed, or paid, by this Department, without authority of law, under the direction of my predecessors or myself, from the 4th of March, 1829, to 1st December last.

"In the various duties of this Department, it has been found necessary to appoint many agents. Many of the duties imposed by laws upon the heads of the departments must be performed by agents or deputies, the right of appointing whom is a necessary consequence of the obligation to perform the duty imposed. Such appointments are not considered as made without authority of law.

"To give the names of all agents and deputies thus appointed, from the 4th of March, 1829, to the 1st December last, with the sums paid to each, the services rendered by each, and for what reasons such appointments were made, would require more labor than could be performed by all the clerks in my office who could be spared for the purpose, without seriously interrupting the daily and necessary routine of business of my Department, for the residue of the session of Congress.

"A report will be immediately made upon any specified case or cases under this resolution.

"To the third resolution, I beg leave to state that the various amounts of money, to whom and for what paid, at this Department, within the last four years, ending on the 30th of September last, for contingencies, are contained in reports from this Department, printed among the documents of the House of Representatives, to wit:

"For the year 1833: A report of the 13th of December of that year, document No. 14, 1st session, 23d Congress.

"For the year 1834: A report of the 1st of January, 1835; document 52, 2d session, 23d Congress.

"For the year 1835: A report of the 31st of December of that year, document No. 43, 1st session, 24th Congress.

"For 1836: A report of the 31st of December of that year, document No. 60, of the present session.

"This last document brings down the account of the contingent expenses of this Department to the 30th of September last. It cannot be completed to the 1st of December last at this time, as will appear by a letter of the Fourth Auditor, hereto annexed.

"None of these payments have been made without appropriations.

"The letter of the Second Comptroller, hereto annexed, will show the transfers made since the 4th of March, 1829, from various naval appropriations. These have been made under the authority of the President of the United States, upon evidence that the public service required the same, and under the provisions of the 30th of June 1834, authorizing the same, except the last, which was made under the provisions of the act authorizing the South Sea exploring expedition.

"I am not aware that any illegal or irregular expenditures, allowances, or payments, of any description, have been made at this Department since the 4th of March, 1829.

"If any case or cases of payments or allowances, supposed to be illegal or irregular, shall be specified, a report will be immediately made upon the same.

"To the 4th resolution, I beg leave to state that I have no knowledge that any officers, agents, or deputies, of this Department, have, from the 4th of March, 1829, to the 1st of December last, received salaries, pay, or emoluments of any kind, without rendering service to the Government, or without being in office; unless this inquiry extends to cases or temporary absence on leave, or to cases of absence from sickness, which it is not presumed to do; and except what may be contained in a report of General Van Ness and Mr. Kendall, now in possession of the committee.

"I have no knowledge of any commissions to officers in this Department, within the same period, which have been antedated, or of officers who held other stations or appointments, State or Federal, when receiving pay for particular offices or agencies, or who have been engaged in private employment, whilst receiving pay from, and rendering no service to, the United States.

"To the fifth resolution, I have to state that I do not know that any innovations, not authorized by law, have been introduced or continued in this Department, within the period specified.

"I am, very respectfully, your obedient, humble servant,

"MAHLON DICKERSON.

"To the Hon. Henry A. Wise,
Chairman, &c."

On Tuesday, January 31, the committee adopted a resolution calling on the Postmaster General for information as to the removal of the late postmaster at Stanford, Kentucky. The next day this resolution was communicated to the Postmaster General, and on the 4th of February the following letter was received from him:

"Post Office Department,
February 3, 1837.

"Sir: I have received your note of the 1st instant, enclosing a resolution of the committee of which you are chairman, requesting me to furnish you with the following papers, viz:

"1. The papers relative to the removal of the late postmaster at Stanford, Kentucky.

"2. The papers and letters recommending the appoint-

ment of any person or persons other than the individual who was appointed, and who now holds the office.

"3. The papers and recommendations in favor of the appointment of the present postmaster, Alfred Hocker.

"In reply, I have the honor to state that the power of making appointments is vested by the constitution and laws in the President, heads of departments, and courts of law; checked, in relation to the higher appointments, by the Senate of the United States.

"No power whatever, in relation to them, except the power to impeach for corrupt or illegal appointments, is vested in the House of Representatives. Although there is nothing in this case (so far as I am personally concerned) I could wish to conceal, yet, believing it to be one of the duties of my station to regard the constitutional limitations of power, and that a compliance with the request of your committee would be a precedent tending to subvert them, I am compelled most respectfully to decline it.

"In justice to a persecuted fellow-citizen, I deem it proper to add, that Alfred Hocker's private character is believed to be without a blemish, and his qualifications undoubted; and that to hunt him through life for an error of opinion, in a particular case, as to his legal power, appears to me as unjust as it would be inhuman.

"Very respectfully, your obedient servant,

"AMOS KENDALL.

"Hon. HENRY A. WISE, *Chairman, &c.*"

There are other letters, but these, it is presumed, will clearly show with what frankness and disposition to aid inquiry the President and heads of departments have responded to the committee. It is worthy of remark that the last letter quoted, from the head of the Post Office Department, takes the monstrous position *that the House of Representatives is vested with no power to inquire into official misconduct respecting appointments to and removals from office.* He not only refused to recognise that power by responding to the committee, but arrogated to himself the high prerogative of *rebuking the committee*, by casting upon it the unfounded imputation of "hunting, in an unjust and inhuman manner, a fellow-citizen through life, for an error of opinion"—that "fellow-citizen" a favorite of his, the notorious Alfred Hocker, who was sheriff of Kentucky, and, in violation of his oath of office, had withheld the poll of Lincoln county, in that State, in the celebrated contested election between Moore and Letcher, and who had been rewarded, as was supposed, by an appointment given him by the Postmaster General, at Stanford, in consideration of an infamous act of knavery for "*the party,*" since made felony by an act of the State, passed in consequence of his very conduct in that case!

The undersigned regrets to add that the *majority of the committee*, also, showed as little disposition to pursue inquiry, and showed every disposition to sustain the President and the departments in their positions, and in their course of obstructing fair and full investigation.

The journal will justify, in almost every instance, this serious charge against the majority.

On January 27th, when the letter of the President of the 26th was read, Mr. Campbell, of the committee, submitted the following resolution:

"*Resolved*, That the chairman of this committee be directed to ask leave of the House to be discharged from the further consideration of the resolution of the 17th of January, 1837, which was referred to this committee, the short period remaining of the session making it difficult, under any circumstances, to do even partial justice to the subject referred to them; and as the views which the President has expressed in his communication of this morning, and the instructions he promises to give to the heads of the different departments, will bar all investigation, and render the best-directed efforts of this committee to effect the objects of its organization futile and useless.

"Which resolution, on motion of Mr. Lincoln, was modified by adding, with the consent of the mover, the following:

"And that, in making the motion for the discharge of the committee, the chairman report to the House a copy of the journal of its proceedings.

"Which resolution, thus modified, was rejected, as follows:

"AYES—Mr. Wise, Mr. Lincoln, and Mr. Campbell—3.

"NAYS—Mr. Pearce, Mr. Muhlenberg, Mr. Hannegan, Mr. Parks, and Mr. Mann—5."

This resolution was rejected, but reconsidered and laid upon the table.

"Mr. Hannegan moved to reconsider the vote rejecting the resolution of Mr. Campbell, asking leave for the committee to be discharged; which motion was sustained, as follows:

"AYES—Mr. Wise, Mr. Hannegan, Mr. Parks, Mr. Campbell, and Mr. Lincoln—5.

"NAYS—Mr. Pearce, Mr. Muhlenberg, Mr. Mann—3.

"Mr. Hannegan moved that the resolution of Mr. Campbell do lie upon the table; which motion was decided in the affirmative, as follows:

"AYES—Mr. Pearce, Mr. Muhlenberg, Mr. Hannegan, Mr. Parks, Mr. Mann—5.

"NAYS—Mr. Wise, Mr. Campbell, Mr. Lincoln—3."

On Monday, January 30, Mr. Wise submitted the following resolutions:

"*Resolved*, That the letter of the President of the United States, dated the 26th instant, addressed to the chairman of this committee, and handed to him by the private secretary of the President, in presence of the committee, is an official attack of the Executive upon the proceedings of the House of Representatives and of this committee, and upon the privileges of members of both Houses of Congress; and opposes unlawful and unconstitutional resistance to the just powers of the House of Representatives and of this committee: therefore,

"*Resolved*, That the chairman of this committee be directed to report to the House his letter, and the resolutions of this committee enclosed, addressed to the President, and the letter of the President in reply thereto, dated the 26th instant; and to submit to the consideration of the House the propriety and necessity of adopting measures to defend its proceedings; to protect the privileges of its members; and to enforce its just powers, and those of its committees; to enable this committee to discharge the duties devolved upon it by the resolution of the 17th instant, adopted by the House of Representatives."

This having been laid on the table also, on Tuesday, January 31, Mr. Wise submitted the following resolution:

"*Whereas* the second resolution, heretofore adopted by this committee, calling for information from the President of the United States and the heads of the several executive departments, as amended, by inserting the words 'if any, without authority of law,' did call upon the President and the heads of departments to furnish evidence against themselves of their having appointed, employed, and paid officers, or agents, or deputies, 'without authority of law:' Now, therefore, with a view to call for information simply of their official actings and doings as public officers, as shown by the public records, so that this committee may report the same to the House of Representatives, and that it may judge for itself whether said officers have acted without authority of law, without calling upon them to give testimony, or to judge themselves in their own cases: be it

"*Resolved*, That the President of the United States, and the heads of the several executive departments, be requested to furnish this committee with the evidence on files of the executive departments, respectively, of the appointment, employment, and payment, of all officers,

agents, deputies, or commissioners, who have been appointed, or employed and paid, since the 4th day of March, 1829, to the 1st December last, by the President or either of said heads of departments, respectively, without nomination to and the advice and consent of the Senate of the United States: showing the names of such officers, agents, deputies, or commissioners; the sums paid to each, the services rendered by each, and by what authority appointed and paid.

"Mr. Mann moved to lay the foregoing preamble and resolution on the table; and, on the question being taken, the votes were—

"Ayes—Mr. Pearce, Mr. Muhlenberg, Mr. Parks, Mr. Mann, Mr. Chaney—5.

"Nays—Mr. Campbell, Mr. Lincoln, Mr. Wise—3."

This also having been laid on the table, the next day, February 1st, Mr. Wise moved to take up his resolution relating to the letter of the President to this committee, which resolution was laid on the table on the Monday previous, and the motion was agreed to.

"Mr. Campbell moved to amend said resolution as follows: Strike out all after the word '*Resolved*,' where it first occurs, and before 'therefore,' and insert: 'That the answer of the President, of the 26th of January, is not a compliance with the request of the committee, but a refusal to furnish the information requested in the resolutions communicated to him: and, therefore:' so that it would read as follows:

"*Resolved*, That the answer of the President, of the 26th of January, is not a compliance with the request of the committee, but a refusal to furnish the information requested in the resolutions communicated to him; and, therefore,

"*Resolved*, That the chairman of this committee be directed to report to the House his letter, and the resolutions of this committee enclosed, addressed to the President, and the letter of the President in reply thereto, dated the 26th instant; and to submit to the consideration of the House the propriety and necessity of adopting measures to defend its proceedings; to protect the privileges of its members; and to enforce its just powers, and those of its committees; to enable this committee to discharge the duties devolved upon it by the resolution of the 17th instant, adopted by the House of Representatives.

"And the question being on said amendment, it was adopted, as follows:

"Ayes—Messrs. Campbell, Hannegan, Lincoln, Chaney, Wise—5.

"Nays—Messrs. Pearce, Muhlenberg, Parks, Mann—4.

"Mr. Lincoln moved to amend the resolution, as amended, by inserting before the word 'therefore' the following:

"*Resolved*, That the letter of the President, in reply to the resolutions of this committee, is reproachful to the House in the adoption of the resolution of the 17th of January last; disrespectful to the committee acting under its authority; and an attack upon the privileges of members, by connecting their speeches on the floor of the House with the action of the House itself; and proposing that they should be examined as witnesses, touching matters referred to by them in debate.

"Which motion was lost, as follows:

"Ayes—Messrs. Campbell, Lincoln, Wise—3.

"Nays—Messrs. Pearce, Muhlenberg, Hannegan, Parks, Mann, Chaney—6.

"The question recurring on the resolution, as amended, the same was rejected, as follows:

"Ayes—Messrs. Campbell, Lincoln, Wise—3.

"Nays—Messrs. Pearce, Muhlenberg, Hannegan, Parks, Mann, Chaney—6."

Thus, in every form in which the question could be presented, did the committee refuse to act upon the letter of the President.

The journal of the committee shows, almost *passive*, the course of *delay* pursued by the majority *in laying resolutions of inquiry upon the table*, and their actual *rejection* of many resolutions involving subjects of the greatest importance and the most serious charges against the executive departments. (See pages 11, 12, 13, 14, 24, 42, 78, 108, 109, 126, 189, of the printed journal of the committee.) There it will be seen that resolutions, about adopting which it was to have been expected there could be no hesitation, were almost invariably laid on the table before they were passed; these, as they were finally passed and acted on, it is not necessary particularly to refer to. But there were a number of a similar character as to their necessity and propriety, some of which were refused to be taken up at all, and others positively rejected. To show their character, they have only to be specified.

On the 24th of January, Mr. Wise submitted the following resolution:

"*Resolved*, That the Secretary of War be directed to furnish this committee with all correspondence, letters, or papers, on the files of the War Department, or in his possession officially, respecting or relating to the war in Florida with the Seminole Indians; and, also, respecting or relating to the raising and paying volunteers for the protection of the Southwestern frontier, under General Gaines."

This was laid upon the table until February 3d, when Mr. Wise moved to take it up. The motion was rejected by the following vote:

"Ayes—Messrs. Hannegan, Campbell, Lincoln, Wise—4.

"Nays—Messrs. Pearce, Muhlenberg, Parks, Mann—4."

Thus a subject which had caused two courts of inquiry to be ordered by the President himself—which had called two major generals of the army from their posts, for their conduct to be subjected to severe scrutiny—before one of which courts a gallant officer, General Duncan Clinch, who had borne himself like a patriot soldier in the campaign, and who had, as all admit, done his duty in the war, had in substance declared, on oath, that the failure of the campaigns against the Creek and Seminole Indians *was to be attributed, not to those generals, but to the neglect of the War Department*. This subject of inquiry, we repeat, was refused to be taken up by the majority.

Again: The majority having perverted the first of the four resolutions sent to the President and heads of departments, by inserting therein the words "*without authority of law*," with a view to obtain a direct vote of the committee upon the subject of *executive* patronage to the public press, Mr. Wise, on the 24th January, offered the following resolution:

"*Resolved*, That the heads of the several departments be directed to furnish this committee with a statement showing the amount of patronage per annum in the executive departments, respectively, to the press of the country, taking the year ending the 30th September, 1836; showing the sums of money paid within that year by such departments, respectively, their agents or deputies, to printers or editors of newspapers; specifying the names and places of the publication of the newspapers owned or published by them, and showing the services and considerations for which such sums have been paid; giving each item as stated in the accounts of such printer or editor."

This resolution was laid on the table, upon the express ground that the departments were not accountable for the use or the abuse of their patronage to the press, provided that they kept within the letter of the law.

Again: On the 25th of January, Mr. Campbell submitted the following resolution:

"*Resolved*, That any member having cause for believing that abuses exist, or have existed, since the 4th of March, 1829, in any department of the Government; that fraud or peculation is, or has been, practised by any of

the agents of the Government, since the 4th of March, 1829; and shall, upon such cause or belief, make a motion, or move a resolution of inquiry, this committee will adopt the motion or the resolution of inquiry; the responsibility of institu ing the inquiry resting on the mover of the resolution or motion.

"Mr. Pearce moved to amend the foregoing resolution by striking out the words 'the responsibility of instituting the inquiry resting on the mover of the resolution or motion;' which motion was negatived, as follows:

"Ayes—Mr. Pearce, Mr. Muhlenberg, Mr. Parks, Mr. Chaney—4.

"Nays—Mr. Campbell, Mr. Hannegan, Mr. Lincoln, Mr. Mann, Mr. Wise—5.

"Mr. Muhlenberg moved to insert between the words 'that' and 'abuses,' in the foregoing resolution, the word 'particular,' so as to read 'particular abuses;' which motion was negatived, as follows:

"Ayes—Mr. Pearce, Mr. Muhlenberg, Mr. Parks, Mr. Chaney—4.

"Nays—Mr. Campbell, Mr. Lincoln, Mr. Mann, Mr. Wise, Mr. Hannegan—5.

"Mr. Pearce moved to lay the said resolution on the table; which was affirmed, as follows:

"Ayes—Mr. Pearce, Mr. Muhlenberg, Mr. Hannegan, Mr. Parks, Mr. Mann, Mr. Chaney—6.

"Nays—Mr. Campbell, Mr. Lincoln, Mr. Wise—3."

Again: On the 28th of January, Mr. Campbell offered the following resolution, which necessarily grew out of discussions before the committee:

"*Resolved*, That in future, whenever a member of this committee, upon his own knowledge, or upon information derived from others, shall give information of any specific charge of abuse or corruption in any executive department of the Government, and name a witness or witnesses to substantiate such charge or charges, this committee will forthwith proceed to the investigation of such charge or charges, and to the examination of such witness or witnesses as may be named by the member giving information of such charge of abuse or corruption.

"On motion of Mr. Mann, the foregoing resolution was laid upon the table, as follows:

"Ayes—Mr. Pearce, Mr. Muhlenberg, Mr. Hannegan, Mr. Parks, Mr. Mann—5.

"Nays—Mr. Wise, Mr. Campbell, Mr. Lincoln—3."

Thus the committee, by its proceedings, expressly refused to declare either that it would act upon motions or resolutions of inquiry, or that it would proceed to investigate *specific* charges, even of abuse or corruption in any executive department of the Government, or examine witnesses touching them.

On the 1st of February, Mr. Muhlenberg offered the following resolution:

"*Resolved*, That, before any witness or witnesses be sworn, the member at whose instance he or they were called shall state, in writing, the purpose for which he or they were severally called as witnesses, the matters to which he or they are expected to testify, and the charges which he or they are expected by the member to sustain against the executive departments, or either of them, or against any officer or officers, agent or agents, or either of them, by fact within his or her personal knowledge.

"Which was adopted, as follows:

"Ayes—Mr. Pearce, Mr. Hannegan, Mr. Parks, Mr. Lincoln, Mr. Muhlenberg, Mr. Campbell—6.

"Nays—Mr. Mann, Mr. Wise—2.

"Mr. Wise submitted the following:

"Mr. Wise, in compliance with the conditions of the resolution of this committee, of this day, requiring the member at whose instance a witness is called to state the reasons of calling upon him to testify, assigns the following reasons:

"1st. The purpose for which he (the member) has called upon the witnesses summoned and requested to attend at his instance is, that said witnesses may be sworn to testify, and the truth to say, touching the inquiries of this committee directed by the resolution of the House.

"2. The matters to which they are expected to testify are matters within their knowledge, severally, concerning the condition of the various executive departments, the ability and integrity with which they have been conducted, and concerning all matters embraced in said resolution of the House of Representatives.

"3d. The charges against the executive departments, and their officers or agents, which they are expected by the member to sustain, are charges of violation of duty; of corrupt violation of duty, in abusing legal authority, in corrupting and subsidizing the public press; in removing faithful officers for opinion's sake; in retaining corrupt and fraudulent officers in place, knowing of their malfeasance and malversation in office; in appointing and paying agents of various descriptions; in making unjust and exorbitant allowance for services to political favorites; in paying a Treasury warrant which was gambled away by a disbursing officer; in allowing an account which had virtually been disallowed, and then paying it, after its allowance had been forged, without causing the offender to be prosecuted; in allowing Government officers to organize political societies to influence elections; in speculating on the offices of the Government and on the public property; in interfering with the proceedings of Congress in an improper manner; and concerning various other matters upon which charges of equal weight may be founded, if they are ascertained by the evidence.

"And the question being whether the foregoing reasons, as assigned by the chairman, are a compliance with the conditions of the resolution, it was carried in the affirmative, as follows:

"Ayes—Mr. Pearce, Mr. Muhlenberg, Mr. Campbell, Mr. Hannegan, Mr. Lincoln, Mr. Mann, Mr. Wise—7.

"Nay—Mr. Parks—1."

On the 14th of February, Mr. Pearce offered the following resolution:

"*Resolved*, That this committee, in discharging their duties under the resolution of the House of Representatives of January 17, will not, in the absence of definite, specified charges of corruption and abuses, inquire into the reasons of the Executive, or the heads of the executive departments, for appointments to or removals from office.

"Mr. Wise moved an amendment, as follows:

"*Resolved*, That whenever definite and specific charges are made that the President of the United States, or either of the heads of departments, have removed efficient and faithful officers without just cause of complaint, and appointed others in their places, for opinion's sake, or on account of party services, this committee will inquire into such definite and specific charges, to ascertain how far the President or heads of departments have abused their authority to appoint and remove officers; and to what extent such appointments and removals have tended to restrain and trammel the freedom of opinion; to affect the freedom and purity of elections in this country; to punish individuals for the exercise of that freedom; and to corrupt and enslave public officers who hold, and private individuals who seek, places under this Government.

"The question being taken on Mr. Wise's amendment, it was rejected, as follows:

"Ayes—Messrs. Campbell, Lincoln, Wise—3.

"Nays—Messrs. Pearce, Muhlenberg, Parks, Mann, Chaney—5.

"The question recurring on the adoption of the resolution offered by Mr. Pearce, it was decided in the affirmative, as follows:

"Ayes—Messrs. Pearce, Muhlenberg, Parks, Mann, Chaney—5.

"Nays—Messrs. Campbell, Lincoln, Wise—3."

On the 16th of February, Mr. Wise offered the following resolution:

"*Resolved*, That this committee will inquire whether the executive officers, or either of them, have established, or assisted in establishing, presses or newspapers, for party purposes, and given pledges to the proprietors thereof of the Government patronage, and have performed those pledges by giving such presses or papers the patronage of the Government; and whether the public printing has been taken from long-established presses or papers, with numerous subscribers, and given to such presses and papers newly established, with pledges of the Government patronage, without subscribers.

"Which resolution was rejected, as follows:

"Ayes—Messrs. Campbell, Wise—2.

"Nays—Messrs. Pearce, Muhlenberg, Mann—3."

On the 4th of February, Mr. Wise offered the following resolution:

"*Resolved*, That the Secretary of the Treasury be requested to furnish this committee with the originals or copies of all letters, papers, reports, or correspondence, on the files of the Treasury Department, or in his possession, in relation to the official acts of himself, or of the collector at Newport, Rhode Island, in removing David Melvill from the office of weigher and gauger at that place.

"Mr. Mann offered the following amendment: Add at the end of the resolution, 'except such as have heretofore been communicated to the Senate of the United States; and except such, also, as are of a confidential character.'

"Which amendment was rejected, as follows:

"Ay—Mr. Mann—1.

"Nays—Messrs. Muhlenberg, Campbell, Parks, Lincoln, Chaney, Wise—6.

"The question recurring on the adoption of the resolution, the same was rejected, as follows:

"Ayes—Messrs. Campbell, Lincoln, Wise—3.

"Nays—Messrs. Muhlenberg, Parks, Mann, Chaney—4."

Thus it clearly appears, by these proceedings, that the committee efficiently seconded the views of the President and heads of departments, and practically carried them out. 1st. The member of the committee, at whose instance a witness was called, was required to state in writing *the charges* witness was expected to sustain. 2d. The committee positively determined that it would *not, in the absence of definite, specified charges of corruption and abuses, inquire into the reasons of the Executive, or heads of executive departments, for appointments to or removals from office*, in direct contradiction to the decision of the House, which rejected the amendment requiring specific charges. 3d. It decided that when DEFINITE and specific charges WERE made of CORRUPTION and abuses in appointments to and removals from office, and in subsidizing the public press, it would not inquire into them: and 4th. When such specific charges were MADE, as they were in the cases of appointing Alfred Hocker to and removing David Melvill from office, and as in establishing newspapers with the public money, the committee refused to inquire into them, and to examine witnesses in relation to them.

Such will clearly illustrate the principles upon which the committee proceeded in instituting inquiries into the condition of the various executive departments by RESOLUTIONS.

The questions which the majority refused to propound to witnesses, when called, will show that they went even still further in shielding the executive departments and officers from full and fair investigation.

Notwithstanding the principles of the majority, as illustrated by the foregoing resolutions and votes, as to SPECIFIC and definite investigation, the very first question propounded by them in committee was so vague and indefinite, so intangible and abstract, that one of the most intelligent and respectable witnesses first called, the Hon. James Parker, of New Jersey, who did know of a specific act of the worst corruption and abuse in one or the other, or both the President and Secretary of the Treasury, could not answer it on account of its general form.

"First question by Mr. Mann to Mr. Parker:

"Do you, of your own knowledge, know of any act, by either of the heads of the executive departments, which is either corrupt or a violation of their official duties?

"Mr. Parker presented the following objections to answering:

"I do not understand this question sufficiently to enable me to answer it in this general form. I came here by order of the committee, neither as accuser nor to accuse; and I consider myself bound to answer questions on those points only to which my attention is directed by the committee.

"Mr. Pearce moved that the objection of Mr. Parker to answering the question be overruled, and that he be required to answer the same.

"Mr. Mann, upon the suggestion of Mr. Wise, withdrew his question, to enable Mr. Wise to examine Mr. Parker as to the specific acts; and Mr. Pearce accordingly withdrew his motion."

But that question was repeatedly put to other witnesses, with the obnoxious view of proving NEGATIVELY a general good character of the administration, or of making certain witnesses purge themselves of certain charges against that character. Not only was this general question propounded, but when Messrs. White, Peyton, and Pickens, were called, Mr. Mann stated the reasons in writing for calling them—his specifications of reasons were:

"1. That the purpose for which he has desired the honorable witnesses named in the said resolution to be sworn is, to prosecute the inquiries directed by the resolution of the House of Representatives of the 17th of January instant.

"2. The matters to which they are expected to testify are, facts, if any they know, respectively, of their own knowledge, which will show a wilful violation of the duties of the heads of the respective executive departments of the Government of the United States, or the subordinate officers connected with such departments, or either of them.

"3. The 'charges against the executive departments,' which it is expected they will sustain by facts within their own knowledge, are corrupt violations of official duties.

"The question being stated, whether, in the foregoing specifications, Mr. Mann has complied with the requisition of the resolution calling for the same, and whether the witnesses present shall be sworn, those who voted in the affirmative were:

"Ayes—Mr. Pearce, Mr. Mann, Mr. Chaney—3.

"Those who voted in the negative were:

"Nays—Mr. Wise, Mr. Muhlenberg, Mr. Campbell, Mr. Parks, Mr. Lincoln—5.

"So it was decided that said specification does not comply with the requisition of the resolution.

"The honorable Francis W. Pickens, a member of the House, summoned as a witness, read to the committee a paper, which he denominated a protest against his being examined as a witness; and which, when he should be called upon to be sworn, he said he would submit to be placed upon their files.

"Mr. Mann submitted, in compliance with the requisition of the last meeting, for specifications as to the grounds of summoning the witnesses in attendance, the following, viz:

"*Second specifications by Mr. Mann.*

"Mr. Mann, in compliance with the conditions of the resolutions of this committee of the 28th instant, states, in writing, again:

"1. That the specific purposes for which he has desired the honorable witnesses named in the said resolultion to be summoned are, to prosecute the inquiries specified and directed by the resolution of the House of Representatives of the 17th January instant.

"2d. The matters to which they are expected to testify are, facts within their own knowledge, if any they know, severally, of their own knowledge, concerning the condition of the various executive departments; the ability and integrity with which they have been conducted; the manner in which the public business has been conducted in all of them; the failure of such departments to accomplish the objects of their creation; the violation of the official duties of the said departments, respectively.

"3. The charges against the executive departments, which it is expected they will sustain by facts within their own knowledge, are charges of corrupt violations of official duties, abuses in the administration of the public affairs, with which such departments are charged by law and the constitution.

"And the question being, 'Is the assignment of reasons for summoning said witnesses sufficient, and in compliance with the resolutions of the committee?' it was decided in the affirmative, as follows:

"Ayes--Mr. Campbell, Mr. Hannegan, Mr. Mann, Mr. Chaney, and Mr. Wise—5.

"Nays--Mr. Muhlenberg and Mr. Parks--2."

Such is a specimen of the *specific* examination of a member of the Senate and members of the House, who had been called at the request of the President to purge themselves of all contempt to his administration!

When another class of witnesses was called, some from the departments, others from a great distance, to testify of acts of corruption and abuse, as notorious in this metropolis as the noon-tide sun, acts named and specified before the committee until reiteration became tiresome, the majority became more strict and contracted in the investigation.

"Question by Mr. Wise to Mr. Buck:

"14. Do you know the amount of patronage of the War Department to the press, and the principle upon which printers are selected to do the public printing; whether they are selected on account of their political opinions?

"This question was objected to by Mr. Parks; and on the question being put, Shall the question be propounded? it was decided in the negative, as follows:

"Ayes—Mr. Campbell, Mr. Lincoln, Mr. Wise—3.

"Nays--Mr. Pearce, Mr. Muhlenberg, Mr. Hannegan, Mr. Mann, Mr. Parks, Mr. Chaney--6.

"Question by Mr. Wise to Mr. Buck:

"15. Do you know, or are you informed, whether any of the heads of departments, or any officer or agent thereof, has been, or is now, interested in Indian reservations?

"Answer by Mr. Buck: I do not know, neither have I been informed, that any one of the heads of departments is now, or ever has been, interested in Indian reservations; neither do I know that any officer or agent of either department has ever been, or is now, so interested.

"Question by Mr. Wise to Mr. Buck:

"16. Do you know, or are you informed, whether any of the heads of the executive departments, or any officer or agent thereof, has been interested in the purchase of public lands?

"This question was objected to by Mr. Parks; and the question being put, Shall the interrogatory be propounded? it was decided in the affirmative, as follows:

"Ayes--Mr. Wise, Mr. Muhlenberg, Mr. Campbell, Mr. Lincoln, Mr. Hannegan--5.

"Nays--Mr. Pearce, Mr. Parks, Mr. Chaney, Mr. Mann--4.

"Answer to question 16 by Mr. Buck: I have no knowledge of the facts mentioned in the above interrogatory; neither have I any information in relation to the same, except such as is derived from the newspapers of the day.

"Question by Mr. Wise to Mr. Buck:

"Do you know upon what principle public officers are appointed to and removed from office, in the several executive departments; whether appointments or removals are not made in regard to the political opinions of officers?

"This question was objected to by Mr. Pearce; and on the question being taken, Shall the interrogatory be propounded? it was decided in the negative, as follows:

"Ayes—Mr. Campbell, Mr. Lincoln, Mr. Wise--3.

"Nays--Mr. Pearce, Mr. Muhlenberg, Mr. Hannegan, Mr. Parks, Mr. Mann, Mr. Chaney—6.

"W. J. Duane (late Secretary of the Treasury) appeared as a witness.

"Mr. Wise submitted the following question, to be proposed to said witness, viz:

"1. Will you please to state all that you know respecting the conduct of the President of the United States in removing the public money from the Bank of the United States, in the year 1833?

"The question being objected to by Mr. Mann, and the question stated, Shall said interrogatory be propounded? it was decided in the negative, as follows:

"Ayes—Mr. Muhlenberg, Mr. Campbell, Mr. Lincoln, Mr. Wise—4.

"Nays--Mr. Pearce, Mr. Hannegan, Mr. Parks, Mr. Mann—4.

"Mr. Wise then submitted the following question, to be propounded to the witness, viz:

"2. Do you know whether the President consulted or advised with Reuben M. Whitney or Amos Kendall as to that measure, and what influence those persons had upon the President in taking that step?

"Objected to by Mr. Mann; and the question being stated, Shall said interrogatory be propounded? it was decided in the negative, as follows:

"Ayes—Mr. Campbell, Mr. Lincoln, Mr. Wise--3.

"Nays--Mr. Pearce, Mr. Muhlenberg, Mr. Hannegan, Mr. Parks, Mr. Mann—5.

"Mr. Wise also submitted the following, to be propounded to the witness:

"3. Have you reason to believe that your official relations to the Government were disturbed by the active interference of said Whitney and Kendall, or either of them, with the opinions of the President in relation to that measure?

"Objected to by Mr. Mann; and the question being stated, Shall said interrogatory be propounded? it was decided in the negative, as follows:

"Ayes—Mr. Campbell, Mr. Lincoln, Mr. Wise--3.

"Nays--Mr. Pearce, Mr. Hannegan, Mr. Parks, Mr. Mann, Mr. Muhlenberg—5.

"Question by Mr. Wise to Mr. Woodbury:

"2. Will you please furnish this committee with a copy or copies of the papers in the Treasury Department or in your possession, particularly the report of Mr. Littlefield, the collector, in relation to the removal of David Melvill from the office of weigher and gauger at Newport, Rhode Island?

"Objected to by Mr. Mann; and on the question being stated, Shall said interrogatory be propounded? it was decided in the negative, as follows:

"Ayes—Mr. Muhlenberg, Mr. Campbell, Mr. Lincoln, Mr. Wise—4.

"Nays--Mr. Pearce, Mr. Hannegan, Mr. Mann, Mr. Parks, Mr. Chaney--5.

"Question by Mr. Wise to Mr. Woodbury:

"3. Please state all that you know in relation to the removal of David Melvill from the office of weigher and gauger at Newport, Rhode Island, and the reasons for said removal.

"Objected to by Mr. Mann; and the question being stated, Shall the interrogatory be propounded? it was decided in the negative, as follows:

"Ayes--Mr. Campbell, Mr. Lincoln, Mr. Wise—3.

"Nays--Mr. Pearce, Mr. Muhlenberg, Mr. Hannegan, Mr. Parks, Mr. Mann, Mr. Chaney—6.

"Question by Mr. Wise to Mr. Woodbury:

"5. Are the papers which you did not communicate to the Senate, because they are confidential, on the files of the Treasury Department; and was the report of the collector, Littlefield, included in the number of papers considered confidential?

"Objected to by Mr. Mann; and on the question, Shall said interrogatory be propounded? it was decided in the negative, as follows:

"Ayes--Mr. Campbell, Mr. Lincoln, Mr. Wise—3.

"Nays--Mr. Pearce Mr. Parks, Mr. Mann, Mr. Chaney, Mr. Muhlenberg—5.

"Mr. Wise proposed the following question, to be propounded to the Hon. Aaron Vanderpoel, of the House, a witness present, viz:

"1. Did you inform any member or members of the House of Representatives that the President desired or preferred that the resolution which was adopted on the 17th of January, under which this committee is appointed, should be passed; and if so, by what authority did you give such information?

"Objected to by Mr. Parks; and on the question being stated, Shall said interrogatory be propounded? it was decided in the negative, as follows:

"Ay--Mr. Wise—1.

"Nays--Mr. Muhlenberg, Mr. Campbell, Mr. Hannegan, Mr. Parks, Mr. Lincoln, Mr. Mann, Mr. Chaney—7.

"Mr. Wise proposed the following question, to be propounded to Mr. Vanderpoel, viz:

"2. Did the President of the United States inform you, or intimate to you, or to any one else in your knowledge, that he desired that the resolution of the 17th of January, under which this committee was appointed, should be passed by the House?

"Objected to by Mr. Mann; and on the question being stated, Shall said interrogatory be propounded? it was decided in the negative, as follows:

"Ayes--Mr. Campbell, Mr. Wise--2.

"Nays—Mr. Pearce, Mr. Muhlenberg, Mr. Hannegan, Mr. Parks, Mr. Lincoln, Mr. Mann, Mr. Chaney--7.

"Honorable James Standefer, of the House of Representatives, being present, Mr. Wise proposed the following question:

"Question by Mr. Wise to Mr. Standefer:

"1. Please state all that you know respecting a letter that was written, some time during the year 1834, to Benjamin F. Curry, then acting as agent of the Government, in treating with the Cherokee Indians, by the President of the United States, respecting yourself; whether said letter was not used publicly, by said Curry, against your election to Congress; and whether he was not influenced by the President in electioneering against you as a candidate. And state the purport of said letter, as exhibited to you and to crowds in your district.

"Objected to by Mr. Parks, and rejected by the following vote:

"Ayes—Mr. Campbell, Mr. Wise--2.

"Nays—Mr. Pearce, Mr. Parks, Mr. Lincoln, Mr. Mann, Mr. Chaney--5.

"Question by Mr. Lincoln to Mr. Standefer:

"2. Did Benjamin F. Curry, an Indian agent, in the last congressional canvass in your district, publicly exhibit a letter which he represented to be addressed to him by the President of the United States, to prejudice your claims to favorable consideration as a candidate in the election?

"Objected to by Mr. Mann, and rejected, as follows:

"Ayes--Mr. Lincoln, Mr. Wise--2.

"Nays—Mr. Parks, Mr. Mann, Mr. Chaney—3.

"Question by Mr. Wise to Mr. Towns:

"2. Do you know, of your own knowledge, or from any of the officers or agents of the executive branch of this Government, whether they, or either of them, are now, or have been, interested personally in purchasing or speculating in the reservations of Creek or other Indians; and, if either of them, who?

"Objected to by Mr. Mann, and rejected by the following vote:

"Ay—Mr. Wise—1.

"Nays—Mr. Muhlenberg, Mr. Parks, Mr. Mann, Mr. Chaney—4.

"Question by Mr. Wise to Mr. Towns:

"3. Do you know, or have you been informed by him, whether the Hon. John Forsyth, Secretary of State, is now, or has been, personally interested in purchasing or speculating in the reservations of the Creek or other Indians?

"Objected to by Mr. Mann, and rejected by the following vote:

"Ayes--Mr. Muhlenberg, Mr. Wise--2.

"Nays--Mr. Parks, Mr. Mann, Mr. Chaney--3.

"Question by Mr. Wise to Mr. Towns:

"4. Do you know, of your own knowledge, or from information derived from either of them, whether John J. Abert, whilst agent of the Government to locate the reservations under the treaty of 1832, with the Creek Indians, was personally interested and engaged in purchasing and speculating in said reservations; and, if so, whether John Forsyth, Secretary of State, was interested, in like manner, with said Abert or others?

"Objected to by Mr. Mann, and rejected by the following vote, the committee being equally divided:

"Ayes--Mr. Muhlenberg, Mr. Campbell, Mr. Wise—3.

"Nays--Mr. Parks, Mr. Mann, Mr. Chaney—3.

"Question by Mr. Mann to Mr. Towns:

"5. Do you know, of your own knowledge, or by information derived from him, whether J. J. Abert, whilst agent of the Government to locate the reservations under the treaty of 1832, with the Creek Indians, was personally interested and engaged in purchasing such reservations?

"Answer by Mr. Towns:

"I do not know, of my own knowledge, or from information derived from J. J. Abert, or any other source, that he was personally interested and engaged in purchasing Indian reservations under the treaty of 1832, with the Creek Indians.

"Question by Mr. Wise to Mr. Lewis:

"4. Was there not a contract entered into by J. & L. Joseph & Co., of New York, and R. J. Phillips, of Philadelphia, on the one part, and William D. Lewis and others, on the other part, early in the month of November, 1835, or about that time, to operate in the purchase of stock in the Morris Canal and Banking Company, the latter parties agreeing to furnish funds to a large amount; and were not the funds drawn from the Girard Bank, and furnished monthly from November to April succeeding, inclusive; and was not the account closed in June, 1836, by paying over to *you* (William D. Lewis and others) your share of the profit? If so, how many thousand dollars; and was not Reuben M. Whitney, agent of the Girard Bank to transact its business with the Treasury Department, concerned with you and others in said speculation and profits?

"Objected to by Mr. Pearce, and rejected by the following vote:

"Ayes—Mr. Campbell, Mr. Lincoln, Mr. Wise—3.

"Nays--Mr. Pearce, Mr. Muhlenberg, Mr. Hannegan, Mr. Parks, Mr. Mann, Mr. Chaney—6.

"Question by Mr. Wise to Mr. Lewis:

"5. Had you not a correspondence with Reuben M. Whitney, in the autumn of 1835, in relation to a speculation in Morris Canal and Banking Company stock, and with reference to his procuring a portion of the public revenue to be placed in said bank for the purpose of enhancing the value of its stock, to favor your profits and his; and did not Mr. Whitney give you reason to believe that he could so procure a portion of the public revenue for the purpose aforesaid?

"Objected to by Mr. Mann, and rejected by the following vote:

"Ayes—Mr. Campbell, Mr. Lincoln, Mr. Wise--3.

"Nays—Mr. Pearce, Mr. Parks, Mr. Mann, Mr. Hannegan--4.

"No other question was propounded.

"Question by Mr. Wise to Mr. Hobbie:

"Do you know, of your knowledge, or from the information derived from them, whether any officers or agents of the Treasury Department, or of any other executive department, since the 4th of March, 1829, have been interested or concerned in purchasing or speculating in the public lands? If so, state all that you know or are informed of by the officers or agents themselves, as to their purchases and speculations aforesaid.

"Objected to by Mr. Hannegan, and rejected by the following vote:

"Ayes—Mr. Muhlenberg, Mr. Campbell, Mr. Lincoln, Mr. Wise--4.

"Nays—Mr. Pearce, Mr. Hannegan, Mr. Parks, Mr. Mann, Mr. Chaney--5.

"Question by Mr. Wise to Mr. Hobbie:

"6. Please state all that you know respecting the removal of B. H. Wheeler from the office of postmaster at Providence, Rhode Island.

"Objected to by Mr. Mann, and rejected by the following vote:

"Ayes—Mr. Muhlenberg, Mr. Lincoln, Mr. Wise --3.

"Nays--Mr. Pearce, Mr. Campbell, Mr. Parks, Mr. Mann, Mr. Chaney--5.

"Question by Mr. Wise to Mr. Hobbie:

"7. Do you know whether a postmaster in one of the New England States did, or did not, write to the Post Office Department that he wished to remove some distance, say twenty or thirty miles, from his office, but wished to retain his office as postmaster, saying he would have the duties of the office discharged by a clerk, and that he could still assist to re-elect General Jackson; and did you yourself not *write* a letter in reply, that he was at liberty to do as he requested, and encouraging him to do all he could to electioneer for General Jackson?

"Objected to by Mr. Mann, and rejected, as follows:

"Ayes—Mr. Muhlenberg, Mr. Lincoln, Mr. Wise, Mr. Campbell--4.

"Nays—Mr. Pearce, Mr. Parks, Mr. Mann, Mr. Chaney--4.

"Question by Mr. Wise to Mr. Forsyth:

"3. Did you, or not, exert your influence, personal or official, with any Senator, or other person, to have the treaty ratified with said stipulation as to the Golphin claim; or with any person, an officer or agent, or not, of the Government, to have said stipulation inserted in said treaty?

"Objected to by Mr. Parks, and rejected by the following vote:

"Ayes—Mr. Campbell, Mr. Lincoln, Mr. Chaney, Mr. Wise--4.

"Nays—Mr. Pearce, Mr. Muhlenberg, Mr. Parks, Mr. Mann—4.

"Question by Mr. Wise to Mr. Forsyth:

"4. Did you not, whilst Governor of the State of Georgia, recommend the Golphin claim to the favorable consideration of the Georgia Legislature?

"Objected to by Mr. Parks, and rejected by the following vote:

"Ay--Mr. Wise.

"Nays--Mr. Pearce, Mr. Muhlenberg, Mr. Campbell, Mr. Parks, Mr. Lincoln, Mr. Mann, Mr. Chaney--7.

"Question by Mr. Wise to Mr. Forsyth:

"6. Have you, or not, been directly or indirectly interested or concerned in the purchase of, and in speculating in, the reservations of Creek or other Indians, since you have been in the office of Secretary of State?

"Objected to by Mr. Mann, and rejected by the following vote:

"Ayes--Mr. Muhlenberg, Mr. Lincoln, Mr. Wise--3.

"Nays--Mr. Pearce, Mr. Campbell, Mr. Parks, Mr. Mann, Mr. Chaney--5.

"Question by Mr. Wise to Mr. Pearce:

"Will you please state all that you know respecting the causes, reasons, and influences, which were brought to bear or operated on the collector, Mr. Littlefield, at Newport, Rhode Island, or upon the Secretary of the Treasury, in removing David Melvill, a weigher and gauger under said collector, from the said office of weigher and gauger?

"Objected to by Mr. Parks, and rejected, as follows, Mr. Pearce being excused from voting:

"Ayes--Mr. Campbell, Mr. Lincoln, Mr. Wise--3.

"Nays--Mr. Muhlenberg, Mr. Parks, Mr. Mann, Mr. Chaney--4.

"Question by Mr. Wise to Mr. Kendall:

"2. Do you know whether the President of the United States did or did not communicate to you and to Reuben M. Whitney his intention to remove the deposites before he advised with the Secretary of the Treasury; and whether he did not approve of R. M. Whitney as contemplated agent of the deposite banks to be selected before their selection?

"Objected to by Mr. Mann, and rejected, as follows:

"Ayes—Mr. Campbell, Mr. Wise--2.

"Nays—Mr. Pearce, Mr. Muhlenberg, Mr. Parks, Mr. Mann, Mr. Chaney—5.

"Question by Mr. Wise to Mr. Kendall:

"4. Please state to this committee all you know respecting the formation of a club called the Hickory Club, composed of officers of the Government in this city; state its organization, its design, and its means of operation; whether its members were officers and agents of the executive departments; by whom it was organized; whether its design was to influence the elections of the people; and whether its means were derived, or not, in part, from the salaries of executive officers.

"Objected to by Mr. Parks, and rejected, as follows:

"Ayes—Mr. Campbell, Mr. Wise—2.

"Nays—Mr. Pearce, Mr. Muhlenberg, Mr. Hannegan, Mr. Parks, Mr. Lincoln, Mr. Mann, Mr. Chaney—7.

"Question by Mr. Wise to Mr. Kendall:

"Do you know whether any officers or agents of the executive departments have ever formed political combinations to control the elections of the people, and to influence the public press?

"Objected to by Mr. Mann, and adopted, as follows:

"Ayes—Mr. Pearce, Mr. Muhlenberg, Mr. Campbell, Mr. Lincoln, Mr. Wise—5.

"Nays—Mr. Hannegan, Mr. Parks, Mr. Mann, Mr. Chaney—4.

"Answer by Mr. Kendall:

"I have no knowledge of any combinations of public officers for the objects stated in the question, nor of any combinations of which public officers formed a part, for any other purpose than to promote objects of a general character, by discussion of principles, without regard to men.

"Question by Mr. Wise to Mr. Kendall:

"6. Will you please to state what combinations you

know of to promote objects of a general character, of which public officers formed a part; the character of those combinations; whether they were political or not; whether favorable or not to this administration, and to the election of Martin Van Buren to the presidency; and whether they aimed to procure the Government patronage for their objects?

"Objected to by Mr. Parks, and rejected, as follows:

"AYES—Mr. Campbell, Mr. Lincoln, Mr. Wise—3.

"NAYS—Mr. Muhlenberg, Mr. Hannegan, Mr. Parks, Mr. Mann, Mr. Chaney—5.

"Question by Mr. Wise to Mr. Kendall:

"8. Will you please look upon the paper handed you, and state what you know respecting the facts therein spoken of?

"The paper alluded to is in the following words, viz:

"'*Story of the Indian reservations.*

"'Some years ago, certain tracts of land, situated, principally or wholly, in the State of Mississippi, were reserved by Congress (or by Indian treaty, to which Congress assented) for the use of the Indians, and to be disposed of by them, and for their benefit, whenever the President of the United States should give his assent to such sale and transfer, (not otherwise.) These lands were known to be very valuable, and the poor Indians could be easily enough managed; perhaps they had or were about to leave the east for the west side of the Mississippi river; but how to obtain the assent of the President to so large a sale of Indian lands to a company of speculators seemed a more difficult matter. A company was formed in Boston two or three years ago, with, it is believed, a capital of $300,000, to try to effect this object. Amos Binney, Esq., was a leading man in the company; and it is believed that Brodhead, navy agent in Boston, was another; and various other individuals had a greater or less interest in it; but what did, as is believed, obtain the President's assent to the sale and transfer, was the admission of Amos Kendall, at present Postmaster General, into the concern; he to have one third part of the profits of the speculation when it shall be closed up, without, in fact, paying one dollar of the consideration, although he may appear to have paid his part as well as all the others. Yet the agreement of the other partners with Mr. Kendall was, that they would furnish the money to pay his one third part of the consideration, free from interest, provided he (Kendall) would obtain the assent of the President to the sale, and would, when requested so to do by the other partners, go to the lands and transact such matters and things relating to their common interest as the company might deem expedient. The lands were purchased by the company; therefore, we are to infer that Mr. Kendall did obtain the President's assent to the sale; but Mr. Kendall was not, and probably will not be, called on for any further services. Those interested in the purchase speak confidently of their expectation of realizing, at the end of the sales, three or four dollars for every one invested. The people of the United States, by this transaction, have not been defrauded or overreached; but the interest of the Indians in these reservations has probably been obtained by this company for less than half its market value. How far the President should guard the interest of the Indians is for him and Congress to determine; possibly it may have some connexion with his oath of office. But if the interests of the Indians must or may be sacrificed, shall it be done for the benefit of a few favorites, and at the sole suggestion of one individual, himself more deeply interested than any other? February 9, 1837.'

"Objected to by Mr. Mann, and rejected, as follows:

"AYES—Mr. Campbell, Mr. Lincoln, Mr. Wise—3.

"NAYS—Mr. Hannegan, Mr. Muhlenberg, Mr. Pearce, Mr. Parks, Mr. Mann, Mr. Chaney—6.

"Question by Mr. Wise to Mr. Kendall:

"Have you, or not, since you have been Fourth Auditor and Postmaster General, or since you have been an executive officer of this Government, been editor, proprietor, or part owner, or publisher, joint or sole, of a newspaper called the Globe, or other newspaper published in this District, or in the United States? If so, state whether you have or have not written editorial articles for the same; and whether you have had or exercised a control or not over its general course in politics.

"Objected to by Mr. Hannegan, and rejected, as follows:

"AYES—Mr. Campbell, Mr. Lincoln, Mr. Wise—3.

"NAYS—Mr. Muhlenberg, Mr. Hannegan, Mr. Parks, Mr. Mann, Mr. Chaney—5.

"No further questions were propounded to the witness.

"Question by Mr. Wise to Mr. Littlefield:

"1. Please state to this committee all that you know respecting the conduct of David Melvill, whilst in the office of weigher and gauger, at Newport, Rhode Island, and respecting his removal from that office, and the action of the Secretary of the Treasury thereon.

"Objected to by Mr. Pearce, and rejected by the following vote:

"AYES—Mr. Muhlenberg, Mr. Wise—2.

"NAYS—Mr. Pearce, Mr. Parks, Mr. Mann—3.

"Question by Mr. Wise to Mr. Henshaw:

"1. Is Amos Kendall now, or has he been since he has been an executive officer, a member of any company for the purchase of the public lands? If so, state what company, and the extent of his interest.

"Objected to by Mr. Mann, and rejected:

"AYES—Mr. Campbell, Mr. Lincoln, Mr. Wise—3.

"NAYS—Mr. Pearce, Mr. Mann, Mr. Chaney—3.

"Question by Mr. Wise to Mr. Henshaw:

"2. Did the said Amos Kendall apply to become a member of said company, or was he applied to by said company, or any of its members, to become a member?

"Objected to by Mr. Pearce, and rejected:

"AYES—Mr. Campbell, Mr. Lincoln, Mr. Wise—3.

"NAYS—Mr. Pearce, Mr. Mann, Mr. Chaney—3.

"Question by Mr. Wise to Mr. Henshaw:

"3. Did the said Amos Kendall make any advance to the capital stock of said company? And, if so, in what manner was the sum procured and advanced?

"Objected to by Mr. Mann, and rejected:

"AYES—Mr. Campbell, Mr. Lincoln, Mr. Wise—3.

"NAYS—Mr. Pearce, Mr. Mann, Mr. Chaney—3.

"Question by Mr. Wise to Mr. Henshaw:

"4. What advantage or benefit was contemplated from the said Amos Kendall becoming a member of said company?

"Objected to by Mr. Pearce, and rejected:

"AYES—Mr. Campbell, Mr. Lincoln, Mr. Wise—3.

"NAYS—Mr. Pearce, Mr. Mann, Mr. Chaney—3.

"Question by Mr. Wise to Mr. Henshaw:

"5. Did said Amos Kendall at any time, and, if so, when, apply to be released from said company? And, if so, what reasons did he assign therefor?

"Objected to by Mr. Mann, and rejected:

"AYES—Mr. Campbell, Mr. Lincoln, Mr. Wise—3.

"NAYS—Mr. Pearce, Mr. Mann, Mr. Chaney—3.

"Question by Mr. Wise to Mr. Henshaw:

"9. Have you any information of persons interested with Mr. Kendall in the profits of buying and selling public lands? If so, state what.

"Answer by Mr. Henshaw:

"I have no information of any persons interested at this time, with Mr. Kendall, in the profits of buying and selling public lands.

"Question by Mr. Wise to Mr. Henshaw:

"10. Have you any information of persons who *have* been interested with Mr. Kendall, since he has been an ex-

ecutive officer, in the profits of buying and selling public lands? If so, state what.

"Objected to by Mr. Parks, and rejected, as follows:

"Ayes—Mr. Muhlenberg, Mr. Wise—2.

"Nays—Mr. Hannegan, Mr. Parks, Mr. Mann, Mr. Chaney—4."

In this exhibit of catechism we see neither consistency, nor propriety, nor liberality, nor fairness, in propounding or rejecting interrogatories. Some questions are propounded to some witnesses, which, in substance the same, are rejected as to others. Subjects of inquiry of the deepest interest to the public were peremptorily excluded from investigation. Mr. Woodbury, for example, was not permitted to respond as to the removal of David Melvill, or to explain why it was that he could communicate one paper and withhold another from Congress, touching the same matter, because one was confidential, the other not. Mr. Duane had been called before one committee of investigation, and an answer had been returned to him there, *because it was too full* for the limited resolution under which that committee was appointed; he was called before this committee to testify as to the grossest abuses on the part of the President in recognising and consulting with unknown and irresponsible private persons, of doubtful character, to the exclusion of those who were his regular cabinet counsellors and constitutional advisers; and the majority would not permit him to testify at all, *because he had been called before the other committee, which had also refused to allow him or any other witness to testify at all on the subject of abuses.* Mr. Vanderpoel, of New York, was called to testify whether he had not, as was known to a member of the committee, represented *that the President desired the resolution of the 17th January, under which this committee was appointed, to pass, and not the amendment requiring specific charges,* which was offered by the gentleman from Rhode Island; and to testify, also, as to what authority he had for making this representation to members; and the majority refused to hear him. Mr. Standefer was called, as stated to the committee, to prove that the President of the United States had written letters to Benjamin F. Curry, an Indian agent, which letters were used, and intended to be used, by that subordinate executive officer, publicly, against the election to Congress of Mr. Standefer; that these letters were read publicly, by this agent, to crowds of the people in Mr. Standefer's district, in Tennessee; that there was strong circumstantial evidence to prove that this was done with the knowledge and approbation of the President; and yet the majority would not examine this witness, *because the conduct of the President was not involved in the inquiry under the resolution,* as it was alleged *he* was not an *officer or agent* of the executive *departments.*

And the witness, Littlefield, was sent for hundreds of miles, for the known object of telling all he knew in relation to the removal of David Melvill, at considerable expense and trouble; and when he arrived he was permitted to testify only as to some stale charges against that injured man, supported only by *ex parte* proof, taken without notice to him, and trumped up long since his removal, for the obvious purpose of punishing him for daring to complain of wrongs already inflicted. Although there are highly penal laws of the United States against any class of executive officers being concerned in *trade,* or *in the purchase* of *public lands,* or *other public property,* (see Gordon's Digest, page 30,) and although the charge was made that officers prohibited by law from thus *trading and purchasing public lands,* and *other* public property, were, and had been, constantly *speculating on their official influence;* and although there is the most obvious impropriety and incompatibility in any head of any department being thus tempted and tempting in his place, yet the subjects of *dealing and speculating in Indian reservations,* wherein there is much foul fraud daily practised on tribes of unprotected savages, whom the United States are bound to protect, and on this Government itself, and whence have, no doubt, sprung such disastrous wars; and of *dealing and speculating in public lands,* whence, it is supposed, has been generated so much corruption and bribery among the officers of the Government of every description, and private citizens of all classes, *were sealed subjects in this committee.*

The majority, too, it is proper to state, showed as little *industry* as zeal in prosecuting the investigations of the committee. They generally voted to adjourn to the latest day; they could not be got to meet more than once a day; a resolution was passed to meet at 10 o'clock A. M. and 7 P. M.; one night session was held on the 16th February, another attempted on the 7th; but two members (Mr. Lincoln and Mr. Wise) attended, and the resolution to meet twice in twenty-four hours was repealed before it operated twice. Such has been, in general, the course of the committee. Such was to have been expected to be its course from the moment of its appointment. Six friends of the Executive to three of the opposition were placed upon it by the Speaker, who is supposed to owe his election to the influence of the President over a House where there is an overwhelming majority in favor of the administration; and of these six, several were known, by their speeches on the floor, to be utterly opposed to the resolution under which the committee was appointed, and to the investigation which that resolution instituted.

But the appointments and labors of the committee have not been in vain. Though their inquiry has had to contend with the power and popularity of the President—with the majority which his name and influence held in the House—with his official machinery there—with the committee created to smother its efforts—with an unprecedented resistance to its powers by the departments—with one of the worst evils of the times, that *gag-law* with which patronage rules the silence of the best witnesses—with the heaviest masses and burdens of papers, with which any bureau usually covers up calls for information, and baffles all attempts at analysis or synopsis, except when a partial concealment or a labored self-acquittal is meant—with shortness of time, six weeks, in which to examine the most momentous and voluminous subjects, the witnesses scattered hundreds and thousands of miles over the United States, during the winter season—and though the House discharged from attendance the main witness of all, as to one of the most serious charges against a department, and the committee has since refused to cause him (R. M. Whitney) to be summoned under a resolution stating the strongest special reason for taking his testimony, (see journal, page —,) yet, in spite of every obstacle, the investigation has developed many and important facts which it becomes every man in the nation to know.

It is the duty of the undersigned, also, to present the facts of another transaction, which involves the conduct of the Secretary of State. Reference is made to the facts simply, without comment or the expression of an opinion. A treaty, or pretended treaty, was concluded at New Echota, Georgia, on the 29th day of December, 1835, by Gen. William Carroll and John F. Schermerhorn, on the part of the United States, and the chiefs, headmen, and people, as was said, of the Cherokee tribe of Indians. Whilst the commissioners of the United States were acting, application was made to them to insert an article in that treaty binding this Government to pay a claim, commonly called the *Golphin claim.* A synopsis of that claim is herewith presented, in the form of the following letter to the commissioners.

"*Hon. Wm. Carroll and the Hon. John F. Schermerhorn:*

"Gentlemen: The Cherokee Indians having, in a late treaty concluded by you as commissioners of the Uni-

ted States appointed for that purpose, expressed their wish that certain traders might be paid their just debts, which were stipulated to be paid by the treaty of 1773, I have taken the liberty of laying before you a short history of them, being more full than heretofore communicated to you.

"From the year 1761 till the date of the treaty, in 1763, these traders had furnished the ordinary supplies to the Indians, on the faith and credit of the Creek and Cherokee nations; that, being in great distress and poverty, the Indians implored the British Crown to accept of a cession of their land, (now Wilkes county, in the State of Georgia,) to the end that their traders might be paid their debts, and enabled to furnish them (the Indians) with goods as usual. Accordingly, in December, 1772, the Colonial Governor of Georgia was instructed to hold a treaty, in compliance with the wishes of the Indians, by which instructions it appears that the British Crown was not to be pledged, on any account, for the payment of those debts, but that the lands intended to be ceded were to be sold, and the proceeds applied, in the first place, to the extinguishment of those debts, and the surplus appropriated to the defence of the colony.

"The treaty was made in 1773, and contains but a single obligation on the part of the British Government, which was the payment of the debts due to the Indian traders from the sale of the ceded lands.

"At the date of the treaty, the Indian traders not only released the British Government, but also the Indians, from all liability on account of the debts of the latter.

"The Colonial Government of Georgia, acting in obedience to instructions, appointed a commission to execute the treaty, by selling the lands comprehended in the treaty, and ascertaining the amount that was respectively due to the Indian traders when the war of the Revolution broke out.

"Before, however, this event happened, on the 2d May, 1775, George Golphin, who was an Indian trader, and held by assignment the claims of other Indian traders, obtained a liquidation of his claims to the amount of £9,791 15*s.* 5*d.* of the currency of the then province of Georgia; which sum was again guarantied to be paid, according to the stipulation of the treaty.

"The effect of the revolutionary war was to place beyond the power of the British Government the performance of the treaty by the means therein specified. But a part of these traders, who were loyal to the Crown during that contest, were afterwards paid by the British Government, notwithstanding the release heretofore referred to.

"Pending the negotiation at Paris, in 1782, a memorial was laid before the American commissioners, in behalf of certain merchants trading to South Carolina and Georgia, asking for indemnification for debts due to them from the Creek and Cherokee Indians, for the payment of which a tract of land was ceded in Georgia in 1773.

"As the American commissioners had no authority to admit or deny the justice of the claims, they were transmitted to Congress.

"It is believed that Congress never acted on this subject; or, if it did, such action was adversely to the claims of the memorialists; for we find that, in July, 1788, an act of the British Parliament was passed, creating a commission to inquire into the claims of sufferers by the cession of Georgia to the Americans.

"And, in 1790, the sum of £49,536, with interest at the rate of four per centum, was appropriated for the payment of claims on lands in Georgia ceded to the Americans.

"Under the expectation of being indemnified by these acts of Parliament, the representative of George Golphin employed Charles Goodwin, Esq., a distinguished lawyer of South Carolina, now deceased, to go to London and receive the amount of his ancestor's just debt, under these acts of Parliament. The mission of Mr. Goodwin resulted in a failure, not on account of the justice of the debts of Golphin, but the obnoxiousness of his conduct during the revolutionary struggle.

"On this side of the Atlantic, the exertions of those interested in these claims have been equally unsuccessful. It did seem equitable that when Georgia had acquired jurisdiction over the ceded territory in question, she ought to have paid these debts. Acting, probably, under this conviction, this State, in 1780, passed an act requiring such Indian traders who were friendly to the independence of the colonies, and had claims on the Indians, for the payment of which the county of Wilkes was ceded, that they lay them before the then or some future Legislature; and whatever was found to be due was to be paid in Treasury certificates, payable in two, three, and four years, bearing interest at six per centum.

"Holding forth, as this act did, a pledge that this debt of Golphin, and all such like, would be paid, his representatives have again and again petitioned the Legislature of Georgia. The uniform course of that Legislature has been to receive the petitions, raise a committee, who report favorably, and then lay it on the table for the balance of the session. None ever questioned the justice of the debt, or the firm and devoted attachment of George Golphin to the liberties of his country.

"However unfaithfully the State of Georgia may seem to have acted on this subject, her conduct will be probably justified by these considerations; she did not, by her own individual act, defeat the fulfilment of the treaty of 1773, but that it was defeated by the act of the United States, as it was a war of all the States united.

"And more especially that, as the State of Georgia, as early as 1783, had set apart for the soldiery and other troops this same territory of Wilkes county, (being then her only valuable and unlocated lands to which the Indian title was then extinguished,) for the purpose of fulfilling her engagements to the continental troops.

"That afterwards, in 1784, when her territory was enlarged by the addition of two other counties, a large section of her fertile lands was reserved, for the space of twelve months, 'for the officers, seamen, and soldiers, who were entitled to lands in that State by any resolve of Congress, or act or resolve of that State.'

"That, still finding the bounties promised to the continental soldiers could not be located, by reason of the smallness of the territory above referred to, Georgia afterwards, in 1785, declared that another portion of her soil should be deemed a reserve for the space of twelve months, 'to make good her engagements to the continental soldiery, and seamen, and officers of the medical department.'

"Thus we find that, before the termination of the revolutionary war, the State of Georgia had actually bestowed, as a resource of carrying on that war, on the continental soldiery, by way of bounty, this same territory, which had been pledged, by the Colonial Government, for the payment of debts due to the Indian traders; and, still finding her engagements to that soldiery unfulfilled, she continued to grant bounties out of her soil. In this aspect of the case, it does appear that, whatever liability appears to rest, in the first place, on the State of Georgia, that liability really and equitably rests upon the United States.

"More than half a century has been passed in earnest and fruitless negotiation with every power capable of doing justice to these claims. The Indians, in the last resort, have been applied to; they have only heard the simple history of these claims, and acknowledged the moral obligation that they ought to be paid; that, as a matter of future security, and to avoid, henceforth, all importunity on this subject, when about crossing the Mississip-

pi, and abandoning the lands of their fathers, they desire that their fathers' debts may be paid.

"MILLEDGE GOLPHIN,
One of the heirs of George Golphin."

An article was inserted (the 20th) embracing the claim, to wit:

"Art. 20. The United States do also hereby guaranty the payment of all unpaid just claims upon the Indians, without expense to them, out of the proper funds of the United States, for the settlement of which a cession or cessions of land has or have been heretofore made by the Indians in Georgia: *Provided*, The United States, or the State of Georgia, has derived benefit from the said cession or cessions of land, without having made payment to the Indians therefor. It is hereby, however, further agreed and understood, that if the Senate of the United States disapprove of this article, it may be rejected, without impairing any other provision of this treaty, or affecting the Indians in any manner whatever."

The treaty was sent by the President to the Senate, with that article in it. The Senate, May 16, 1836, refused to advise and consent to the ratification of that article, by a vote of 26 to 12. What caused the Senate to reject it thus decidedly is not known, except what appears on its face, that it singularly enough stipulated with the Indians that the United States would pay its own or Georgia's debts *out* of the proper funds of the United States.

February 13th, the Hon. John Forsyth was called before this committee, and the following examination of him as a witness took place:

"Question by Mr. Wise to Mr. Forsyth:

"1. Were you, or not, personally interested in a certain claim, commonly called the Golphin claim, as to which a stipulation was inserted in the last Cherokee treaty, as sent to the Senate of the United States to be ratified?

"Answer by Mr. Forsyth:

"I have been interested in the Golphin claim since 1827 or 1828, as counsel for the representatives of Golphin, and expect, whenever it is paid, a portion of the sums recovered.

"Question by Mr. Wise to Mr. Forsyth:

"2. Do you know whether any person or persons, connected or not with the State Department, or interested or not in said Golphin claim, offered a reward, in money, goods, or other valuable consideration, to a Cherokee chief named John Ross, to assent to the stipulation as to said claim inserted in said treaty?

"Answer by Mr. Forsyth: I do not.

"Question by Mr. Mann to Mr. Forsyth:

"9. Has the Golphin claim, in any manner, been officially before your Department for examination, pending the negotiation of the late treaty with the Cherokee Indians?

"Objected to by Mr. Parks, and adopted, as follows:

"Ayes—Mr. Pearce, Mr. Muhlenberg, Mr. Campbell, Mr. Lincoln, Mr. Mann, Mr. Wise—6.

"Nays—Mr. Parks, Mr. Chaney—2.

"Answer by Mr. Forsyth:

"The Department of State, since it has been under my care, has had no concern with the Golphin claim, other than in certifying some documents among the files of papers relating to a time anterior to the adoption of the federal constitution. All the business of Indian treaties is transacted in the War Department, to which, during the administration of it by Major Eaton, I delivered a statement of the Golphin claim, with a view to have it provided for by some subsequent arrangement with the Creek or Cherokee Indians. That statement having been mislaid, another statement was substituted for it, by the parties interested, during Governor Cass's administration. While the treaty was negotiated here, the representatives of Golphin had an agent (Judge Underwood) in this city, who applied to me to urge the President to admit the claim, which Underwood said the Indians wished to see paid. I declined any conversation with the President on the subject, because of my contingent interest. Governor Cass told me he thought the claim just, but doubted whether it should not be paid by Georgia, and not the United States. The President, as Governor Cass informed me, refused, on that ground, to permit an article respecting it to be put into the treaty. And when the treaty was considered and decided upon in the Cherokee country, the agents of Golphin procured from them the article as it went to the Senate. The claim was not admitted to form part of the treaty, but it was before the Senate on its own merits. The original demand was £9,000. A law of Georgia promises to pay 6 per cent. interest. I had no further connexion with the insertion of the article in the treaty, otherwise than advising the representatives of Golphin, before inserting it, to procure from the Indians an urgent application for the payment of the claim; and all the conversations I had on that subject, prior to the treaty, were with the parties interested, or their attorneys. I applied to Major Eaton and Governor Cass to examine the claim, and furnished means of forming a just opinion. Both were informed of my personal interest, and that what I said to them proceeded from that interest. While the treaty was before the Senate, I conversed on the subject with Mr. Preston, of South Carolina, Mr. Brown, of North Carolina, and Messrs. King and Cuthbert, of Georgia, and perhaps with others; but to no one without a distinct warning that I spoke in the character of counsel for the parties, having a contingent interest. My appeals to them were founded solely on the justice of the claim, and the hardship of the condition of the claimants."

"The following communication was received and read:

"Washington, *February* 14, 1837.

"Sir: I ask leave of the committee to correct an error in my statement relative to the amount of the Golphin claim. By referring to document No. 83, of the Senate, you will find a copy of the certificate; and the amount is £9,791 15*s.* 5*d.*, and not £9,000, as I had supposed yesterday.

"I am, sir, your obedient servant,

"JOHN FORSYTH.

"Hon. Henry A. Wise,
Chairman of the Committee, &c."

Afterwards, John Ross, the principal chief of the Cherokee nation, was called, and testified as follows:

"Mr. Wise to Mr. Ross:

"1. Please state all that you know respecting the means which were employed, or the influence exerted, by any officer or agent of the executive departments, to have the stipulation respecting the Golphin claim, commonly so called, inserted in the last treaty with the Cherokee nation; and to obtain your assent to the same, after it was inserted, as a chief of that nation or tribe.

"2. Were you offered a reward, bribe, or valuable consideration of any kind—if so, what?—by any officer or agent of either of the executive departments, or by any person, for any officer or agent thereof—if by any one, whom?—to obtain your assent, or that of any other headman or chief of your nation, to said Golphin claim, or to said treaty, in which it was inserted?

"3. Will you please state all that you know respecting the conduct of the various officers, agents, superintendents, or other persons employed or paid by the Government to superintend and negotiate its affairs with the Cherokees, from the year 1828 up to the present period?

"*Answer of Mr. John Ross, Indian Chief.*

"Washington City, *February* 25, 1837.

"Sir: In reply to the first question propounded to me by the honorable committee, I have the honor to state that I know of none of the means which were employed, or of the influence exerted, by any of the officers or agents of the executive departments, to have the stipulation respecting the Golphin claim (so called) inserted in the (alleged) Cherokee treaty. That instrument was negotiated and entered into with certain unauthorized individuals of the Cherokee nation, at a time when I was in this city with a delegation who were duly authorized and empowered by said nation to negotiate a treaty with the United States Government. After the arrival of John F. Schermerhorn, the commissioner of the United States, in this city, and of several of the Cherokee individuals who had entered into the aforesaid instrument, and who had come on for the purpose of getting their proceedings ratified by the Government, the duly-authorized delegation, of which I was a member, received from the Cherokee people, through the hands of certain special messengers, their protest against the ratification of the pretended treaty aforesaid, and which was communicated to the War Department for the information of the President. At the same time, the delegation stated their readiness to negotiate with the Government for a treaty, by which the Cherokee difficulties might be satisfactorily and honorably adjusted. A reply was returned, through the Commissioner of Indian Affairs, saying to us, (the delegation,) 'You will distinctly understand that you will not be recognised by the Department as members of a delegation, unless you will unite with those who had come on with the treaty, and sign the same, and co-operate with them to effect its ratification.'

"To the second question, I have the honor to state that no reward, bribe, or valuable consideration of any kind, has been offered me, by any officer or agent of either of the executive departments, or by any person, for any officer or agent thereof, to obtain my assent, or that of any other headman or chief of my nation, to said Golphin claim, or to said instrument in which it was inserted.

"From the nature of the oath which has been administered to me, and the generality of the questions propounded, I feel bound further to state, as concisely and substantially as my memory will permit, such facts known to me as I believe have any bearing upon those questions. Some time during the session of the Congress of 1832–'33, I was called upon in my room at Brown's hotel, on one Sunday morning, by a person who introduced himself as a Mr. Hunter, doorkeeper of the house of Representatives, and who inquired if I was acquainted with Mr. Barney McKinney, of Augusta, Georgia. I replied in the affirmative. He then asked if I knew any thing about the Golphin claim. I replied that Mr. McKinney, to whom he had just alluded, had once been at my house in the Cherokee nation, and was accompanied by Colonel Andrew Erwin; that said McKinney had laid before me certain papers in reference to that claim; that he considered the claim to be a good one against the State of Georgia; and that he had proffered to lease the Cherokee gold mines, and to pay the nation in that claim; that my reply was, that I had no authority to dispose of the gold mines in any manner, nor did I know whether the general council of the nation would be disposed to rent them out; and if the council would make a lease of them, I was sure that it would not agree to accept of that claim in payment, however good it may be against Georgia; because, if that State had proved herself faithless towards the just rights of her own citizens, by withholding payment to that claim, the Cherokees could have no confidence that she would be more faithful towards them in paying it, when transferred to them. Mr. Hunter remarked that he had acted as an agent for the proprietors of that claim, in trying to have it recognised and paid, and that he had spent a good deal of money on that business; so he was interested in said claim. That he had heard it was probable that the Cherokee delegation, then in the city, would enter into a treaty of cession with the Government; and if, in case a treaty be negotiated, and I would get an article inserted in the treaty for the payment of that claim, he would make me interested in it to the amount of $40,000 or $50,000; this proposition was spurned, and the interview broken off. Some short time thereafter, I was again visited in my room by another gentleman, who introduced himself to me as a Mr. Crawford, of Augusta, Georgia, then late Attorney General of that State. This gentleman remarked that he was interested in the Golphin claim, and, from what he had heard of Mr. Hunter's interview with me in reference to that claim, he was sorry to believe that Mr. Hunter had presented the subject before me in a manner that was offensive; and he hoped, from the knowledge I had of his character, and the respect which he entertained for mine, that I would believe him incapable of proposing any thing that would be dishonorable. I related what had passed between Mr. Hunter and myself, and expressed my regret and disapprobation of being thus tampered with. He expressed his disapprobation also of the manner in which Mr. Hunter had presented the subject before me. Mr. Crawford then proposed to surrender into my hands the documents relating to the Golphin claim; and said, if a treaty be entered into with the Government, and the delegation would get an article inserted to bind the United States to pay that claim, the delegation might retain such a portion of the amount of the claim, for the benefit of their nation, as they thought proper—even the one half, so that the residue be paid over to the proper claimants. I refused having any thing to do with the claim, or to examine the documents, because it was not a debt against the Cherokee nation; and if considered as a claim against the United States, it ought to be presented before the proper officers of the Government, for settlement. Some time during the session of the Congress of 1834–'35, William H. Underwood, Esq., of Georgia, who had been employed to defend the rights of the Cherokees before the courts of that State, arrived in this city, unsolicited by the Cherokee delegation, and whilst the delegation were in correspondence with the Secretary of War on the subject of negotiating a treaty. Mr. Underwood remarked to me that he was intrusted with the Golphin claim, and was promised a handsome fee for its collection; that he was poor, and if the delegation negotiated a treaty with the Government, he would take it as a great favor in me if I would secure the insertion of such an article in it, which he would draw up, couched in such language as would not, in the slightest manner, affect the interests or rights of the Cherokees, but which would commit the United States to pay the claim, and that I should be no loser. I replied that he well knew I had every disposition to render him any favor, without remuneration, when in my power to do it honorably, and without injury to the nation. A short period thereafter, when I was preparing a communication to the Secretary of War, embracing certain propositions for a treaty, Mr. Underwood came into my room, and showed me an article which he had drawn up, to embrace the Golphin claim, and asked if I would not, in the concluding part of the communication which I was then writing, insert it as a part of the propositions of the delegation. I replied no; and he retired from the room. Soon after this, Mr. John F. Schermerhorn, a commissioner of the United States, negotiated a proposition, in treaty form, with John Ridge and other individuals of the Cherokee nation, then in this city; and when Mr. Underwood left the city, it was made known to me that the Government had paid his expenses in coming, staying here, and returning home.

"After my return to the Cherokee nation, in the course

of the spring of 1835, it was communicated to me that Mr. Underwood and John Ridge had written a letter to the Secretary of War, suggesting that, if the Cherokees were assured that the President would not offer them any other terms for a treaty than were contained in the propositions negotiated with Ridge and others, in all probability they would be induced to adopt them; that a letter, in reply from the Secretary, was returned, making such declarations as had been suggested, extracts of which were then transmitted by Mr. Underwood to certain persons in the nation, for the information of the Cherokees. After this, there followed a letter from the President of the United States to Governor Lumpkin, authorizing the Governor to make it known, for the information of the Cherokees, that, if they did not accept of the propositions offered, he would not, during his administration, offer them any other terms, but give them up to the jurisdiction of the State authorities, to be dealt with as they may think proper. In the course of the summer of that year, Major William Y. Hansell, who had been associated with Mr. Underwood as an attorney at law, paid me a visit at a mineral spring, where I had taken my family for their health. He made known to me that Mr. Forsyth, the Secretary of State of the United States, was then or had been in Georgia, and that he (Hansell) had ascertained from an unquestionable source that Mr. Forsyth was one of the parties interested in the Golphin claim; that he possessed great influence over the President, and, notwithstanding the declarations made by the President through Governor Lumpkin, Mr. Forsyth could and would induce the President to grant an additional sum of money, sufficient to cover the Golphin claim, over and above what was stipulated in the propositions submitted to the nation, if the Cherokees would sanction a treaty upon such terms.

"To the 3d question, I beg leave to remark that a statement to this question would necessarily be very lengthy, which, together with the want of references to such documentary facts as are not at present within my reach, renders it impossible for me to prepare an answer during the present session of Congress. The honorable committee will therefore please to excuse me for simply referring them to the correspondence between myself and associates and the various officers of the Government, and to the memorials and protests submitted both to the executive departments and the Congress of the United States, by myself and colleagues, on the part of the Cherokee nation, from 1828 up to the present session of Congress; and, in conclusion, to lay before them an official general order, (No. 74,) dated 'Headquarters, Army, E. T. and C. N., Fort Cass, November 3, 1836,' and signed 'John E. Wool, Brigadier General commanding.'

"I have the honor to be, very respectfully, your obedient, humble servant,

"JOHN ROSS.

"To the Hon. Henry A. Wise,
Chairman of the Select Committee of Investigation."

"Headquarters, Army, E. T. and C. N.,
Fort Cass, *November* 3, 1836.

"GENERAL ORDER—No. 74.

"I am instructed by the President of the United States, through the War Department, to make known to Mr. John Ross, and all others whom it may concern, that it is his determination to have the late treaty, entered into between the United States and the Cherokee people, and ratified by the Senate the 25th May, 1836, 'religiously fulfilled, in all its parts, terms, and conditions, within the period prescribed;' and that 'no delegation which may be sent' to Washington, 'with a view to obtain new terms, or a modification of those of the existing treaty, will be received or recognised; nor will any intercourse be had with them, directly or indirectly, orally or in writing;' and that the President regards the proceedings of Mr. Ross and his associates, in the late council held at Red Clay, 'as in direct contravention of the plighted faith of their people; and a repetition of them will be considered as indicative of a design to prevent the execution of the treaty, even at the hazard of actual hostilities; and they will be promptly repressed.'

"It is further made known, by instructions from the War Department, that 'if any of our citizens enter the Cherokee country, and incite opposition to the execution of the treaty,' they will be proceeded against according to the laws of the State, if any exist on the subject, in which they may enter; and if there should be 'no law of the State which can be brought to bear on them, and under which they may be removed,' 'it is the opinion of the President,' as expressed through the War Department, 'that they may be removed' out of the country 'under the 6th article of the treaty,' in which the United States guaranty that the Cherokees shall be 'protected against interruption and intrusion from citizens of the United States who may attempt to settle in the country,' unless it is with the express consent 'of the committee who are acting under the 12th article of the treaty; and, by the terms of that article, they alone are authorized to give it.'

"All officers of the army, whether commanding volunteers or regular troops, under my command, are required and directed to make known to all persons residing or who may come within the range of their respective commands the contents of this order; and to make diligent search and inquiry in regard to all citizens who may enter the Cherokee country and incite opposition, or interfere with the due execution of the treaty, and report their names and places of residence, without delay, to general headquarters, in order that they may be proceeded against according to the laws of the country and the instructions of the President of the United States. They are also required and directed to prevent all meetings and to break up all councils coming to their knowledge, assembled in the Cherokee country, for the purpose of opposing the treaty or discussing its non-execution.

"JOHN E. WOOL,
Brigadier General commanding."

The amount of this Golphin claim, principal and interest, is estimated at about $150,000.

The undersigned deems it to be his duty to present also another subject clearly before the House and the nation.

On the 11th July, 1836, the Treasury Department issued a circular to the land receivers and deposite banks, requiring specie in payment for the public lands. This circular, it is believed, was dictated by the President, without the concurrence of the Secretary of the Treasury; it is believed to have benefited speculators in the public lands only, many of whom are charged to be officers of the Government; and the circular itself was thought to be, if not in violation of law, a suspension of law—at least in violation of a sacred principle of civil liberty, "*that all power of suspending laws*, or the execution of laws, by *any* authority *without the consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.*" The circular was an abuse in itself, but its application, or rather the exception in its application, was a greater abuse still, as the following correspondence between the Branch Bank of Alabama, at Decatur, and the Secretary of the Treasury, will show.

The cashier of the Branch of the Bank of the State of Alabama, at Decatur, addressed a letter to the Secretary of the Treasury, dated July 28, 1836, in which he says:

"Branch of the Bank of the State of Alabama,
Decatur, *July* 28, 1836.

"Sir: In consequence of your letter under date of the 11th instant, addressed to the receivers of public money," &c. [meaning the circular requiring specie for the public

lands,] "the directors of this institution have ordered me to make the following inquiry:

"In consequence of the purchase by you of five hundred thousand dollars of Alabama State bonds, being for the increase of the capital of this branch bank, the payment of which has been agreed to be made, from time to time, by the receiver of moneys at Pontitoc, for the lands sold, or to be sold, for the benefit of the Chickasaw nation, as fully expressed in the terms of purchase and sale, under date 31st March, 1836, I would, therefore, very respectfully beg leave to inquire whether you will be pleased to order the said receiver at Pontitoc to accept, in payment for said public lands, the notes, or certificates of deposite, of this branch bank, to the amount of $500,000, or such an amount as may be due this branch bank at the time of said payments being made. This bank, as a matter of course, agreeing to redeem its own notes by checks at sight--in this instance, payable either at the Union Bank of Louisiana or Citizens' Bank, New Orleans; the Mechanics' Bank, Philadelphia, or the Phœnix bank, New York; for any sum or sums over and above the amount due to it from the Treasury, and which might be paid to the receiver at Pontitoc for Chickasaw lands during the present year.

"This request is not made with a view to the accommodation of the bank so much as for the convenience of the people, particularly the citizens of this valley, a number of whom have already made settlements in the Chickasaw country, and are consequently about to remove there. It is, therefore, at their suggestion that the directory of the institution have been induced to request such an application to be made; for (permit me to say) this branch bank is fully prepared to afford its customers the necessary facilities for the payment of their lands in specie dollars; but the trouble and risk in the transmission of such being on all hands acknowledged to be great, through a country but thinly peopled, and where several robberies and depredations have been committed, that we are anxious that the same facilities which have heretofore been extended to them should be continued.

"Under the peculiar circumstances of the case, this branch bank having to receive a large proportion of the whole amount of money which will have to be paid at Pontitoc for lands sold there this fall, it is hoped the arrangement sought for will not be considered in any way injurious to the public interest, while it would be a great accommodation to the citizens of this section of country, as well as to this institution. I am in daily expectation of receiving the bonds referred to from the bank of the State at Tuscaloosa, which, when received, shall be executed immediately, and forwarded for the amounts as received from the receiver at Pontitoc.

"With greatest respect, I have the honor to be, &c.

"JAMES DURNO, *Cashier.*

"Hon. LEVI WOODBURY,
Secretary of the Treasury."

The reply of the Secretary was as follows:

"TREASURY DEPARTMENT, *August* 11, 1836.

"SIR: Your communication of the 28th ultimo, respecting the receipt of the notes of your bank by the receiver at Pontitoc, to the amount of your contract with this Department, has been received.

"I am willing that he should take your notes to the extent of what is coming to your bank, under the contract, upon your agreeing to receive them from him as money. He is authorized to do this in that way, and to that extent, on your showing him this letter; but I cannot alter the regulations as to notes generally and for general purposes.

"I am, very respectfully, your obedient servant,

"LEVI WOODBURY, *Sec. Treasury.*

"JAMES DURNO, Esq.,
Cashier Branch Bank of Alabama, Decatur."

Thus, by this circular, and this exception under it, not only were the laws suspended, but their *uniformity* destroyed, *by the authority of the President alone, immediately after Congress was in session.* One portion of the people was accommodated, in being allowed to pay for public lands in convenient bank notes, whilst their neighbors were obliged to pay in specie, at every cost, and trouble, and risk of transportation. One bank's notes were received to any amount less than $500,000 dollars, whilst the banks of the surrounding States, or of Tennessee at least, were run hard for every dollar or coin which could be had. The presidential election was then fast approaching; and what effect this indulgence, and that contained in the circular as to bank notes of Mississippi banks, for lands in Mississippi, had upon the people of the two States, Alabama and Mississippi, it is not difficult to determine.

There are a number of other cases which might be selected from the testimony, the whole mass of which is submitted, but the committee has not had time to report particularly upon them. The undersigned, however, would call the attention of the House particularly to a report of Amos Kendall and John P. Van Ness, commissioners appointed, by authority of the President, to receive and report testimony touching certain charges preferred by H. Gassaway; and also to the testimony of Commodore Morris and Charles W. Goldsborough, in relation to said charges, in the appendix to the journal of this committee. One thing is remarkable about this notable commission, that the commissioners, it seemed, issued SUBPŒNAS for witnesses in the form of "*request,*" and it is believed that one or both of them administered corporal oaths. How far the constitution of this tribunal was in the competency of executive authority, the undersigned is not prepared to say. But this [they] are prepared to say: that, whilst the President was denouncing this committee as worse than a Spanish inquisition, he should have looked well to his own acts instituting commissions of inquiry. Certain it is, that though these commissioners reported very strongly against several officers in the Navy Department, not one of them, as far as this committee is informed, has ever been removed from office.

It had been represented to a member of the committee that disbursing officers had unnecessarily drawn specie from the deposite banks, after the issuing of the Treasury circular requiring specie payments for public lands, and sold the same as merchandise, for their private profit, to those who required specie at the land offices. This subject was left unexamined, except by a call on the Department, which resulted in developing nothing of the abuse. The subjects of frauds in Indian reservations, and in the purchase and sales of public lands, in connexion with the legislation of Congress, as well as the executive administration, were necessarily left untouched, although the attention of the committee was called to them in various ways.

[See anonymous letters, and the examinations of Amos Kendall and David Henshaw; see, also, the letter of R. T. Archer, and the answer of the Department to the call of the committee, on its subject-matter.]

The minority cannot do less than justice to Colonel Towson, the paymaster general of the army, by saying that a complaint was made against his official conduct by a person named Hobby, and he promptly asked for inquiry and investigation, as the best means of doing justice both to the Government and the officer; the committee had not time to examine and report upon his case, and can only refer to his testimony for the facts of his defence. For other matters, also of great interest, the minority must refer generally to the testimony of the Honorable H. L. White, John Bell, Balie Peyton, Francis W. Pickens, Henry A. Wise, Amos Kendall, David Henshaw, John Ross, and others who were examined. Many who were summoned

and sworn could not be examined; some for the want of time, and others because they would not have been permitted to testify as to the matter of evidence for which they were called.

There is not time, in fact, or opportunity, (part of the journal of the committee having been until the present moment in the hands of the printer,) to digest and properly arrange the facts which have been proved. But, in conclusion, the undersigned would humbly hope that the labors of the committee may be fruitful of health and purity to the administration of the Government. Whether inquiry results in vindicating public officers, and demonstrating their integrity and capacity, or in detecting and exposing their errors of maleadministration, their characters on the one hand, and the interests of the Government on the other, are well worth the trouble and the cost of inquiry. The wisest system of laws is no better than the worst, when corruptly and ignorantly administered; and the worst system as wholesome as the best, when administered by pure, patriotic, capable, and independent public servants, who act officially with a single eye to the public good.

All which is respectfully submitted, as a substitute for the report of the majority. HENRY A. WISE.

February 27, 1837.

TREATY WITH SPAIN.

Documents in relation to the bill "giving effect to the 8th article of the treaty of 1819 with Spain.

In Senate of the United States,
January 4, 1837.

Mr. King, of Georgia, submitted the following documents in relation to the bill "giving effect to the 8th article of the treaty of 1819 with Spain:"

List of papers translated by Robert Greenhow, translator of foreign languages to the Department of State of the United States, for the honorable J. M. White, of Florida.

A. Letter from Don A. Calderon de la Barca, minister of Spain in the United States, to the honorable J. M. White, dated March 10, 1836.

B. Preliminary convention of November 3, 1762, between France and Spain, for the surrender of Louisiana to the latter.

C. Acceptance of the cession of Louisiana by the King of Spain, November 13, 1762.

D. Definitive act of cession of Louisiana by France to Spain, November 23, 1762.

E. The 6th article of the preliminary convention of Fontainebleau, of November 3, 1762; indentical with—

F. The 7th article of the treaty of peace and friendship between Spain and France, signed at Paris, February 10, 1763.

G. Note from the Duke de Choiseul, prime minister of France, to the Spanish ambassador at Paris, accompanying—

H. Order from the King of France to the Governor of Louisiana to deliver that province to Spain, April 21, 1764.

I. The 2d article of the treaty between Spain and the United States, signed at San Lorenzo el Real, October 27, 1795.

K. Preliminary and secret treaty of October 1, 1800, between France and Spain, for the enlargement of the territories of the Duke of Parma and the restoration of Louisiana to France.

L. Treaty of Aranjuez, for the enlargement of the dominions of the Duke of Parma, or rather for his elevation to the throne of Tuscany, and the restoration of Louisiana to France, signed March 21, 1801.

M. Letter from the Secretary of State of Spain to Mr. C. Pinckney, minister of the United States at Madrid, refusing to sell Florida or to admit an American commercial agent at New Orleans, April 7, 1802.

N. Letter from Charles Pinckney, minister of the United States in Spain, to the Secretary of State of Spain, respecting the conduct of the intendant of New Orleans, and proposing, in the name of the United States, to purchase the Floridas, February 17, 1803.

O. Propositions accompanying the above letter (N.)

P. Letter from the Secretary of State of Spain to Mr. C. Pinckney, complaining of the sale of Louisiana by France to the United States, and declaring the Floridas not to be the property of France, July 19, 1803.

Q. Protest of the Spanish commissioner at New Orleans against the pretensions of the United States as to limits, March 31, 1804.

R. Reply of the French Colonial Prefect, April 2, 1804.

A.

From Don Angel Calderon de la Barca, Envoy Extraordinary and Minister Plenipotentiary of Spain in the United States of America.

Washington, *March* 10, 1836.

Sir: His excellency the first Secretary of State and Affairs of her Catholic Majesty, my august sovereign, has addressed the following communication, under date of the 21st of November last, to the legation under my charge:

"A citizen of that republic and member of its Congress, named Mr. White, has solicited from the Queen Governess, in virtue of powers conferred upon him by various Spanish inhabitants of the Floridas, legalized copies of certain public documents, now in the archives of this Department, relating to the cession of the Floridas, to be used in defending the rights of the said persons to the possession of lands and property, in a suit which is to be decided in January next in the Supreme Court of those States.

"Her Majesty having been informed on the subject, has been pleased to accede to this request; in consequence of which, and by royal order, I transmit to you the accompanying copies of the said papers, that you may deliver them to Mr. White, to be used by him as he may judge proper for the benefit of his clients."

I have therefore the honor to communicate to you the above, and to send you the documents referred to. Be pleased, sir, to acknowledge the receipt of them, and to accept the assurances of my distinguished consideration.

A. CALDERON DE LA BARCA.

To Joseph M. White.

Translated from the original in the Spanish language, by me, Robert Greenhow, translator of foreign languages to the Department of State of the United States.

Washington, *March* 22, 1836.

B.

Preliminary Convention between the Kings of France and Spain, for the cession of Louisiana to the latter.

Translated from a certified copy of the original in the French language, deposited in the archives of the Department of State at Madrid.

The Most Christian King, being firmly resolved to strengthen and perpetuate the bonds of tender amity which unite him to his cousin the Catholic King, proposes in consequence to act with his Catholic Majesty at all times and in all circumstances in a perfect uniformity of principles, for the common glory of their house and the reciprocal interests of their kingdoms.

With this view, his Most Christian Majesty, being fully

sensible of the sacrifices made by the Catholic King, in generously uniting with him for the restoration of peace, desires, on this occasion, to give him a proof of the strong interest which he takes in satisfying him and affording advantages to his crown.

The Most Christian King has accordingly authorized his minister, the Duke de Choiseul, to deliver to the Marquis de Grimaldi, the ambassador of the Catholic King, in the most authentic form, an act, whereby his Most Christian Majesty cedes in entire possession, purely and simply, without exception, to his Catholic Majesty and his successors, in perpetuity, all the country known under the name of Louisiana, as well as New Orleans and the island in which that place stands.

But as the Marquis de Grimaldi is not informed with sufficient precision of the intentions of his Catholic Majesty, he has thought proper only to accept the said cession conditionally, and *sub spe rati*, [*under expectation that it will be ratified*,] until he receives the orders expected by him from the King his master, which, if conformable with the desires of his Most Christian Majesty, as he hopes they will be, will be followed by the authentic act of cession of the said country; stipulating also the measures and the time, to be fixed by common accord, for the evacuation of Louisiana and New Orleans, by the subjects of his Most Christian Majesty, and for the possession of the same by those of his Catholic Majesty.

In testimony whereof, we, the respective ministers, have signed the present preliminary convention, and have affixed to it the seals of our arms.

Done at Fontainebleau, on the third of November, one thousand seven hundred and sixty-two.

THE DUKE DE CHOISEUL.
THE MARQUIS DE GRIMALDI.

A true copy from the original.

THE DUKE DE CHOISEUL.

To the copy from which the above translation was made are appended the certificates of Don Ceferino Cevallos, archivist of the Department of State of Spain, to its exact conformity with the original; and of Don Angel Calderon de la Barca, envoy extraordinary and minister plenipotentiary of Spain in the United States, of its having been received by him from the first Secretary of State of Spain, and delivered to the Hon. J. M. White, of Florida.

The translation was faithfully made by Robert Greenhow, translator of foreign languages to the Department of State of the United States.

Washington, *March* 24, 1836.

D.

Definitive act of cession of Louisiana by the King of France to the King of Spain.

Translated by Robert Greenhow, translator of foreign languages to the Department of State, from an authentic copy of the original in the Department of State of Spain, to which copy are appended the certificate of Don Ceferino Cevallos, archivist of the Department of State of Spain, that it is a true copy from the original, and the certificate of Don A. Calderon de la Barca, envoy extraordinary and minister plenipotentiary of Spain in the United States, that it was received by him officially from the first Secretary of State of Spain, and delivered to the Hon. J. M. White, of Florida.

Louis, by the grace of God, King of France and Navarre, to all to whom these presents shall come, greeting: Whereas our very dear and well-beloved cousin, the Duke de Choiseul, peer of our realm, knight of our orders and of the golden fleece, lieutenant general of our armies, governor of Touraine, colonel general of the Swiss and Grisons, grand master and superintendent general of the posts and relays of France, our Minister and Secretary of State for the Departments of War and Marine and the correspondence with the courts of Madrid and Lisbon, did sign, in our name, with the Marquis de Grimaldi, knight of our orders, gentleman of the chamber, in exercise of our very dear and well-beloved brother and cousin the Catholic King, and his ambassador extraordinary near us, a preliminary convention, whereby, in order to give to our said brother and cousin a new testimonial of our tender friendship, of the strong interest which we take in satisfying him and promoting the welare of his crown, and of our sincere desire to strengthen and render indissoluble the bonds which unite the French and Spanish nations, we ceded to him entire and perpetual possession of all the country known under the name of Louisiana, together with New Orleans and the island in which that city stands, which convention had only been signed conditionally and *sub spe rati* by the Marquis de Gramaldi: and whereas our said brother and cousin the Catholic King, animated by the same sentiments towards us which we have evinced on this occasion, has agreed to the said cession, and ratified the conditional acceptation made by his said ambassador extraordinary, which convention and ratification are here inserted, word for word, as follows:

Don Carlos, by the grace of God, King of Castile, of Leon, of Arragon, of the Two Sicilies, of Jerusalem, of Navarre, of Granada, of Toledo, of Valencia, of Gallicia, of Majorca, of Seville, of Sardinia, of Cordova, of Corsica, of Murcia, of Jaen, of the Algarves, of Algesiras, of Gibraltar, of the Canary Islands, of the East and West Indies, and the islands and main land of the ocean; Archduke of Austria; Duke of Burgundy, of Brabant and Milan; Count of Hapsburg, of Flanders, of Tyrol, and of Barcelona; Lord of Biscay and of Molina, &c.

Whereas, on the third day of the present month, the preliminaries of a peace were signed between the crowns of Spain and France on the one part, and those of England and Portugal on the other, and the Most Christian King, my very dear and well-beloved cousin, purely from the nobleness of his heart, and the love and friendship in which we live, thought proper to dispose that the Marquis de Grimaldi, my ambassador extraordinary near his royal person, and the Duke de Choiseul, his Minister of State, should on the same day sign a convention, by which the crown of France ceded immediately to that of Spain the country known by the name of Louisiana, together with New Orleans and the island in which that city stands, and by which my said ambassador agrees to the cession only conditionally *sub spe rati*, as he is not furnished with orders to execute it absolutely; the tenor of which convention is the following:

The Most Christian King, being firmly resolved to strengthen and perpetuate the bonds of tender amity which unite him to his cousin the Catholic King, proposes in consequence to act with his Catholic Majesty, at all times and in all circumstances, in a perfect uniformity of principle, for the common glory of their house and the reciprocal interests of their kingdoms.

With this view, his Most Christian Majesty, being fully sensible of the sacrifices made by the Catholic King in generously uniting with him for the restoration of peace, desires, on this occasion, to give him a proof of the strong interest which he takes in satisfying him and affording advantages to his crown.

The Most Christian King has accordingly authorized his minister, the Duke de Choiseul, to deliver to the Marquis de Grimaldi, the ambassador of the Catholic King, in the most authentic form, an act whereby his Most Christian Majesty cedes, in entire possession, purely and simply, without exception, to his Catholic Majesty and his successors, in perpetuity, all the country known under the name of Louisiana, as well as New Orleans and the island in which that place stands.

But, as the Marquis de Grimaldi is not informed with

sufficient precision of the intentions of his Catholic Majesty, he has thought proper only to accept the said cession conditionally and *sub spe rati*, until he receives the orders expected by him from the King his master, which, if conformable with the desires of his Most Christian Majesty, as he hopes they will be, will be followed by the authentic act of cession of the said country, stipulating also the measures and the time, to be fixed by common accord, for the evacuation of Louisiana and New Orleans, by the subjects of his Most Christian Majesty, and for the possession of the same by those of his Catholic Majesty.

In testimony whereof, we, the respective ministers, have signed the present preliminary convention, and have affixed to it the seals of our arms.

Done at Fontainebleau, on the third of November, one thousand seven hundred and sixty-two.

THE DUKE DE CHOISEUL.
THE MARQUIS DE GRIMALDI.

Therefore, in order to establish between the Spanish and French nations the same spirit of union and friendship which should subsist as they do in the hearts of their sovereigns, I, therefore, take pleasure in accepting, as I do accept, in proper form, the said act of cession, promising also to accept those which may hereafter be judged necessary for carrying it into entire and formal execution, and authorizing the said Marquis de Grimaldi to treat, conclude, and sign them.

In testimony whereof, I have ordered these presents to be drawn up, signed by my hand, sealed with my privy seal, and countersigned by my Councillor of State and chief Secretary of State and War. Given at San Lorenzo el Real, on the thirteenth of November, seventeen hundred and sixty-two.

THE KING.

Countersigned: Ricardo Wall.

The said acceptation and ratification having been approved by us, and regarded as a strong evidence of the friendship and good will of our very dear and well-beloved cousin the Catholic King, we renew and confirm by these presents the cession of Louisiana and of New Orleans, with the island in which that city stands, promising immediately to conclude with our said brother and cousin a convention, in which the measures to be taken in concert for executing and consummating this cession to our mutual satisfaction will be fixed by common accord. In faith whereof, we have caused these presents to be drawn up, which we have signed with our hands, and have affixed to them our secret seal.

Given at Versailles, on the twenty-third day of the month of November, in the year of grace one thousand seven hundred and sixty-two, and of our reign the forty-eighth.

LOUIS.

By the King:
Choiseul, Duke de Praslin.

E and F.

The seventh article of the definitive treaty of peace and amity between the Kings of France, Spain, and England, signed at Paris on the 10th of February, 1763; which is word for word the same with the sixth article of the preliminary convention between the same Powers, signed at Fontainebleau on the 3d of November, 1762.

Translated from authentic copies of both the articles in the French language, which have been found to be identical, by Robert Greenhow, translator of foreign languages to the Department of State of the United States; to which copies are appended the certificates of Don Ceferino Cevallos, keeper of the archives of the Department of State at Madrid, that they are exact transcripts from the originals, and of Don A. Calderon de la Barca, envoy extraordinary and minister plenipotentiary of Spain, that they were transmitted to him by the Secretary of State of Spain, and delivered to the Hon. J. M. White, of Florida.

Article 7 or 6. In order to re-establish peace on solid and durable foundations, and to remove forever all motives for dispute respecting the limits of the French and British territories on the American continent, it has been agreed that the limits between the States of his Most Christian Majesty and those of his Britannic Majesty, in that part of the world, shall hereafter be irrevocably fixed by a line drawn along the middle of the river Mississippi, from its source, to the river Iberville; and thence, by another line, through the middle of that river and of the lakes Maurepas and Pontchartrain, to the sea; and, for this purpose, the Most Christian King cedes to his Britannic Majesty, and guaranties to him, the entire possession of the river and port of Mobile, and of all that he possesses or should have possessed on the left bank of the river Mississippi, with the exception of New Orleans, and of the island whereon that city stands, which are to remain subject to France; it being understood that the navigation of the Mississippi river is to be equally free to the subjects of Great Britain and of France, in its whole breadth and extent, from its source to the sea, and particularly that part between the said island of New Orleans and the right bank of the river, as well as the entrance and departure by its mouth. It is moreover stipulated, that vessels belonging to the subjects of either nation are not to be detained, searched, nor obliged to pay any duty whatsoever. The stipulations contained in the fourth article, in favor of the inhabitants of Canada, are to be of equal effect with regard to the inhabitants of the countries ceded by this article.

G.

Note from the French Minister to the Spanish Ambassador; translated from a copy certified like that from which the preceding translation was made.

Versailles, *April* 21, 1764.

Sir: The King has caused the necessary orders to be issued for the surrender of the country of Louisiana, with New Orleans and the island in which the said city stands, into the hands of the commissioner whom his Catholic Majesty may appoint to receive them. I have sent the same papers to the Marquis D'Ossum, who will have the honor to present them to his Catholic Majesty. Your excellency will see that the King's orders are entirely conformable with the acts signed in 1762, and that his Majesty has caused some articles to be inserted, equally conducive to the tranquillity of the country after it is in the possession of his Catholic Majesty, and to the happiness of its inhabitants.

I have the honor to be, with great esteem, your excellency's most humble and obedient servant,

THE DUKE DE CHOISEUL.

To the Conde De Fuentes.

H.

Order from the King of France to the Governor of Louisiana to deliver up that province to the Spaniards.

Translated by Robert Greenhow, translator of foreign languages to the Department of State of the United States, from an authentic copy of the original in the archives of the Department of State of Madrid; to which copy are appended the certificates of Don Ceferino Cevallos, keeper of the archives of the Department of State at Madrid, that it is a faithful transcript from the original, and of Don A. Calderon de la Barca, envoy extraordinary and minister plenipotentiary of Spain in the United States, that it was transmitted to him officially by the Secretary of State of Spain, to be delivered to the Hon. J. M. White, of Florida.

Monsieur Dabadie: by a convention made at Fontainebleau, on the 3d of November, 1762, I ceded, of my own free will, to my very dear and well-beloved cousin the King of Spain, and to his successors and heirs in perpetuity, purely, simply, and without exception, all the country known by the name of Louisiana, together with New Orleans and the island in which that city stands; and by another act, made at the Escurial, and signed by the King of Spain on the 13th of November of the same year, his Catholic Majesty accepted the cession of the said country of Louisiana, and of the city and island of New Orleans, conformably with the copies of the said acts which you will receive with this. I now write to inform you of my intention, which is, that as soon as this letter and the annexed copies reach you, whether through the officers of his Catholic Majesty or directly by the French ships charged with their delivery, you are to surrender into the hands of the Governor or officer appointed for the purpose, by the King of Spain, the said country and colony of Louisiana, and the posts dependent on it, together with the city and island of New Orleans, such as they may be on the day of the said surrender; as it is my wish that they should belong in future to his Catholic Majesty, to be governed and administered by his Governors and officers as his property, entirely and without exception.

I therefore order you, as soon as the Governor and troops of his Catholic Majesty arrive in the said countres and colony, to put them in possession, and to withdraw all the officers, soldiers, and persons, employed in my service, who may be there yet in garrison, sending back to France, or my other American colonies, those who may not choose to remain under the Spanish dominion. It is, moreover, my pleasure, that, after the evacuation of the said posts and city of New Orleans, you should collect all the papers and documents relative to the finances and administration of the colony of Louisiana, and bring them to France, for the regulation of the accounts. It is nevertheless my wish that you should deliver to the said Governor, or officer appointed for the purpose, all papers or documents which may specially concern the Government of the colony, either as relating to the territory and its limits, or to the savages, and to the different posts, after having taken the proper receipts for your discharge; and that you should give to the said Governor all the information in your power to enable him to govern the said colony to the satisfaction of his Catholic Majesty. And in order that the said session may be conducted to the mutual satisfaction of both nations, it is my will that an inventory be made of all the artillery, arms, ammunition, effects, stores, hospitals, ships, &c., belonging to me in the said colony, which inventory is to be signed in duplicate, by you and by the commissioner of his Catholic Majesty. Finally, it is my will that, after having placed the Spanish commissioner in possession of the public buildings, a statement be made of the value of the said effects which may remain in the country, in order that the amount resulting from the said valuation may be paid by his Catholic Majesty. At the same time, I hope, for the advantage and tranquillity of the inhabitants of the colony of Louisiana, and I promise myself, from the friendship and affection of his Catholic Majesty, that he will give orders to his Governor, and to all other officers employed in his service in the colony and in the city of New Orleans, that the ecclesiastics and the religious houses providing for the spiritual wants of the people and for the supply of the missions, may continue their functions, and enjoy the rights, privileges, and exemptions, allowed to them by the titles of their establishments; that the ordinary judges and the superior council may continue to dispense justice according to the laws, forms, and usages, of the colony; that the inhabitants may be kept and maintained in their possessions; that they may be confirmed in the ownership of their property, according to the grants which may have been made to them by the Governors and *ordonnateurs* of the colony, and that the said grants be considered, reputed, and confirmed, by his Catholic Majesty, although they might not have been confirmed by me. I hope, moreover, that his Majesty will be pleased to give to his new subjects of Louisiana the same marks of protection and kindness which they have received under my authority, and of which the misfortunes of war alone have prevented them from experiencing the most advantageous effects. I order you to have this (my letter) registered by the superior council of New Orleans, so that the different estates of the colony may be informed of its contents, and may have recourse to it when necessary. And these being the sole objects of the present letter, I pray God, M. Dabadie, that he will keep you in his holy charge.

Given at Versailles, on the 21st of April, 1764.

LOUIS.

Countersigned: The Duke De Choiseul.

I.

I, Don Ceferino Cevallos, commander of the royal American order of Isabel the Catholic, one of the Council of State of her Majesty, her Secretary and official archivist of the Department of State, do certify, that among the documents in the archives under my care, is the treaty of friendship, limits, and navigation, concluded between the King our lord and the United States of America, signed at San Lorenzo el Real on the 27th of October, 1795, and ratified at Aranjuez on the 25th of April, 1796; of which treaty the second article is as follows:

"Article 2. In order to avoid all dispute respecting the limits between the territories of the two high contracting parties, it has been agreed and declared in the present article, that the southern boundary of the United States, which divides their territory from the Spanish colonies of West Florida and East Florida, shall be a line beginning at the Mississippi, at the northernmost part of the thirty-first degree of latitude north of the equator, and thence proceeding directly to the east, to the middle of the river Appalachicola or Chattahoochie; thence, along the middle of that river, to its juncture with Flint river; thence, in a straight line, to the source of the river St. Mary; and thence, passing down through the middle of that river, to the Atlantic ocean. And the two Powers have agreed, that if there should be any troops, garrisons, or establishments, belonging to either of the two parties, in the territory of the other, according to the limits above mentioned, they shall retire from the said territory within six months after the ratification of this treaty, or earlier if possible, and they shall have permission to carry with them the goods and effects which they may possess."

In faith of which, by order of his excellency the first Secretary of State, I have given the present at Madrid, on the 10th of November, 1835.

CEFERINO DE CEVALLOS.

Follows the certificate of Don Angel Calderon de la Barca, envoy extraordinary and minister plenipotentiary of Spain in the United States, that the said copy was received by him under the seal of the Secretary of State of Spain, and delivered to the Hon. J. M. White, of Florida.

Translated from the original Spanish, by Robert Greenhow, translator of foreign languages to the Department of State of the United States.

K.

Preliminary and secret treaty between France and Spain, of October 1st, 1800, for the enlargement of the territories of the Duke of Parma, and the restoration of Louisiana to France.

Translated by Robert Greenhow, translator of foreign languages to the Department of State of the United States.

from an authentic copy of the original, to which were annexed the certificates of Don Ceferino Cevallos, keeper of the archives of the Department of State at Madrid, that it was faithfully transcribed from the original in his care, and of Don Angel Calderon de la Barca, envoy extraordinary and minister plenipotentiary of Spain in the United States of America, that it was received by him from the Secretary of State of Spain, and delivered to the Hon. J. M. White, of Florida.

Bonaparte, First Consul, in the name of the French people:

The Consuls of the republic having seen and examined the preliminary and secret treaty concluded, determined, and signed, on the ninth Vendémiaire, of the year nine, [first of October, eighteen hundred,] by General Alexandre Berthier, minister extraordinary of the French republic, in virtue of full powers confided in him to that effect, with Don Louis d'Orquijo, knight of the order of Charles the Third and that of Saint John of Jerusalem, first Secretary of State to his Majesty the King of Spain, who was likewise furnished with full powers, of which treaty and powers the following is the tenor, to wit:

[TREATY.]

Preliminary and secret treaty between the French republic and his Catholic Majesty the King of Spain, respecting the enlargement of the dominions of his Royal Highness the infant Duke of Parma in Italy, and the restoration of Louisiana.

His Catholic Majesty having always manifested much solicitude to procure an enlargement of the territories of his Royal Highness the Duke of Parma, so as to place his States on a footing conformable with his dignity; and the French republic, on its part, having long since signified to his Majesty the King of Spain the desire to be again put in possession of the colony of Louisiana; the two Governments having communicated to each other their views with regard to these objects of common interest, and circumstances permitting them to enter into engagements calculated to insure, as far as relates to themselves, this mutual satisfaction; they have authorized to that effect, namely, the French republic, citizen Alexandre Berthier, general-in-chief, and his Catholic Majesty, Don Mariano Louis d'Orquijo, knight of the order of Charles the Third and of that of Saint John of Jerusalem, his Councillor of State, his ambassador extraordinary and plenipotentiary near the Batavian republic, and his first Secretary of State *ad interim;* who, having exchanged their powers, have agreed upon the following articles, with the reserve that they are to be ratified:

ARTICLE 1. The French republic engages to procure for his Royal Highness the infant Duke of Parma an enlargement of his territories in Italy, sufficient to give to his States a population of from a million to twelve hundred thousand inhabitants, with the title of King, and all the rights, prerogatives, and pre-eminences, attached to the royal dignity; and the French republic engages to obtain, to that effect, the assent of his Majesty the Emperor and King, and of the other States interested, so that his Royal Highness the Duke of Parma may be placed in incontestable possession of the said territories, on the conclusion of the peace between the French republic and his Imperial Majesty.

ART. 2. The enlargement of the dominions of his Royal Highness the Duke of Parma may consist of Tuscany, in case the negotiations now in progress between the French Government and his Imperial Majesty should place that country at the disposition of the former Government; it might also consist of the three Roman legations, or of any other provinces of continental Italy forming a compact State.

ART. 3. His Catholic Majesty promises and engages, on his part, six months after the full and entire execution of the conditions and stipulations above mentioned, relative to his Royal Highness the Duke of Parma, to restore to the French republic the colony and province of Louisiana, in the same extent which it now has under the dominion of Spain and of other States.

ART. 4. His Catholic Majesty will give the necessary orders for the occupation of Louisiana by France, as soon as the States composing the enlargement of the dominions of the Duke of Parma are placed in the power of his Royal Highness. The French republic may, however, defer taking possession of it, according to its own convenience. When the occupation is to be effected, the States directly or indirectly concerned will agree upon the ulterior conditions which may be required for their common advantage, and for that of the respective inhabitants.

ART. 5. His Catholic Majesty engages to deliver to the French republic, in the ports of Spain in Europe, one month after the execution of the stipulation relative to the Duke of Parma, six ships of war, in good condition, pierced for seventy-four guns each, armed, equipped, and ready to receive French crews and provisions.

ART. 6. As the stipulations of the present treaty have no injurious tendency, and leave the rights of all undisturbed, it cannot be expected that they should give umbrage to any Power. Nevertheless, should it prove otherwise, and should the two States be attacked or menaced in consequence of their execution, the two Powers engage to make common cause, in order to repel the aggression; as, also, for the purpose of taking conciliatory measures for the preservation of peace with all their neighbors.

ART. 7. The engagements contained in the present treaty are in no point at variance with those set forth in the treaty of alliance signed at Saint Ildefonso on the 2d of Fructidor, year the fourth, (18th August, 1796;) on the contrary, they unite the interests of the two Powers by new links, and they strengthen the guarantees stipulated in the treaty of alliance, with regard to all cases to which they should apply.

ART. 8. The ratification of the present preliminary articles shall be drawn up and exchanged within one month from the date of the present treaty, or earlier if possible.

In faith whereof, we, the undersigned ministers plenipotentiary of the French republic and of his Catholic Majesty, in virtue of our respective powers, have signed the present preliminary articles, and have affixed to them the seals of our arms.

Done at Saint Ildefonso, on the ninth of Vendémiaire, in the ninth year of the French republic, (the 1st of October, eighteen hundred.)

ALEXANDRE BERTHIER.
MARIANO LOUIS DE ORQUIJO.

[POWER.]

In the name of the French people, Bonaparte, First Consul of the republic, upon the report of the Minister of Foreign Relations, decrees as follows:

General Alexandre Berthier is authorized to conclude and sign a convention between the French republic and his Catholic Majesty the King of Spain, relative to an increase of the States of the Duke of Parma in Italy; he is, for that purpose, invested with full powers to treat with the person whom his Majesty the King of Spain may charge to negotiate with him upon all points relative to that object.

The Minister of Foreign Relations is charged with the execution of the present decree.

Done at Paris, on the twenty-seventh of Thermidor, in the eighth year of the French republic.

BONAPARTE.

THE MINISTER OF FOREIGN RELATIONS.
CHARLES MAURICE TALLEYRAND.

By the First Consul:

HUGUES MARET,
Secretary of State.

[POWER.]

Don Carlos, by the grace of God, King of Castile, of Leon, of Arragon, of the Two Sicilies, of Jerusalem, of Navarre, of Granada, of Toledo, of Valencia, of Gallicia, of Majorca, of Seville, of Sardinia, of Cordova, of Corsica, of Murcia, of Jean, of Algarves, of Algesiras, of Gibraltar, of the Canary Islands, of the East and West Indies, the islands and main land of the ocean; Archduke of Austria; Duke of Burgundy, of Brabant, and of Milan; Count of Hapsburg, of Flanders, of Tyrol, and of Barcelona; Lord of Biscay and of Molina, &c., having communicated to the First Consul of the French republic my anxious wishes to procure for my beloved brother and cousin, the infant Duke of Parma, some augmentation of his estates in Italy, in order to indemnify him for the repeated losses which he has naturally suffered, in consequence of existing circumstances, the said First Consul has given me to understand that this subject might be discussed and settled between himself and my person; whereunto he declared his own willingness, as warranted by the relations of amity and alliance which unite us. I have therefore resolved to appoint, for the execution of this important business, a person duly qualified for entering on, prosecuting, and concluding the affair, until it be ready for my ratification; and being well satisfied with you, Don Mariano Louis de Orquijo, knight pensioner of the royal and distinguished Spanish order of Charles the Third and of that of Malta, of my Council of State, my ambassador extraordinary and plenipotentiary near the Batavian republic, and my first Secretary of State *ad interim*, on account of your capacity and tried zeal in my service, I have determined to confer upon you full power, in the most ample form, to treat with the person or persons authorized by the French Government, respecting the increase and enlargement of the estates of my brother and cousin the infant Duke of Parma, and all points connected with that subject, and to regulate, adjust, and sign all articles, agreements, and conventions, which may conduce to the completion of the said affair, reserving to myself, however, the right of ratifying them.

In faith whereof, I have caused the present to be issued, signed by my hand, sealed with my secret seal, and countersigned by my Secretary of State, and of the universal department of grace and justice of Spain and the Indies, at Saint Ildefonso, on the 1st of October, eighteen hundred.

THE KING.

Countersigned: JOSE ANTONIO CAVALLERO.

[RATIFICATION.]

In virtue of the 49th article of the constitution, I approve the foregoing treaty, in all and each of its articles therein contained, declaring that it is accepted, ratified, and confirmed, and promising that it shall be inviolably observed.

In faith whereof, these presents have been issued, signed, countersigned, and sealed with the great seal of the republic, at Paris, on the twenty-seventh of Vendémiaire, in the ninth year of the French republic, (19th of October, eighteen hundred.)

BONAPARTE.

By the First Consul:

HUGUES MARET, *Secretary of State.*

CHARLES MAURICE TALLEYRAND, *Minister of Foreign Relations.*

L.

Treaty of March 21, 1801, between the French republic and Spain.

Translated from a certified copy of the original, in French and Spanish, deposited in the archives of the Department of State at Madrid.

The First Consul of the French republic and his Catholic Majesty, desiring to establish definitively what States are to be given, as equivalents for those of Parma, to the son of the present Duke, the infant Don Ferdinand, brother of the Queen of Spain, have agreed upon the following articles, and have authorized to form this treaty, to wit: the First Consul, citizen Lucien Bonaparte, the present ambassador of the republic near his Catholic Majesty, and his Catholic Majesty the Prince of the Peace, who have agreed upon the following articles:

ARTICLE 1. The reigning Duke of Parma renounces, for himself and his heirs, forever, the Dutchy of Parma, with all of its dependencies, in favor of the French republic; and his Catholic Majesty guaranties this renunciation.

ART. 2. The Grand Dutchy of Tuscany, which has been likewise renounced by the Grand Duke, and ceded to the French republic, under the guarantee of the Emperor of Germany, shall be given to the son of the Duke of Parma, in compensation for his States which have been ceded by his father, the infant, and in virtue of another treaty previously made between his Catholic Majesty and the First Consul of the French republic.

ART. 3. The Prince of Parma will proceed to Florence, where he will be recognised as sovereign of all the States belonging to the Grand Dutchy, and he will receive, in the most solemn form, from the hands of the constituted authorities of the country, the keys and the oath of vassalage due to him as the sovereign. The First Consul will aid, with all his forces, in the peaceful accomplishment of this convention.

ART. 4. The Prince of Parma shall be recognised as King of Tuscany, with all the honors due to his rank; and the First Consul will cause him to be acknowledged and treated as such King by all the other Powers whose recognitions should precede the act of possession.

ART. 5. The *dependent* portion of the Isle of Elba, belonging to Tuscany, shall remain in the power of the French republic; and the First Consul shall give as an equivalent to the King of Tuscany the country of Piombino, which belonged to the King of Naples.

ART. 6. As this treaty has its origin in that concluded between the First Consul and his Catholic Majesty, by which the King cedes to France the possession of Louisiana, the contracting parties agree to carry into effect the articles of that treaty; and that, while the difficulties with regard to them are in process of arrangement, the present treaty shall not destroy the rights of either party.

ART. 7. And as the new house which is to be established in Tuscany is of the Spanish family, those States shall always be the property of Spain, and an infant of that family shall reign there in case of a failure of the succession of the King now placed on the throne, or of his children, if he should have any, in which event the children of the reigning house of Spain shall succeed.

ART. 8. The First Consul and his Catholic Majesty, in consideration of the renunciation of the reigning Duke of Parma in favor of his son, will determine upon some honorable indemnification for him, either in possessions or in an annuity.

ART. 9. The present treaty shall be ratified, and the ratifications shall be exchanged within three weeks, otherwise it will, after that period, be of no value.

Done at Aranjuez, on this thirtieth of Ventose, in the ninth year of the republic, (March 21, 1801.)

LUCIEN BONAPARTE,
The Prince of the Peace.

To the copy from which the above translation was made are appended the certificates of Don Ceferino Cevallos, archivist of the Department of State of Spain, to its exact conformity with the original, and of Don Angel Calderon de la Barca, envoy extraordinary and minister plenipotentiary of Spain, in Washington, of its having been received by him from the said Cevallos and delivered to the Hon.

J. M. White, of Florida. Faithfully translated by me, Robert Greenhow, translator of foreign languages to the Department of State of the United States.

Washington, *March* 23, 1836.

M.

Translation of a letter from the Secretary of State of Spain to Charles Pinckney, Minister of the United States to Madrid, refusing to sell the Floridas to the United States.

Aranjuez, *April* 7, 1802.

Sir: I have communicated to his Majesty the proposition which your excellency made in the name of your Government, in your official letter of the 24th of March last, respecting the cession of the two Floridas to the United States of America, by sale. His Majesty having been made well acquainted with every thing advanced by your excellency in support of that idea, has commanded me to inform you, in reply, that his Majesty rejoices in every opportunity of strengthening the bonds of friendship with the United States of America, but that the subject in question, being one of the utmost weight and importance, merits great circumspection before it can be determined.

With regard to the request made by you in the same official letter, that a mercantile agent of the United States should be permitted to reside at New Orleans, his Majesty does not accede to it, as it is prohibited by our laws of the Indies; and from the just consideration that, by making one example of that kind, the door would be opened for like demands on the part of other nations.

I embrace this opportunity to assure you of my distinguished consideration, &c.

PEDRO CEVALLOS.

To Charles Pinckney, Esq.,
Envoy Extraordinary and Minister Plenipotentiary of the United States of America.

The above was translated by Robert Greenhow, translator of foreign languages to the Department of State of the United States, from a copy, in Spanish, of the original, existing in the archives of the Department of State at Madrid; which is authenticated by the certificate of Don Ceferino de Cevallos, the keeper of those archives, and by that of Don A. Calderon de la Barca, envoy extraordinary and minister plenipotentiary of Spain in the United States.

N.

From Charles Pinckney, Envoy Extraordinary and Minister Plenipotentiary of the United States of America at Madrid, to his Excellency Don Pedro Cevallos, Secretary of State of Spain.

Aranjuez, *February* 17, 1803.

I had the honor, last evening, to state to your excellency the nature of the information I had received from our Government, and their instructions respecting the conduct of the intendant of New Orleans, in prohibiting the deposite of American effects, stipulated by the treaty of 1795. I trust, from the statements then made, your excellency was fully impressed with the delicacy and pressing importance of the subject, and the sensibility and anxiety of our Government and citizens to have this order of the intendant immediately revoked, under the conviction that it was issued without the knowledge of his Majesty or his Government, on whose honorable and exact compliance with treaties they had the most perfect reliance. It was with particular pleasure, therefore, I received from your excellency the information that this order of the intendant had been issued by him without the knowledge of his Majesty or his Government, and that orders should be immediately sent to New Orleans, to the intendant and proper authorities there, to regulate the commerce and intercourse of the citizens of the United States in that port by the treaty of 1795, and to place the same on the footing it had been from the foundation of that treaty to the issuing of the intendant's order. Your excellency was pleased to add that you would transmit a duplicate of this order to the minister plenipotentiary of his Majesty in the United States, to be shown to their Government, and forwarded by your minister to New Orleans. I will, at the same time, thank your excellency to be so obliging as to favor me with a copy of the order, that I might also be enabled to transmit it by some safe and speedy opportunity. I had the honor, yesterday, to state to your excellency *the anxiety of our Government on the subject of possessing the territory on the east side of the Mississippi. The importance of this acquisition to them, for the purposes of securing to the citizens of one half of the United States the certain means of exporting their products*, has been so fully explained to your excellency, in my letter written in March last, and in subsequent conversations, that I need not, at this time, go again into the subject. Referring your excellency to them, I have now to say that the Government of the United States, from many circumstances, as well as from the conduct of the intendant, feel themselves *every day more convinced of the necessity of their having a permanent establishment on the Mississippi, convenient for the purposes of navigation, and belonging solely to them. To obtain this, they have authorized me to say that, should his Majesty be now inclined to sell to the United States his possessions on the east side of the river Mississippi, or between that and the river Mobile, agreeably to the propositions enclosed, the United States will make to his Majesty, and I do now in their name make, the important offer of guarantying to him and his successors his dominions beyond the Mississippi.* It is with his Majesty and his ministers to consider, for the reasons I had the honor to state in our conversation of the last evening, *the immense importance of this offer to the Spanish crown, and to reflect how far it may be in the power of any other nation to make an offer so truly valuable and precious as this is to Spain*—one that the United States would never have made, but from a conviction of the indispensable necessity of their possessing a suitable establishment on this river, and which this territory can alone furnish. The unshaken, and, indeed, unimpeached honor of the United States, in the exact performance of treaties and guarantees, and in all their public contracts and transactions, is so well known as certainly to convince his Majesty and his ministers that any stipulations on their part will be faithfully executed. Referring your excellency to our conversation the last evening, *in which I opened to you many of the reasons for making this offer, I wish your excellency to submit them to his Majesty*, and in a short time I will have the honor to see your excellency again, on my return from Madrid, for which place, for the present, I will thank your excellency to direct your letters for me.

I have the honor to be, &c.

CHARLES PINCKNEY.

O.

Propositions made to Spain on the 17th of February, 1803, by Charles Pinckney, on the part of the United States.

1. The United States will purchase the possessions of his Catholic Majesty on the east side of the river Mississippi, for which they will pay ——— dollars.

2. They will purchase these possessions, for which they will pay ——— dollars; and, moreover, guaranty to his Majesty and his successors his possessions beyond the river Mississippi.

3. They will purchase the country between the rivers Mississippi and Mobile, belonging to his Majesty, and, also, places of deposite near the mouths of the other rivers

passing from their territory through either of the Floridas, for which they will pay ——— dollars, or enter into other obligations, which may be thought equivalent to the acquirement.

4. If none of these propositions can be acceded to, they will then purchase certain tracts of country on the banks of the Mississippi and the other rivers passing from their territory into that of his Catholic Majesty, for which they will pay ——— dollars, or enter into other obligations which may be thought equivalent to the acquirement.

P.

Translation of a letter from the Secretary of State of Spain to Charles Pinckney, Minister of the United States of America at Madrid.

Palace, *July* 19, 1803.

To the Minister of the United States of America:

Sir: His Majesty the King having given orders to his minister near the United States of America to make known to that Government the absolute nullity of the proceedings of France in disposing of Louisiana, which she had formally and positively engaged not to sell, I now communicate the same to you, in order that you may submit it to your Government, which will thus receive it by distinct channels. At the same time, I must inform you, in reply to the assurance given me by you at our last conference that France had also ceded West Florida, that the said province never has at any time or by any title belonged to the French.

I am, &c.

PEDRO CEVALLOS.

Translated by Robert Greenhow, translator of foreign languages to the Department of State of the United States, from a copy of the original, in Spanish, which is deposited in the archives of the Department of State of Madrid; which copy was authenticated by the certificates of Don Ceferino Cevallos, keeper of those archives, and of Don A. Calderon de la Barca, minister of Spain in the United States.

Q.

Protest of the Marquis de Casa Calvo, Commissioner of Spain, respecting the pretensions of the United States, addressed to M. Laussat, the Colonial Prefect of Louisiana, with the reply of the latter.

Translated by Robert Greenhow, translator of foreign languages to the Department of State of the United States, from copies taken from originals in the archives of the Department of State of Madrid; which copies were authenticated by the certificates of Don Ceferino de Cevallos, keeper of the said archives, and of Don A. Calderon de la Barca, minister of Spain in the United States of America.

New Orleans, *March* 31, 1804.

To the Colonial Prefect and Commissioner of the French Republic:

I should be guilty of a great dereliction from my duty, and from the necessities imposed by the confidence of the King my master, when he gave me my commission, if, while you are preparing for your voyage, and terminating the operations in which I was also destined to bear a part, I should neglect to communicate to you, in the name of the King, that Spain cannot with indifference regard the exorbitant propositions which the United States are beginning to set forth, with regard to the limits, both to the east and the west, of the province of Louisiana. The limits on the east are established by solemn treaties, and for that very reason are absolutely unquestionable; it however appears that France herself is supporting the establishment of those on the west, at the mouth of the river Bravo. I cannot, therefore, refrain from entering my most solemn protest against any operations or intentions of establishing the limits beyond the river Sabine, until his Majesty shall have resolved upon some measure with regard to the subject; as such a proceeding would be prejudicial to the interests of Spain, and would tend to dismember a considerable portion of the internal provinces of Mexico, to the great damage of the dominions of his Majesty and of his subjects.

And in order that this may forever be public, I beseech you, sir, to inform your Government of it, in order that the limits may be settled truly, which now appear undetermined, and the operations of tracing them may be begun upon the bases already acknowledged by France when she formerly possessed the province of Louisiana.

May God preserve you many years.

THE MARQUIS DE CASA CALVO.

R.

Reply to the foregoing Protest.

New Orleans, 12 *of Germinal, year* 12,
(2d *of April*, 1804.)

To the Marquis de Casa Calvo, Brigadier of the armies of Spain, and Commissioner of his Catholic Majesty:

Sir: I will faithfully submit to my Government the declaration, in the form of a protest, which you placed in my hands by your letter of the 10th of Germinal of the present year, (March 31, 1804,) respecting the limits which should be established for Louisiana, according to the treaty of restoration and of cession, in execution of which I here represent the French people, by commission from the First Consul. I have the honor to salute you, sir, with the greatest consideration.

LAUSSAT.

EMPLOYMENT OF BOYS IN THE VESSELS OF THE UNITED STATES.

In Senate of the United States,
January 31, 1837.

Mr. Davis submitted the following report:

The Committee on Commerce have had under consideration a bill to encourage the employment of boys in the vessels of the United States, and report thereon as follows:

They are informed that the professed object of said bill is to increase the number of our seamen, by compelling ships which go on foreign voyages to take out as part of the crew a certain proportion of boys, who are to serve as apprentices to learn the art of seamanship.

In this it is alleged that this Government has an obvious interest, for, as a maritime Power, it must defend itself and its commerce against aggression upon the ocean.

It is said that every nation situated as we are consults its security, the safety of private property, and the honor of its flag, by encouraging in suitable ways and by proper inducements young persons to engage in sea service; for the country must rely on the commercial marine for the support and efficiency of its navy.

This is one ground on which the fisheries are encouraged, and they are the greatest nursery of seamen.

While the measure before us may be admitted as having this tendency, it must not escape our observation that it is not for the interest of navigators to take boys to sea; if it were, there would be no occasion to compel them to it.

On the contrary, it would be burdensome, and, as far as onerous, injurious to navigators, and tend to equalise their condition with that of foreigners,

The English entertain the opinion, and probably not without cause for it, that our seamen, as a class, are more efficient, able, intelligent navigators than theirs.

The proof of this is found in the fact that we sail our

vessels with less numerical force, and actually make our voyages with greater despatch.

In the trade between the two countries we are upon a footing of equality, and it is from this superior seamanship that we retain such a large proportion of the freighting; for wages in England are not as high as in our ports.

We must therefore be cautious about loading navigation with new burdens, lest the profits of the business should not justify it.

On this point we have taken the opinions of several of the chambers of commerce, and we find them divided on this question.

It has not also escaped our observation that an opinion is prevalent that, in the large cities, the character of our seamen is deteriorating. We have proofs on this head tending to establish the affirmative of this proposition, and to establish the fact that we are either employing foreigners, or, for the want of proper moral supervision, our seamen are fast assimilating in character to foreigners.

Much concern has been felt by observing men on this head; for, when we cease to be superior, then their navigating interest will triumph, for they give less wages than we.

Measures to elevate and preserve the character and the number of our seamen must at all times command considerate attention; and this measure would make a strong appeal for an experiment, if it did not evidently bring with it burdens which it is feared ought not to be laid upon a class of men struggling with a gigantic competitor.

The committee have, therefore, under all the circumstances, come to the conclusion that the measure is inexpedient for the present, upon the information before them, and therefore recommend the indefinite postponement of the bill. Further and better information may lead to a change of opinion.

The committee may also add that they find no inconsiderable difficulty in securing, by suitable provisions, the rights of boys sent to sea as apprentices. On a violation of the contract, or a failure on the part of the master to observe his duties and obligations, the boy ought to be discharged; but it is not easy, in a large portion of our ports, to devise a satisfactory method of doing it.

PATENT OFFICE.

IN SENATE OF THE UNITED STATES,
January 9, 1837.

Mr. Ruggles made the following report:

The special committee appointed to examine and report the extent of the loss sustained by the burning of the Patent Office, and to consider whether any and what measures ought to be adopted to repair the loss, and to establish such evidences of property in patented inventions as the destruction of the records and drawings may have rendered necessary for its security, submit the following report:

In examining the subject referred to them, the committee have been deeply impressed with the loss the country has sustained in the destruction, by the fire of the 15th December, of the records, originals, drawings, models, &c., belonging to the Patent Office. They not only embraced the whole history of American invention for nearly half a century, but were the muniments of property of vast amount, secured by law to a great number of individuals, both citizens and foreigners, the protection and security of which must now become seriously difficult and precarious.

Every thing belonging to the office was destroyed—nothing was saved. There were one hundred and sixty-eight large folio volumes of records, and twenty-six large portfolios, containing nine thousand drawings, many of which were beautifully executed and very valuable; there were also all the original descriptions and specifications of inventions, in all about ten thousand, besides caveats and many other documents and papers.

There were also two hundred and thirty volumes of books belonging to the Patent Office library, the cost of which was $1,000. Some of these were procured prior to the passage of the act of July 4, 1836, making an appropriation of $1,500 for procuring a library of scientific works. Others were procured subsequently, for which $320 of that appropriation was expended.

The model-cases, press and seals, desks, book-cases, and other furniture and effects belonging to the office, were estimated at $6,600.

The foregoing are more particularly described in schedules A, B, and C, annexed to a letter from the Commissioner of Patents, in reply to inquiries made by the committee, which accompanies this report.

The Patent Office contained also the largest and most interesting collection of models in the world. It was an object of just pride to every American able to appreciate its value as an item in the estimate of national character, or the advantages and benefits derivable from high improvement in the useful arts—a pride which must now stand rebuked by the improvidence which exposed so many memorials and evidences of the superiority of American genius to the destruction which has overtaken them.

The number of models was about seven thousand. Many of them displayed great talent, ingenuity, and mechanical science. The American inventions pertaining to the spinning of cotton and wool, and the manufacture of fabrics, in many respects exceed those of any other nation, and reduced so much the expense of manufacture, that the British manufacturers were reluctantly obliged, at the expense of a little national pride, to lay aside their own machinery and adopt our improvements, to prevent our underselling them, even in their home market. In this department were the inventions of Browne, Thorpe, Danforth, Couilliard, Calvert, and some others. The beautiful operative model of Wilkinson's machine for manufacturing weavers' reeds by one operation was considered one of the most ingenious mechanical combinations ever invented. Of this character was Whittemore's celebrated machine for making wool cards. There were several models of valuable improvements in shearing and napping cloth, patented to Swift, Stowell, Dewey, Parsons, Daniels, and others.

In another department were several models of machines for manufacturing cut and wrought nails. The machinery for this purpose, which has reduced so much the price of that important article, was of purely American origin, and was invented by Briggs, Perkins, Reed, Odiorne, and several others.

The models of improvements in grist-mills, saw-mills, water-wheels, &c., were numerous.

The application of steam power to the driving of all kinds of machinery, for propelling boats, locomotives, mills, and factories, has brought out a great number of American inventions and improvements, displaying a degree of talent, ingenuity, and science, highly creditable to our country. Some of the models in this department were very valuable. America claims the honor (contested, indeed, by England) of the first successful attempt to apply the power of steam to the propelling of vessels. The name of Fulton is associated with one of the noblest efforts of genius and science. It has often been regretted that no model was preserved of his steamboat, which was the first to demonstrate the practicability of making steam subservient to the purposes of useful navigation. There was, however, deposited in the Patent Office a volume of drawings, elegantly executed by his own hand, delineating the various parts of the machinery he employed, and embracing three beautiful representations of his steamer, making its first triumphant struggle against the opposing current of

the Hudson. The steamer was represented passing through the Highlands, and at two or three other interesting points on the river, with a beautiful sketching of the surrounding scenery, smiling as it were at the victory which science and art had at last achieved over the power of the winds and the waters, and at the opening era of steam navigation, the benefits of which have since been so widely diffused. It contained, also, an account of his experiments on the resistance of fluids, and various estimates of the power required to propel vessels of various tonnage and form through the water, at a greater or less speed. This volume, which should have been preserved among our choicest archives, shared the fate of every thing else in the office. What sum would be too great to be expended in replacing it!

The department of agriculture contained a great number of models of highly useful improvements in the implements of husbandry. The number of inventions which had for their object the advancement of the agricultural interests was about fifteen hundred; those which pertained to navigation were little short of a thousand. The inventions and improvements in factory machinery, and in the various manufactures, were upwards of two thousand. In the common mechanical trades there were as many more. It were vain to attempt to enumerate or classify them within the reasonable space of a report of committee. There was no art or pursuit to which ingenuity and invention had not lent their aid.

That this great national repository should have received so little consideration heretofore as to be left so long exposed to conflagration, which has at last swept every vestige of it from existence, cannot be too deeply deplored. But the reproach does not rest at the door of the present Congress. The act passed at its first session, reorganizing the office, containing many important provisions for its management, and the appropriation for erecting a fire-proof building, for the accommodation and preservation of the records, models, &c., which is now under construction, attest the interest inspired and the attention devoted to it, though, unfortunately, too late to rescue it from destruction.

That the benefit of such an institution is limited to the mechanic arts and manufactures, or that it is confined to any particular section of the Union, is an erroneous idea. Its influence is felt in every branch of national industry, and no one section of the country can justly be said to derive less advantage from it than another. The idea is equally erroneous that such institutions are established for the benefit of patentees only. The advancement of great national interests is the first object of the patent laws of all nations where they exist. The specifications, models, and drawings, are required, that, after the patent term shall have expired, the public may have the benefit of a disclosure of the invention, so full and intelligible that any one can apply its principles to practical use, or make them the foundation of further improvements.

It is a still more erroneous idea that no drawings or models of new inventions are of use to the public, unless the machinery they represent is susceptible of a practical application to the use designed. Mechanical science, like all others, is matured and perfected by degrees, and by calling to its aid the investigations and ingenuity of various minds. Most inventions are but the foundation of progressive improvements. It is necessary to know what has been done, in order to know what remains to be accomplished. Every age avails itself of the experience and discoveries of that which has preceded it; were it otherwise, knowledge would be stationary, and every generation, instead of being wiser than others gone by, would be employed in learning over again what had been acquired before. The drawings and models of even those inventions which are imperfect, or incapable of producing the desired effect, serve to show how far others have progressed, and either furnish hints for the full accomplishment of the design, or as beacons to enable others to avoid fruitless labor and expense. Whoever would attempt to improve the arts must begin where others have left off: hence, the model-rooms of the Patent Office were constantly visited by men of genius and science from all sections of the country, and from Europe, where they were able at once to discover how far American invention had gone, and where they frequently derived important hints from inventions and contrivances of apparently but little value.

They would seem, also, to be almost indispensable, in deciding upon new applications for patents, to enable the proper officers to judge of the originality of the invention, and to prevent the issuing of interfering patents. It often requires a very close examination of the principles of a machine, and a careful comparison of models and drawings, to discover how far they interfere with previous inventions. The provision interdicting the granting of patents for what is not new and original is the most valuable feature of the act of July last. But it will be impossible for the Commissioner to administer the law in that particular, according to its intent, without models and drawings of inventions previously patented. The consequence would be, in effect, the restoration of a great portion of the evils of the former system, in multiplying conflicting rights, leading to much perplexity and expensive litigation. Much of the ground travelled over in the last forty years would have to be travelled over again before the point could be reached at which we had arrived prior to the late conflagration.

The committee, therefore, believe that it is important to the interest of the country, as well as to the security of individual rights, that measures be immediately adopted to replace, as far as practicable, the records, drawings, and models, which have been destroyed. After much inquiry and consideration, the committee are satisfied that, notwithstanding the apprehensions and anxiety so generally entertained, a restoration is practicable to a very gratifying extent. The first step must be to procure, for the purpose of being copied and recorded anew, the original patents. In most instances, descriptions and specifications of the inventions, and, in perhaps a sixth or eighth part of the cases, drawings also, have been annexed to the patents when granted. Drawings have been attached only when referred to in the specifications. The whole number of patents is a little upwards of ten thousand. It is believed that from six to seven thousand may be obtained for record. Many of the deficient drawings may be obtained from patentees, or may be supplied by the assistance of those whose familiar knowledge of the inventions will enable them, aided by the specifications, to delineate them with much accuracy. Many copies heretofore certified from the record, to be used as evidence in the courts, will supply others.

Of the models, such as were trifling and unimportant, containing no new principle or combination of mechanism, and not useful for any of the purposes before alluded to, it will not be necessary to replace. The whole number of models was about seven thousand. It is the opinion of the Commissioner, and others most conversant with the subject, that three thousand of the most important can be replaced, which will form a very interesting and valuable collection, less numerous, indeed, but more select, and scarcely less useful, than that which has been destroyed. Some of these would be replaced by voluntary contributions. But the greatest portion of them, even of those whose restoration would be most desirable, the committee are satisfied, can only be had by means in the hands of the Government. If it were in the power of the Government to compel patentees to replace the models and drawings lost by its improvidence, it would be an onerous and unjust tax upon those who, by their ingenuity, and at their own expense, built up an institution which, in its connexion with manufactures, with agriculture, and even com-

merce itself, has done much to advance the prosperity of the country. They have paid into the Treasury $156,907 73 more than has been required to meet the expenses of the office, including the salaries of the officers employed in it; and the committee cannot hesitate in recommending the appropriation of that balance to carry into effect the provisions of the bill which is herewith submitted.

The sentiment is not an uncommon one, that the tax upon patents is both unwise in policy and unjust in principle. Inventors are public benefactors, contributing to the promotion and improvement of all branches of national industry, and, in most instances, without any adequate remuneration. Who has done more to enrich the South, nay, indirectly, the whole country, than Whitney? And what was his reward? Let the South answer. Evans and Fulton, with genius and talents never, while they lived, appreciated to their worth, died overwhelmed by embarrassments. Whittemore, it is true, was more fortunate; but it was said that he availed himself of the mechanical genius of another, who lived and died in poverty and obscurity.

It has not been the policy of our Government to draw a revenue from patentees. The duty imposed was intended only to meet the ordinary expenses of issuing patents. Many believe that even that should not be exacted. It is levying a contribution upon science and ingenuity, which cost the nation nothing, while they confer upon it important benefits.

The measures to be adopted in selecting and obtaining the models, and many of the drawings, are matters of detail, involving such a variety of circumstances and considerations, that is impossible to make provision for them by law. That properly belongs and should be intrusted to a temporary board of commissioners. The sum required to replace the three thousand models, which would include all whose preservation would be most desirable, is estimated by the Commissioner at $100,000. The expense of transcribing and recording descriptions, specifications, drawings, and assignments, is estimated at $53,000. A judicious and economical expenditure of these sums, it is believed, will restore the records and models to the full extent contemplated by the provisions of the bill submitted. By the statement from the Treasury Department, (marked E,) it appears that the balance of the patent fund on the 31st December last was $156,907 73, including moneys received for patents and copies prior to the act of July, 1836, which, though not expressly embraced by the terms of that act, properly belong to that fund. This balance will cover the expenditures above proposed of $153,000, together with $3,100 for record books, desks, and other office furniture, as per estimate D, and leave a balance of $807 73.

With such a restoration, and the addition of the specimens of fabrics and manufactures of various kinds which are in preparation in a number of the manufactories and workshops of the country, to be deposited in rooms in the new building, pursuant to the act of July last, we shall soon have less reason than is now apprehended throughout the country to deplore the destruction of this great national repository. In two or three years the number of models will be scarcely less, and their character and value in the aggregate greatly improved.

It appears by the Commissioner that an additional examining clerk and also another copying clerk are necessary to keep up the increasing business of the office. The new duties assigned to the examining clerk make it a very responsible and laborious office. It is his business to make himself fully acquainted with the principles of the invention for which a patent is sought, and to make a thorough investigation of all that has been before known or invented, either in Europe or America, on the particular subject presented for his examination. He must ascertain how far the invention interferes, in any of its parts, with other previous inventions or things previously in use. He must point out and describe the extent of such collision and interference, that the applicant may have the benefit of the information in so shaping or restricting his claim of originality as not to trespass upon the rights of others. The applicant should also be referred to the sources of this information, that he may be able to satisfy himself on the particular points of interference. This frequently leads to a lengthy correspondence, before the applicant can be persuaded that his invention, or some rejected part of it, is not new. He often employs skilful and persevering counsel to urge and enforce by argument new views of the principles of his invention, who sometimes brings to his aid much mechanical astuteness. The examiner must also see that the specification accords with the drawing, and that the model is in conformity with both.

An efficient and just discharge of these duties, it is obvious, requires extensive scientific attainments, and a general knowledge of the arts, manufactures, and the mechanism used in every branch of business in which improvements are sought to be patented, and of the principles embraced in the ten thousand inventions patented in the United States, and of the thirty thousand patented in Europe. He must, moreover, possess a familiar knowledge of the statute and common law on the subject, and the judicial decisions, both in England and our own country, in patent cases. This service is important, as it is often difficult and laborious. Here is the first check upon attempts to palm off old inventions for new, or to interfere with the rights of others previously acquired. This is also the source whence the honest and meritorious inventor may look for aid and direction in so framing his specification as that he may be able to sustain his patent when issued, and find security and protection against expensive and fruitless litigation.

Suitable qualifications for these duties are rare, and cannot be obtained without such compensation as they readily command in other employment. It will undoubtedly be wise in the Government to affix such salary to this office as will secure the best talent and qualifications. Although an appeal is allowed by law, yet, if a high character is given to it, this will be the best, as it is the most appropriate tribunal for judging of these subjects; and its decisions commanding respect and confidence, there will be but little inclination to take exceptions to its judgment. Thus will be cut off a fruitful source of lawsuits, and our court calendars will cease to be crowded with cases arising out of the interfering rights of patentees. Meritorious inventors will be secure in their rights, and the public relieved from imposition and embarrassment. These are among the first of the objects and merits of the act of last session. It appears that about one third of all the specifications are found, on examination, to contain no new principle, and that three fourths of the residue are either too broad in their claims of originality, or are otherwise irregular or defective, and are required to be set right at the office, or sent back by the Commissioner for correction.

Under existing circumstances, without written, pictorial, or model record of any kind, it is apparent that the business of the office must either stand still, or proceed under very great embarrassment, which can be relieved only by the early action of Congress on the subject.

A bill is herewith submitted.

A bill in addition to the act to promote the progress of science and useful arts.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That any person who may be in possession of, or in any way interested in, any patent for an invention, discovery, or improvement, issued prior to the fifteenth day of December, in the year of our Lord one thousand eight

hundred and thirty-six, or in an assignment of any patent, or interest therein, executed and recorded prior to the said fifteenth day of December, may, without charge, on presentation or transmission thereof to the Commissioner of Patents, have the same recorded anew in the Patent Office, together with the descriptions, specifications of claim, and drawings annexed or belonging to the same; and it shall be the duty of the Commissioner to cause the same, or any authenticated copy of the original record, specification, or drawing, which he may obtain, to be transcribed and copied into books of record, to be kept for that purpose. And wherever a drawing was not originally annexed to the patent, and referred to in the specification, any drawing produced as a delineation of the invention, being verified by oath in such manner as the Commissioner shall require, may be transmitted and copied as aforesaid, together with the certificate of the oath; or such drawings may be made in the office, under the direction of the Commissioner, in conformity with the specification. And it shall be the duty of the Commissioner to take such measures as may be advised and determined by the board of commissioners provided for in the fourth section of this act, to obtain the patents, specifications, and copies aforesaid, for the purpose of being so transcribed and recorded.

Sec. 2. *And be it further enacted*, That copies of such record and drawings, certified by the Commissioner, or, in his absence, by the chief clerk, shall be *prima facie* evidence of the particulars of the invention and of the patent granted therefor, in any judicial court of the United States, in all cases where copies of the original record or specification and drawings would be evidence, without proof of the loss of such originals. And no patent issued prior to the aforesaid fifteenth day of December shall, after the first day of June next, be received in evidence in any of the said courts, in behalf of the patentee or other person who shall be in possession of the same, unless it shall have been so recorded anew, and a drawing of the invention, if separate from the patent, verified as aforesaid, deposited in the Patent Office; nor shall any written assignment of any such patent, executed and recorded prior to the said fifteenth day of December, be received in evidence, in any of the said courts, in behalf of the assignee or other person in possession thereof, until it shall have been so recorded anew.

Sec. 3. *And be it further enacted*, That, whenever it shall appear to the Commissioner that any patent was destroyed by the burning of the Patent Office building on the aforesaid fifteenth day of December, it shall be his duty, on application therefor by the patentee or other person interested therein, to issue a new patent for the same invention or discovery, bearing the date of the original patent, with his certificate thereon that it was made and issued pursuant to the provisions of the third section of this act, and shall enter the same of record: *Provided, however*, That, before such patent shall be issued, the applicant therefor shall deposite in the Patent Office a duplicate, as near as may be, of the original model, drawings, and description, with specification of the invention or discovery, verified by oath, as shall be required by the Commissioner. And such patent, and copies of such drawings and descriptions, duly certified, shall be admissible as evidence in any judicial court of the United States, and shall protect the rights of the patentee, his administrators, heirs, and assigns, to the extent only in which they would have been protected by the original patent and specification.

Sec. 4. *And be it further enacted*, That it shall be the duty of the Commissioner to procure a duplicate of such of the models destroyed by fire on the aforesaid fifteenth day of December as were most valuable and interesting, and whose preservation would be important to the public; and such as would be necessary to facilitate the just discharge of the duties imposed by law on the Commissioner in issuing patents, and to protect the rights of the public and of patentees in patented inventions and improvements: *Provided*, That a duplicate of such models may be obtained at a reasonable expense: *And provided, also*, That the whole amount of expenditure for this purpose shall not exceed the sum of one hundred thousand dollars. And there shall be a temporary board of commissioners, to be composed of the Commissioner of the Patent Office and two other persons, to be appointed by the President, whose duty it shall be to consider and determine upon the best and most judicious mode of obtaining models of suitable construction; and, also, to consider and determine what models may be procured in pursuance of, and in accordance with, the provisions and limitations in this section contained. And said commissioners may make and establish all such regulations, terms, and conditions, not inconsistent with law, as in their opinion may be proper and necessary to carry the provisions of this section into effect according to its true intent.

Sec. 5. *And be it further enacted*, That whenever a patent shall be returned for correction and reissue under the thirteenth section of the act to which this is additional, and the patentee shall desire several patents to be issued for distinct and separate parts of the thing patented, he shall first pay, in manner and in addition to the sum provided by that act, the sum of thirty dollars for each additional patent so to be issued: *Provided, however*, That no patent made prior to the aforesaid fifteenth day of December shall be corrected and reissued until a duplicate of the model and drawing of the thing, as originally invented, verified by oath, as shall be required by the Commissioner, shall be deposited in the Patent Office.

Sec. 6. *And be it further enacted*, That any patent hereafter to be issued may be made and issued to the assignee or assignees of the inventor or discoverer, the assignment thereof being first entered of record, and the application therefor being duly made, and the specification duly sworn to by the inventor. And in all cases hereafter, the applicant for a patent shall be held to furnish duplicate drawings, one of which to be deposited in the office, and the other to be annexed to the patent, and considered a part of the specification.

Sec. 7. *And be it further enacted*, That the Commissioner is hereby authorized and empowered to appoint agents in not exceeding twenty of the principal cities or towns in the United States, as may best accommodate the different sections of the country, for the purpose of receiving and forwarding to the Patent Office all such models, specimens of ingredients, and manufactures, as shall be intended to be patented or deposited therein; the transportation of the same to be chargeable to the patent fund.

Sec. 8. *And be it further enacted*, That, instead of one examining clerk, as provided by the second section of the act to which this is additional, there shall be appointed, in manner therein provided, two examining clerks, each to receive an annual salary of ——— dollars; and also an additional copying clerk, at an annual salary of ——— dollars. And the Commissioner is also authorized to employ, from time to time, as many temporary clerks as may be necessary to execute the copying and draughting required by the first section of this act, who shall receive not exceeding ——— cents for every page of one hundred words, and for drawing such reasonable compensation as shall be agreed upon or prescribed by the Commissioner.

Sec. 9. *And be it further enacted*, That, whenever the application of any foreigner for a patent shall be rejected and withdrawn, for want of novelty in the invention, pursuant to the seventh section of the act to which this is additional, the certificate thereof of the Commissioner shall be a sufficient warrant to the Treasurer to pay back to such applicant two thirds of the duty he shall have paid into the Treasury on account of such application.

Sec. 10. *And be it further enacted*, That all moneys paid into the Treasury of the United States, for patents and for fees for copies furnished by the Superintendent of the Patent Office, prior to the passage of the act to which this is additional, shall be carried to the credit of the patent fund created by said act; and the moneys constituting said fund shall be, and the same are hereby, appropriated for the payment of the salaries of the officers and clerks provided for by said act, and all other expenses of the Patent Office, including all the expenditures provided for by this act, and also for such other purposes as are or may be hereafter specially provided for by law. And the Commissioner is hereby authorized to draw upon said fund, from time to time, for such sums as shall be necessary to carry into effect the provisions of this act; governed, however, by the several limitations herein contained. And it shall be his duty to lay before Congress in the month of January, annually, a detailed statement of the expenditures and payments by him made from said fund.

Treasury Department,
January 7, 1837.

Sir: In compliance with your request, I have the honor, herewith, to transmit to you a statement of the receipts from patents, and expenditures for that branch of the public business, brought down to the 31st ultimo.

I am, very respectfully, your obedient servant,
LEVI WOODBURY,
Secretary of the Treasury.

Hon. John Ruggles,
Chairman Committee on Patents,
Senate of the United States.

E.

Statement of the Patent Funds.

To the 3d July, 1836, inclusive:		
Receipts from patents -	$304,200 00	
Receipts from fees -	3,071 06	
	307,271 06	
Expenditures:		
Salaries - - -	115,714 35	
Fixtures and contingencies	40,726 56	
	156,440 91	
		$150,830 15
From 4th July to 31st December, 1836, inclusive:		
Receipts from patents -	14,328 00	
Fees - - -	189 58	
	14,517 58	
Expenditure * - -	8,440 00	
		6,077 58
		$156,907 73

Treasury Department,
Register's Office, January 7, 1837.
T. L. SMITH, *Register.*

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* Salaries - - - -	$5,300
Books for library - - - -	1,000
Contingencies - - - -	1,600
Withdrawing applications - - -	540
	$8,440

Patent Office, *December*, 28, 1836.

Sir: I have the honor to acknowledge the receipt of your letter of the 20th instant, containing several inquiries, and hasten to reply.

Question 1. "Did any of the records of the office, or original specifications, drawings, or models, belonging thereto, survive the recent conflagration?"

Answer. The rapidity of the conflagration prevented all access to the office, and, consequently, there is a total loss of models, drawings, records, and, indeed, papers of every kind.

2. "How many volumes of records and other official documents and papers, and how many portfolios of drawings, were destroyed? Please state the number of each description or class of records, documents, and papers."

Answer. There were 168 volumes of records; these are particularly described in schedule A, annexed; and there were 26 portfolios, containing 9,000 drawings.

3. "What number of volumes were there belonging to the library of the office, and what their cost or value? Please furnish a schedule of them. Can they be replaced?"

Answer. The number of volumes in the library were about 230, and cost $1,000. These can all be replaced. For inventory, see schedule B. annexed.

4. "What was the whole number of models destroyed, and what was the probable expense of their construction; that of the most expensive and valuable, and the average of all?"

Answer. The whole number is about 6,000 patented and 1,000 unpatented. It is impossible to make an approximate estimate of the original cost of these models, on account of the great expense patentees have, in most instances, incurred in constructing and reconstructing, and making various experiments and alterations.

5. "Were there any, and how many, new unpatented models in the office, with applications for patents, on which patents had not been issued?

Answer. There were 250 which had been received under the new law, of which about 100 would have been patented and 150 rejected for want of novelty.

6. "Were there any and how many patents in the office returned, for reissue, under the 13th section of the patent law, on which reissues had not been made?"

Answer. Five patents.

7. "What other effects belonging to the office were lost by the fire?"

Answer. All the furniture, model-cases, stationery, and fuel, per schedule C.

8. "What is your opinion of the practicability of obtaining faithful duplicates of the more valuable and interesting models destroyed, and what portion of those lost would be necessary or desirable to exhibit the progress and rising gradations of mechanical science in this country, or be important and useful in facilitating the discharge of the duties imposed by law upon the officer and other tribunals appointed to decide the various questions of novelty in inventions?"

Answer. A faithful duplicate of most of the important models that were destroyed can, it is believed, be obtained. Three thousand models of select and valuable inventions would go far to restore that department of the office to a condition that would be both gratifying and useful.

The great importance of a set of models that exhibit the gradual progress and state of the useful arts is self-evident. It is due to the inventor and to science. Among the old models destroyed many were not, and never would be, practically useful; but, notwithstanding this, it is important that some of them should be restored. They exhibited the progress of inventions; they often furnished the groundwork of important improvements. Fulton's improvements on the steamboat is a strong illustration. His improvements were based upon inventions that had been abandoned as utterly useless. Models are also useful as beacons to subsequent inventors. Many individuals have been saved years of labor and great expense by a few minutes' examination in

the Patent Office. But another great benefit of these models is to enable the office to decide upon the novelty or originality of inventions.

Inventors are exceedingly tenacious, and will not yield to corrections unless furnished with substantial testimony. The models are important to applicants when examining the probability of success before filing their papers for a patent. Without models, no information can be had except by a correspondence extremely onerous and expensive to Government. I may add, that, such is the importance of models that, without a sufficient number to exhibit a connected series of inventions, it seems utterly impossible to execute the duties of Commissioner as the law requires.

"9. What would be the average expense of their construction?"

Answer. The average expense of 3,000 models may be estimated at from 30 to 40 dollars each.

10. "Generally, what are the evils apprehended from the loss of the models and records, and what remedy does your experience in the office and knowledge of its concerns suggest as practicable and appropriate?"

Answer. This calamity, so sudden and extensive, seems almost to justify despair. The Patent Office had been reorganized, the papers and models classified anew, and a library partly collected; all is gone, and not a vestige remains. My anxiety to save the records and drawings induced me to make several efforts to force my way through the fire to reach the door of the Patent Office, but in vain.

For a short time I doubted what could be done to repair the loss. I am happy to say that I believe personal effort, aided by the fostering hand of Government, can do much, and that the remedy will be coextensive with the means used. Permit me to remark that few persons can realize the anxiety, the suffering and litigation, that may arise from this calamity. The hopes of thousands who have spent their all in advancing the arts of our country depend on the continued protection of the patent law.

The claims of the patentees are great, and not less imperious than just. Already have they paid into the Treasury $160,000 over and above all expenses attending the Patent Office since its first organization; and hence it cannot be doubted that the means will be granted to restore, as far as possible, the losses now sustained. What, then, can be done? *The evidence that is lost should be immediately supplied.* The number of patents granted are about ten thousand; most of these can be obtained and recorded again. In all cases where duplicate drawings were furnished, one will accompany the patent, and can be copied. The deficiency of important drawings (if lost by the patentee) will be remedied in part by procuring some of the numerous copies furnished by the office, during the last forty years, for examination or litigation. Besides, the valuable inventions here have been, some of them, patented in Europe, and are found in foreign journals. The journals of our own country contain also many patents. A complete list of all patents issued can be procured. Interest will compel patentees and assignees to send in their patents for record in cases where the patent has not expired, and as those who have *unexpired* patents possess many *expired* ones, upon which improvements are made, it is believed 6,000 patents can be procured without much delay. If a law was passed requiring patents and assignments, hereafter introduced as evidence, to be recorded subsequent to the 15th December, 1836, this would secure a ready record of unexpired patents. To induce patentees to send in their original papers, the Government must give assurance that the same shall be safely kept and transcribed and returned without delay. To inspire this confidence in patentees, I have, through the kindness of the city authorities, obtained accommodations in the city hall, where fire-proof rooms are furnished both for the office and models. I rejoice to say no danger can be apprehended here from fire. One inconvenience complained of by patentees is the trouble and expense of transporting their models from distant parts of the country to Washington. To obviate this, I would respectfully suggest the expediency of receiving the models at certain depots in each State, to be forwarded at the expense of the Government. If Government would defray this expense of transportation, and provide the means of constructing such as are deemed absolutely necessary, I feel confident a more complete if not so extensive a collection can, within a few years, be had again.

Many manufacturers were, prior to the late fire, preparing to send to the new Patent Office fabrics and manufactures receivable under the new law, and for which room is to be provided in the new building. I may safely add, that such is the gratification of manufacturers and inventors at the facilities afforded by the new patent law for a display of their ingenuity, that the new building, with what may be replaced, will not only be filled immediately, but will surpass any thing of the kind in Europe. This calamity, I have remarked, can be chiefly repaired by exertion; and I ardently hope that Government will appropriate the balance due the patent fund, and more, if necessary, to accomplish this object. The number of recording clerks will require the appointment of a few temporary clerks to compare the records, when made, with the original. An appropriation will be *immediately* needed to restore the loss. If this appropriation is made, patentees will be stimulated to high effort, and those in the office will be cheered in their struggle with surrounding difficulties. An appeal, if necessary, might be made to the pride of the nation. American inventors have proved to the world that the arts and sciences can flourish in free Governments. The names of Fulton, Whitney, Whittemore, and many others, will be held in grateful remembrance; and since the greatest inventions, however useful to the world, have been of little benefit to the inventors themselves, it is due to their memory, as citizens, to exhibit the efforts they made to advance the arts. Many of the most valuable improvements in labor-saving machinery have been copied in Europe from the United States. No foreigner withholds his surprise at the improvements and progress of the arts, as exhibited in the Patent Office.

Had not the patentees equitably a surplus of $160,000? If our country was oppressed with debt, even then a small grant of land, or its equivalent in scrip, would repair the loss. Can there be an American citizen to object to an adequate appropriation for this high purpose?

11. "What alterations, if any, has your experience as Commissioner suggested in the provisions of the act of July, 1836, regulating and reorganizing the Patent Office?"

Answer. So far as my experience extends, I hesitate not to say that the patent law is generally approved, and highly beneficial. It is equally advantageous to the public and the patentee. The former are defended from imposition, while the latter enjoy higher protection. Before the late law there was security for neither. The Patent Office only examined names and dates, and granted all applications presented in proper form. Of course, duplicates and triplicates were issued for the same inventions. The rights of parties were referred to the legal tribunals, and in the mean time spurious claims were selling throughout the United States.

The traffic in spurious patents will, it is hoped, be greatly lessened, and litigation, with her attending evils, be also diminished. Since the reorganization of the Patent Office in July, there have been presented about four hundred applications; ninety-five patents only have been issued; one hundred of the cases had not been examined. Some cases were rejected, others were returned for correction and alteration.

From past examinations, I think about one third of the

applications will be rejected, and three fourths of those finally granted will be materially altered, in consequence of being found, on examination, to claim more than is original, and thus come in collision with the rights of others. Sixty caveats have been entered, and the number will increase as soon as the law is more generally understood.

A doubt was entertained by the Commissioner of Patents whether, on the surrender of an old patent, more than one new patent could be reissued. The Attorney General has decided that several patents may be granted on a single patent surrendered. To guard against any inducement to defraud the revenue, each patent granted, (if more than one,) on a surrender, might be taxed thirty dollars.

It is respectfully suggested whether it would not be well to authorize the repayment to foreigners of two thirds of the patent fee required of them when a patent is desired, for want of originality, as in the case of citizens.

The number of foreign applications is increasing. The new law was passed the last day of the session, and no other appropriation has been made to meet the expenses of the office, except the general provision of the law making the patent fund chargeable with all the salaries and other expenses. The appropriation under the old law could not be drawn, since all expenses accruing were chargeable to the new fund. The force in the office has been found insufficient to keep up the current business. I apprehend it was the design of the committee who reported the bill to increase the force in the office, but this was not done; and while the duties of the office have been greatly enlarged, no additional help has been allowed. Permit me to say that the current business of the office was, with some extra assistance, all brought up at the time of the fire, with the exception of the files on the examiner's desk, and that the receipts of the Patent Office since July have exceeded, by 7,000 dollars, all expenses since that period.

I would respectfully recommend the appointment of one additional clerk, and, also, another examiner. This office of examiner is a responsible station. No one can perform these duties without skill and experience. The duties of examiner must be great. Each application must be compared with caveats on file; with pending applications; with patents, models, and drawings, expired and unexpired; and, also, with foreign works on the matter of inquiry. All this must be done to ascertain the *novelty* in the application. After this, the specifications, drawings, and models, must be examined, and made conformable to the law. Some specifications are very intricate and lengthy. A specification was nearly completed, when the fire broke out, which contained sixty pages of parchment. In a late petition for a patent for a rotary engine, three caveats were found interferences; and each caveat, in its general principle, interfered with patents granted in this country, and also in Europe. A tedious examination was necessary to determine the novelty and priority. In this examination, many volumes (some in foreign languages) were referred to, and, although each applicant will be compelled to narrow his claims, yet each may have sufficient merit for a patent.

It is certainly desirable that the examinations should be so carefully made as to give satisfaction to the applicants and to the public. An appeal is allowed from the decision of the Commissioner; but this has never yet been claimed. Another examiner will give additional satisfaction, and greater despatch. One hundred cases remained on the files of the examiner at the time of the fire, and were of course consumed. It may be remarked that, if the duties of examiner are confined to a single individual, his sickness or absence must suspend the operations of the office.

I will only add, this is certainly the favorable moment to make an effort to repair the loss. Interest, sympathy, and patriotism, will unite. Justice demands all the reparation that can be made. Government has received from industry and ingenuity their choicest tribute. She confided the valuable repository to a place of little security. I have mourned, in common with others, at the ruins; but candor compels me to say that, without much help, I can do nothing to repair the loss. I leave, therefore, with the National Legislature, the *importunities* of those I am compelled to hear, but which I have not the power to relieve.

With the greatest respect, I have the honor to be, &c.

HENRY L. ELLSWORTH.

Hon. John Ruggles,
Chairman, &c., Senate.

A.

Schedule of records and papers burnt in the Patent Office.

Sixty volumes records of specifications, large folio books, from 500 to 600 pages.
Seven volumes of records of assignments.
Six volumes entry books for patents issued.
Thirty-three volumes of letters filed.
Thirty-nine volumes of letters copied.
All pending applications for patents, as near as can be ascertained, 500.
About 9,000 original specifications in files.
One caveat book.
One book of pending applications.
One note book of examinations.
Five classification books.
One fee book.
One leger.
One journal.
One day book.
One check book.
Three volumes heads of patents.
Four volumes list of models.
One volume entries under new law.
Twenty-six portfolios for drawings.

B.

List of books in the Patent Office library which have been destroyed.

Dobson's Encyclopedia,	12	volumes.
Repertory of Arts,	70	do
Journal of the Franklin Institute,	26	do
Silliman's Journal,	25	do
Transactions of the Society of Arts,	30	do
Bourynee's Mechanics,	12	do
Baine's History of the Cotton Manufacture,	1	do
Bell's Surgery,	4	do
Cooper's do.	2	do
United States Dispensatory,	1	do
Chaptal's Chemistry,	4	do
Berthotti on Dyeing,	2	do
Magazine of Popular Science, from commencement,	7	do
Railroad Magazine,	12	do
Dufief's Dictionary,	3	do
Webster's do.	1	do
Johnson's do.	1	do
Mason's Reports,	4	do
Nicholson's Dictionary of Architecture,	2	do
Encyclopedia Metropolitan, Nos. 41 and 42,	2	do
Nicholson's Encyclopedia, complete set,	8	do

The Cultivator.
Some odd numbers of Gill's Technology.
Ten volumes of State Papers.

Estimated value, - - $1,000 00

C.

An estimate of the loss sustained by the Patent Office.

7,000 models, cost not estimated.	
9,000 drawings, do do	
Library	$1,000 00

Model-cases	$2,000 00
Furniture, including cases for papers, stationery, and parchment	2,000 00
Fuel	150 00
Office seals and press	150 00
Cost of record books and portfolios	1,300 00

D.

Estimate to restore the loss in the Patent Office.

3,000 models, at $33 33 average	$100,000 00
From 5,000 to 6,000 drawings	38,000 00
Record books	950 00
Recording patents and assignments	15,000 00
Press and seal	150 00
Desks, book-cases, and other office furniture	2,000 00
Total estimate	$156,100 00

BURNING OF THE POST OFFICE BUILDING.

In Senate of the United States,
March, 2, 1837.

Mr. Knight made the following report:

The Committee on the Post Office and Post Roads, to whom was referred the resolution of the Senate instructing them to inquire into the cause of the destruction by fire of the building in which was the General Post Office, the City Post Office, and the Patent Office, report:

That the committee commenced the inquiry by addressing letters to the Postmaster General, the City Postmaster, and the Superintendent of the Patent Office, from each of whom answers were received, and are hereunto annexed. We further proceeded by examining several persons who were first at the place of conflagration, but had not progressed far before it was ascertained we were following in the track of the committee of the House of Representatives, and that all the persons we had examined, or were about to examine, had already been examined, and their depositions taken, by the committee of the House. And believing that no information would be elicited which would not come to the knowledge of Congress through that committee, we therefore concluded it would not shed any light on the subject by proceeding further with the examination of those persons. But to suspend the investigation, and wait the development of some new fact or discovery of some other person possessing some knowledge or information of the matter referred to the committee, would better accomplish the object required by the resolution. But no such development or discovery having come to the knowledge of the committee, we therefore submit the statements of the Postmaster General, the City Postmaster, the Superintendent of the Patent Office, and, also, of the honorable Mr. Ruggles, of the Senate, James Summers, Samuel Crown, Henry Bishop, sen., and Cornelius Cox, as containing all the information obtained by the committee concerning the object of the inquiry aforesaid; all of which are appended to and make a part of this report.

The committee cannot forbear remarking that the practice of placing ashes in and near the wood, coal, and other combustibles appertinent to the public offices, cannot be too strongly reprehended, and in their opinion such practice should be discontinued and abolished.

Post Office Department,
January 3, 1837.

Sir: In compliance with the request contained in your letter of the 20th ultimo, I proceed to give you all the information in my possession in relation to the late destruction of the Post Office building by fire.

My residence is on the east side of Seventh street, nearly opposite the end of the Post Office building lately occupied by the Patent Office and City Post Office, and but a few rods distant. I left the Department soon after dark on the evening of the 14th ultimo, and retired early to bed, being quite indisposed. Between the hours of 3 and 4 o'clock on the morning of the 15th, the cry of fire was heard. Still being very unwell, I requested one of my family to look out and inform me where the fire was, and learnt that no appearance of fire was visible, either from the east or west windows of my dwelling. The cry of fire was repeated at intervals, and in a few minutes Mr. Laurenson, a clerk in the Auditor's office, rapped at my door, and stated that the Post Office was on fire. I instantly left my bed, and, looking out a front window, saw no signs of fire on any part of the building, the east end being in full view. I dressed, and, on going out, observed smoke issuing from the eastern door. Passing round to the front, I observed smoke issuing also from the cracks in the windows of the principal room of the City Post Office, and perceived a light over the front door, evidently produced by the flame within. Not observing a single person, and having no means to extinguish a fire so much advanced in the combustible matter with which the City Post Office was filled, I thought it my duty to proceed to save the books of the General Post Office. I entered the passage at the west end of the building, and saw a light over the door which separated the City Post Office from the passage of the Post Office Department, through the cracks of which the smoke was forcing its way. I found Mr. Reynolds, a watchman, in the passage, and Mr. Baldwin, a clerk in the contract office, already in his room, preparing to remove his books. A few other persons soon joined us, and we proceeded to remove the books in every room on the lower floor, after which an accession of force proceeded to secure the files of papers and the furniture. While engaged in removing the books, I twice observed persons attempting to open the door which led from the passage into the City Post Office, whom I requested to desist, lest the smoke, if not the flame, should rush in upon us, and prevent our saving the books and papers. On their expressing a belief that the fire could be extinguished, I told them to go to the front or end door of the City Post Office, whence the fire was much more accessible. Some of them stated that those doors were fast, and inquired whether they should break them open. I answered in the affirmative, and they left the Department, as I understood, for the purpose of breaking open the doors, and making an attempt to extinguish the fire. At that moment no light appeared over the door, the fire being obscured and partially smothered, it is presumed, by a dense smoke.

Having seen all the books sent out of the first story, I went up into the second. In the big room (so called) I observed Mr. Suter, principal pay clerk, busily employed, with several others, in carrying out the books of the Auditor's office. I passed through that room to the rooms of the appointment office, which adjoined the Patent Office, on the second story, and, as I believed, saw all the books of that office sent out.

In the passage I observed Mr. Ellsworth, the Commissioner of Patents, attempting to force open a closed window or door leading from the second floor of the General Post Office into the passage of the Patent Office. Apprehending that the smoke, if not the fire, would render it impossible to enter the passage of the Patent Office, and that the only effect of opening that avenue would be to cut short our exertions to save the contents of the General Post Office, I so intimated to Mr. Ellsworth. Instantly reflecting, however, that he must feel it his duty to use all possible means to save the books of his own office, I turned from him to renew my exertions. There were scuttles through the floor at the end of the passages in the General Post Office, next to the Patent Office and the City Post Office,

through which the smoke was rapidly ascending from the door of the City Post Office, and I expected every instant to see it followed by flames. If Mr. Ellsworth had effected an entrance there, it would have been at the imminent hazard of his life, as his retreat was liable every moment to be cut off. I met with him again in the building, when he told me he could not even find a ladder by which he might enter the windows of the second story and save his books.

On turning from Mr. Ellsworth the first time, I met Mr. Eliot, the chief examiner, who told me the doors in the third story were locked, and inquired whether he should break them. I answered in the affirmative, and followed him back through the big room and up into the third story, where I saw him and another gentleman forcing the doors of the rooms.

Having observed, from the illumination of the street in front, that the flames had burst out, it now occurred to me that my family might not be safe, as the wind might drive the flames in the direction of my dwelling-house, which, though covered with slate, was connected with a porch, and was near other buildings not so secured. I found the street in front of the General Post Office abandoned, and the heat so intense that I could scarcely pass on the opposite side. The flames were pouring in torrents out of the windows of the City Post Office and of the Patent Office, and were just bursting from the roof above. There was a gentle wind from a southwesterly direction, which drove the smoke and burning cinders immediately over my dwelling-house and those in the vicinity. The flaming cinders had already alighted in several places on the shingle roofs of the opposite houses, and I gave up for lost the entire blocks on both sides of Seventh street in the rear of the Post Office. I sent my wife and children to a place of safety, gave instructions to the servants, and leaving the house in charge of a few kind friends who volunteered to guard it, went out through a shower of fire, and returned by F street to the General Post Office. I again ascended to the third story, apprehending that there were books and papers in that quarter not yet removed, but found the passage entirely abandoned, and so full of dense smoke, that it could scarcely be entered without suffocation. Here ended my own efforts to rescue any thing from the building. The flames were then making fearful progress in the lower passage, and had spread through most of the roof.

Passing around to give such directions as seemed to be required in relation to the guarding and preservation of the books, papers, and furniture, which appeared in various directions upon the side pavements and streets, I returned to my dwelling, which I found free from danger, the wind having veered to the south, so that the cinders were falling upon the open lot and upon the back parts of the houses and on the out-houses upon the west side of Seventh street, which were well protected by the vigilance of their owners and occupants, aided by a few of the citizens.

Early in the morning I caused all the books and papers which were lying in piles or scattered about the streets to be conveyed to my house and deposited in the parlors. The furniture I directed to be collected in an open lot, and a guard set over it, which was done.

Of the cause of the fire, or the particular spot where it originated, I know nothing. I observed neither fire nor smoke about the basement of the City Post Office; but, having first discovered it above, it was natural that I should not look for it below. From the statements of the watchman who was on duty in the General Post Office, of the clerks of the City Post Office, and of other persons who made their observations ten or fifteen minutes before I did, my conviction is, that it originated in the basement, directly under the principal room of the City Post Office, and, when I first came out, had burnt through the floor. No fires were kept in the basement of the City Post Office, and although it is ascertained that ashes were sometimes deposited there in a box on the cellar floor, no circumstance has come to my knowledge making it probable that the fire originated from them. Nor do I know any circumstance tending to show that it was the work of an incendiary, other than the fact that those rooms containing fuel were accessible from the street, and the absence of any other known cause.

One of the watchmen of the General Post Office, then on duty in the lower passage, reports to me that he was first alarmed by the smell of smoke, as if from smothered fire, and, after examining sundry rooms in the General Post Office, discovered that the smoke came up through the cracks of a trap-door in the passage, close to the door of the City Post Office. Attempting to descend into the basement of the General Post Office, his candle was extinguished by a current of air mingled with smoke, when he gave the alarm by thumping at the door of the City Post Office, and crying fire in the streets.

If there be any other point on which information is desired by your committee, I shall be happy to give it as far as it is in my power.

Very respectfully, your obedient servant,

AMOS KENDALL.

Hon. JOHN M. ROBINSON,
Chairman Com. P. O. and P. R., Senate.

CITY POST OFFICE,
Washington, D. C., Dec. 21, 1836.

SIR: I have the honor to acknowledge the receipt of your letter advising me that the committee of the Senate charged with an inquiry into the causes of the late conflagration of the Post Office building would be gratified to receive from me any information on the subject which might tend to promote the investigation as directed by the Senate.

Of my own personal observation I know but little. I left the office between 7 and 8 o'clock the evening before, enjoining upon the clerks, as was my habit ever since I have been charged with the office, to be careful with the lights and fires. On the first alarm in the morning I repaired to the office; perceived a dense smoke issuing from the eastern part of the building, but saw no light or fire. My first effort was to collect the clerks, with the view of entering the office to save the letters, &c. One of them (Mr. Kennedy) at length appeared, and admonished me not to make the attempt, assuring me that it would prove fatal. I persisted, notwithstanding, but was restrained by him and others, all of whom represented it as impracticable, and that repeated attempts had been made in vain, when there was less danger. This brief statement comprises all the information on the subject, not derived from others, that I possess.

As to what I have heard in relation to it, I presume the committee would prefer to learn it from the sources from which I derived it. I would therefore respectfully refer them to B. L. Bogan, Christopher Lansdale, Cornelius Cox, Samuel Crown, and James Summers—the first two of whom left the office at half past 2 o'clock in the morning of the fire, leaving the other three in charge of the office; to James A. Kennedy, a clerk in my office, John F. Callan, M. Callan, John Suter, Jacob Gideon, jun., George S. Gideon, Samuel P. Walker, Dr. Alexander Davis, John C. Rives, Robert S. Patterson, James Laurenson, Thomas Donoho, and Lambert Tree—all of whom, living near, were early at the fire.

I have the honor to be, very respectfully, your obedient servant, W. JONES, *Postmaster.*

Hon. JOHN M. ROBINSON, *Chairman, &c.*

PATENT OFFICE, *December* 21, 1836.

SIR: I have the honor to acknowledge the receipt of yours of the 20th instant, and, in obedience to the instruc-

tion of the Committee on the Post Office and Post Roads, beg leave respectfully to state, that the section of the Post Office building assigned to the Patent Office, and under my official charge, comprised the second and third stories of the eastern part of said building, immediately over the City Post Office.

I reached the Patent Office at a very early period of the recent conflagration, (about 4 o'clock, A. M.,) and made every personal effort to enter the office, but in vain. The same causes which prevented those who slept directly under it, in the City Post Office, rendered it impossible for me to enter, or to save any portion of public property under my charge.

I beg leave respectfully to suggest to the honorable committee the names of honorable Mr. Ruggles of the Senate, Dr. T. P. Jones, Mr. and Mrs. Steiger, and Henry Bishop, as persons who, either living directly opposite the Post Office building, or very early present at the conflagration, may perhaps be able to communicate some useful information to the honorable committee in regard to it.

I have the honor to be, very respectfully, sir, your obedient servant,

HENRY L. ELLSWORTH.

Hon. John M. Robinson,
Chairman Com. P. O. and P. R. of the Senate.

Testimony of Mr. Ellsworth.

I was awoke by Mr. Steiger a few minutes before 4 o'clock, on the 15th December, and arrived at the fire a few minutes after four. My first examination was to ascertain the place of the fire, with the hope of extinguishing it. The City Post Office was in flames, visible through window, and no one could enter it.

I went around the whole building, and looked into the cellars as far as I could, but no fire was seen in any of them. I made an effort to reach the Patent Office by the usual door on the east side, but the smoke prevented me. I then made an effort to get into the Patent Office through the third story, as there was a window connecting the General Post Office and the Patent Office, through which window wood was passed into the Patent Office. Previous to my attempting to get into the Patent Office this way, one of the clerks had broken through an inner door of the City Post Office, and the smoke ascended so fast that I could not succeed in my object, although Mr. Steiger, Mr. Bishop, and myself, took up the carpet in Mr. Johnson's room to lay over the aperture through which the smoke ascended.

I abandoned any further effort to save the Patent Office papers from the inside of the building, and next tried to get a ladder to enter the window on the north side of the building, but no ladder could be obtained.

I ought to remark that, while examining as to the place of the fire, I met Mr. Kyle, superintendent of the building, and asked him if he knew where the fire was. He said he had been into the cellar, and passed along the passage until he came under the City Post Office, and that he saw fire dropping down upon the floor above on to the ground, and that there was nothing on the ground to burn—the fire came from above—he passed the cellar in which the Patent Office wood is kept, but did not say he saw any fire there.

After I had been at the fire, as nearly as I can recollect, about fifteen or twenty minutes, I saw Doctor Jones (of the City Post Office) earnestly calling for his clerks. He inquired of me if my messenger was there—he wanted to ask him where and when he put ashes in the cellar. I called Mr. Bishop, who was near by. He then told Doctor Jones, in my presence, that he had just been *into the cellar* in which the Patent Office kept their wood and ashes, and there was no fire in the cellar; and further said, that if either Doctor Jones or myself would go into the cellar, he would go in with us, and we could satisfy ourselves. We were then all standing very near the cellar windows opening into the room where the Patent Office wood and ashes were kept. Not the least ray of light was discoverable in the cellar at that time. If not improper, I will add that, from my knowledge of the building, it seems *utterly impossible* that, if the building was safe at three o'clock, when the mail was delivered, the City Post Office could not be in such a general conflagration at half past three, by the ignition of ashes in the cellar. The honorable Mr. Ruggles was among the first at the fire, and opened the door leading into the City Post Office, and can describe the situation of the fire. HENRY L. ELLSWORTH.

Senate Chamber, *January* 22, 1837.

Sir: In compliance with your request to furnish you with a statement of what knowledge I have respecting the conflagration of the Post Office and Patent Office building on the fifteenth of December, I enclose a copy of my testimony, as taken down by the committee of the House in their investigation of the same subject, furnished to me by the clerk of that committee. It saves me the trouble of writing it out again.

In addition to that I will state two or three circumstances which have fallen under my observation. A few years since I was in the clerk's office in Lincoln county, Maine, where all the records of deeds and probate and court records for the county were kept. It was in the spring, and a man was removing a stove which had, during the winter, been standing in the middle of the room. It stood about 10 or 12 inches from the floor, with about two inches of sand under it, retained within cleets, to protect the floor from the heat of the stove. On the sand being removed, I observed the floor to have been burned and charred in two places directly under the stove, each place as large as my two hands. I broke up and removed the charred board easily with my finger. The under floor board was but a little discolored, not charred. The floor had been ignited and gone out of itself, not finding in its progress any current of air to feed or blow it into a flame.

Another case in my neighborhood was where a cook-stove stood about a foot from the plastered ceiling. The laths took fire on the other side of the plastering, and the house came near burning down. It is not probable that the ceiling was at any time made so warm by the stove that one could not bear his hand upon it. Another similar instance occurred in the same place in a jeweller's shop, the stove standing 8 or 10 inches from the ceiling. Within a few rods of these a fire broke out on Sunday afternoon, in a store in which there had been no fire for 24 hours. It proved to have taken in the beam on which the chamber fireplace rested. The hearth on the beam was composed of three thicknesses of brick. I have been informed of two other like instances in the vicinity where I live. In each of these cases the heat of the fire was wholly insufficient to produce immediate combustion. It was only by the long and uniform communication of it to the combustible material, through the medium of a slow conductor, excluding the external air, that ignition took place. Under such circumstances, caloric acts slowly and *chemically* upon the fibre of the wood, producing a *latent* ignition, which gradually proceeds until the supply of caloric ceases, when its progress is stopped; or until it meets with a gentle current of air coming in through some crevice, which feeds and fans it into a flame. There is a certain combination of circumstances which will always produce this effect. The principal circumstances are those I have mentioned—a uniform supply of caloric passing through a slowly and steadily conducting medium in contact with the wood, excluding the external air, and continued for a considerable length of time.

The stove in the City Post Office, I understand, stood upon a pavement of brick of a single thickness, resting on the floor, perhaps filled in between with mortar or sand. Were or were not the circumstances here combined precisely those which are shown to be sufficient to produce latent ignition? A crevice in the floor would supply the other circumstance necessary to produce open combustion. Had there been nothing on the floor, there would have been much less danger; indeed, none, except from coals falling on the floor. Sheet-iron or other metallic plate is a much safer material on which to place a stove, than brick, mortar, or sand.

I am, most respectfully, your obedient servant,

JOHN RUGGLES.

Hon. JOHN M. ROBINSON,
Chairman Com. of the Senate on Post Office, &c.

In corroboration of the opinion of Mr. Ruggles, he requests the following statement, in regard to the recent fire in the Bank of England, may be hereto annexed.

Protection of the Bank of England against fire.

The recent fire in the printing department within the Bank of England, and the vast importance of their being a full assurance of safety for the enormous amount of securities and moneys deposited in this national establishment, may render the following account of the means of protection against any accident from fire, which the bank possesses within itself, interesting to the public generally.

In the first place, the entire building is erected in a manner cautiously designed to prevent the spread of fire. In every department are strong rooms for the nightly lodging of books, moneys, and securities, and closets within these rooms, which, together with the rooms themselves, are deemed to be perfectly fire-proof. There is a nightly guard of 32 soldiers sent from the tower, who have each his assigned post within the building. There are, besides, a number of the porters, of the principal clerks, and of other officers of the establishment, constantly resident within the walls of the building. A nightly watch of the confidential officers of the bank, who take turns in rotation, is rigidly required. A general survey of every department and office of the building is made by those gentlemen, who are on duty thrice in the course of every night, namely, at ten o'clock, at midnight, and at four o'clock in the morning. Occasional surveys of the more important apartments are made in the intervals between these stated times, of more or less extent, according to circumstances, and the degree of vigilance of the gentlemen whose turn it is to keep watch. It was to this wise precaution that the timely discovery of the recent fire is attributed.

There are seven very excellent fire-engines kept within the bank, which are monthly inspected by the maker, and there is in every department a good supply of fire-buckets. In each of the yards of the bank are capacious tanks, judiciously placed, and kept constantly filled with water. The only deficiencies seem to be the not having two or three resident porters practically acquainted with the management of engines, and the want of pickaxes, saws, and crow-bars, to tear up timbers, floorings, or partitions, which might catch fire.

Of the cause of the late fire, upon a careful resurvey, no doubt could exist. The aperture cut through the flooring by the workmen, and which was supposed by the clerk of the works to have caused the fire, by the fall of some accidental spark, was found to be wholly untouched by fire, so that no doubt can exist but the iron hearth had, for many days past, been allowed, by the accumulation of burning cinders, to become thoroughly "saturated with heat;" and iron being a powerful retainer and conductor of heat, the strong beam that passed under the hearth, and the ends of the girders which rested thereon, were gradually undergoing a process decay, from the constant action of heat, till at last they burst into a state of combustion. The property within the bank is wholly uninsured.

Testimony of the Hon. John Ruggles, Senator in Congress, December 30, 1836.

I, John Ruggles, having been duly sworn, testify as follows:

I board at Mrs. Carlisle's, at the corner of Pennsylvania avenue and Seventh street, and was awakened by the cry of "fire at the Post Office." I went as soon as possible to that building, and found, perhaps, half a dozen persons standing about it. Observing the eastern door open, I entered it and attempted to enter the letter-room of the city office, one leaf of the inner door being open about eight inches. In opening it, and attempting to enter, I found the heat so intense that I could not, and my hair and eye-brows were scorched. Standing at the door, and stooping so as to look under the smoke, I saw the fire burning about 20 feet from me, it might have been more, in an obilque direction to my left. There was a hole through the floor about the size of a small centre table. I saw it burning round the edges of the hole distinctly, and some fire blazing up through the hole. I noticed no object about the fire. It is my impression that I met a person at the door passing out from the letter room with a bucket; and while in the door I had an impression that water had been thrown toward the fire, but did not reach it, and, from the distance, that it would be impossible to reach it without an engine. I made several ineffectual attempts to close the door to smother the fire until an engine could be procured, but could not, by reason of some obstacle which I did not then perceive. I went and made inquiries where water could be found, and was told there was a pump across the street a little above. I made some attempt to form a line from the pump to the office; there were, however, but few persons present, perhaps ten or a dozen; but I supposed the number would be increasing rapidly. I then directed my attention to the procuring of an engine. Two or three persons were endeavoring to get the engine near by from the engine-house into the street. I assisted in drawing it to the pump. Two or three persons employed themselves in endeavoring to put it into working order, and in unwinding and drawing out the hose. After some time it was announced that it was not in a condition to be used. I then passed to the south front door of the City Post Office, and found some person endeavoring to force it with an axe. This was ten or fifteen minutes after I first arrived at the building, and the dense smoke was issuing through the letter-hole in that door. I earnestly entreated them not to break the door down until water could be procured, as it would serve to feed the flame and increase the rapidity of its progress. They very reluctantly desisted. Some time after an engine was brought in front of the City Post Office, about which time a window of the City Post Office, I believe the second east of the door, was broken in, a volume of dense smoke first issued, and instantly afterwards a very brilliant flame. After the flame had been issuing a short time, an engine played into the window, and the flames which issued from the window were extinguished instantly; but the water was soon exhausted, the hose having become separated which connected with the hydraulion at the pump which supplied the engine before the building. The flames soon after burst out anew. After some time, the hose was again connected, but there appeared to be a scanty supply of water, and the action of the engine was too feeble to throw the water with any effective power into the building.

After the fire, Mr. Cox, a clerk in the City Post Office, described to me the location of the large stove in the letter-room, which corresponded very nearly with the location of the fire, as I saw it.

At any time within 15 or 20 minutes after I arrived at the building, an engine in order, with an efficient company, and a supply of water, would, in my opinion, have extinguished the fire with but little difficulty. I did not notice any smoke issuing from under the platform of the east door when I first arrived at the building; there might have been without my perceiving it. Some ten minutes after I arrived, I looked along at the basement windows in front of the building, as far as the City Post Office door, and along the eastern end of Seventh street, and under the platform of the east door, in order to see if there was any fire in the cellar. I saw none, and did not notice smoke at any of them. I looked at the windows at a little distance, and it was so dark that I was unable to see whether the windows were or were not closed by shutters.

JOHN RUGGLES.

Statement of James Summers.

I have been called the "watchman" of the City Post Office, but the labor I had to perform differing materially from that of watchman, it may be necessary to explain that my duties, through the fore part of the night, were to assist in preparing the mails for delivery; that, upon closing the east door, which was usually done about 10 o'clock, P. M., I was at liberty to retire to rest; but the arrival of several heavy mails after that hour being calculated to disturb my repose, I but seldom retired before midnight. The duties of receiving and delivering all the mails that came in or left the office during the night devolved also upon me. Thus was I employed until about five or six months preceding the fire, when I was required to leave the labors of the office, and to select such a position in my room every night as would enable me to see all persons coming into or leaving the office until the east door was closed, and to receive and deliver the mails through the night, as above stated.

On the night of the conflagration I retired to bed about midnight. The driver who carries the Southern mail to the steamboat, rang me up about three o'clock, A. M. The mail was delivered to him; and after passing out at the door, looking around, and discovering no human being except the driver, nor aught else to attract attention, I returned, closed and locked the door, and retired to bed, where I soon fell into a profound sleep.

About one hour after, I was aroused by Mr. Crown, a messenger, who slept in the postmaster's room, and who, upon entering my chamber, exclaimed, with a voice indicating much alarm, "Good God! Mr. Summers, where does all this smoke come from?" I immediately sprang out of bed, and perceiving my room filled with a dense smoke, which I knew, both by smell and color, proceeded from the burning of pine wood; and our coals being kindled with pine, my first research was to ascertain whether the smoke might not proceed from a burning chunk fallen from the grate, and rolled towards the fender. Finding nothing amiss about my fire, I immediately went into the room where the messenger slept, to examine his fire; but, upon entering it, found he had none. Disappointed in these researches, and now, for the first time, alarmed for the safety of the building and its valuable contents, I hastened out at the east door, where I immediately discovered the smoke issuing from a window directly under the platform. Stooping under the platform, I perceived the smoke passing obliquely to my right, but could see no fire. While prosecuting this examination, Mr. Crown suddenly spoke of Mr. Cox's danger. Knowing that he was unusually hard to wake, and therefore greatly alarmed for his safety, I ran into my room, and rang the bell with great force. He soon after appeared in his night clothes, and greatly alarmed.

Perceiving the density of the smoke to be rapidly increasing, I again went out and crept further under the platform, in order to ascertain the location of the fire; but, although I could then distinctly hear the roaring of the flames, I could not see it. An effort had been made, both by Mr. Crown and myself, to alarm our neighbors by the cry of fire, as soon as it was known to be under the building. And now, aware of the increasing danger, and that our force was inadequate to a successful attack on so formidable an enemy, we commenced a more general cry. I then crossed over 7th street, passed the opposite row of buildings, and with loud cries endeavored to alarm their inhabitants; but sleep apparently seemed to hold the dominion; not a window was hoisted, nor voice from within heard. I again returned to the Post Office, and passed along the south side to the west end, where I was asked by some person from within, "what was the matter?" I answered, the Post Office is on fire. I then ran down 7th street to Pennsylvania avenue; and in passing up the avenue, I met with three black boys, who, at my request, assisted in giving the alarm. I continued up the avenue to 10th street, passed up 10th to E, and then along E to the office. In performing this round I awoke many persons. On my arrival at the office I found a number of persons engaged in moving the furniture and books of the General Post Office: and perceiving through the window blinds that the flame had made its way into the City Post Office, and all hope of extinguishing the fire at an end, I joined and continued in the labors of removal until the close of the scene.

JAMES SUMMERS.

The deponent further says that there was no plaster or ceiling over head in the cellars of the Post Office building; the floor joists, or timbers on which the floors laid, were totally uncovered. At the time he first passed out at the east door of the Post Office, and saw the smoke issuing from under the great step-stone, or platform, he passed round the corner to the south side of the building, but did not see or discover any smoke or fire coming out of the south windows of the building; the window under the platform was open, and the windows on the south side were closed. The wood in the cellar of the City Post Office was packed from the ground up to the floor.

JAMES SUMMERS.

JANUARY 27, 1837.

Statement of Samuel Crown.

Samuel Crown, of Washington, D. C., testifies and says that he is the messenger to the City Post Office, and remained in the office all the night of the conflagration of the General Post Office, which took place on the morning of the 15th of December last; that he makes the fires for said office. On the morning of the 14th of December, this deponent took up the ashes in the fireplace in said office, where there had been a fire on the day previous, and carried the ashes and deposited them in the passage in the cellar under said office, about equidistant from two door-ways opening from said passage into the wood-rooms of said Post Office, which were then occupied with wood and coal for the use of the office; there were openings also on the north side of said passage, one occupied as a wood-room, and the other leading up stairs into the room occupied as the Post Office. The ashes were placed on the ground of the cellar, and against the brick partition wall. The ground of the cellar was damp at the time; the ashes were cold when taken up, and no fire seen in them; there was about one barrel of ashes on the ground at the time he deposited the ashes, as above stated.

This deponent says that he was in the office until thirty-five minutes after two o'clock on the morning of the 15th, when he retired to his bed, in the southeast corner room, commonly occupied by Doctor Jones. This deponent was awake at three o'clock, and heard the Southern mail when it left the office. Some time afterwards, about

or nearly four o'clock, this deponent was awoke by the smoke in the room; he immediately arose, and, after examining his own room, went into the passage leading out of the east door, and discovered the outside door open; there was as much smoke in the entry as in his room; he then went out of the east door, and went round on the south front of the building, and examined the cellar windows, and perceived smoke coming out of all the windows, and at the window nearest the south door of the Post Office discovered considerable heat issuing from the window; he then cried fire! fire! went back and alarmed Mr. Cox, first by ringing the bell leading to his room, then by going outside, round to his window, and knocking against it, and then rang the bell again. Mr. Cox then came out of his room, and then the deponent went to the window from whence the heat issued, to show Mr. Cox; but whether Mr. Cox went to the window or not this deponent cannot say. Mr. Cox advised him to go after Mr. Kennedy, the chief clerk in the City Post Office; he, the deponent, went after Mr. Kennedy, awoke, him, and then returned to the Post Office, and went into the room where he slept, and got his pantaloons; the room was then so full of smoke he could not breathe in it. Mr. Kennedy soon came, and we went to the south window, where the smoke and heat continued to issue, but did not see any fire; then the deponent went to assist in getting out the engine. After we got the engine in readiness, it proved to be out of order and useless; the deponent then went into the Post Office, and discovered fire about the centre of the room, not far from the stove; the fire immediately spread with great rapidity until the whole building was on fire. That, previous to his calling Mr. Cox, he attempted to go down cellar with a candle, but could not for the density of the smoke.

SAMUEL CROWN.

Statement of Henry Bishop, sen.

I am messenger of the Patent Office, which office I have held six years last November.

On the night of the fire I was alarmed by a knocking at my next door neighbor's house, and heard a person say that the Post Office was on fire; I immediately rose out of bed, dressed myself, looked at my watch, which was about half past four; it is generally too fast. I called my eldest son, Henry, a young man, and sent him to Mr. Ellsworth's house to inform him of the fire.

I immediately went to the building, ascended the steps of the City Post Office on E street, looked in at the window east of the steps, and saw that the large room was full of black smoke, with a red blaze in about the middle of the room, in a northeasterly direction from where I stood. I did not stay more than a minute in this place; my first object was to get into the Patent Office, having the keys with me. I attempted to get into the building at the door on 7th street, but from some cause which I do not well recollect, I could not enter; whether the door was fast or the smoke prevented I cannot positively say. I then went to the front of the building on E street, passed through the door of the General Post Office into the yard north of the building. I then went to a back door communicating with the City Post Office and Patent Office, found it open, with a great deal of smoke in the passage, apparently coming from the large room occupied by the City Post Office. I attempted several times to ascend the stairs of the Patent Office, but the smoke was so thick and suffocating that I was obliged to desist.

I then went into the yard north of the building, and saw a person looking into the cellars to see if there was any fire to be seen, but there was none. I then went to the front of the building on E street, to examine the Patent Office cellar, which was under the City Post Office; I pushed open the shutter just west of the City Post Office steps and went into the cellar, where I could see nothing, for it was total darkness.

I then left the cellar. By this time Mr. Ellsworth had arrived, and I joined him; we made some more attempts to get into the Patent Office, which were unsuccessful; the smoke and flames filled the building, and we were obliged to retreat.

After all hope of saving the building had been given up, and I was watching the progress of the fire, I was informed that Dr. Jones, City Postmaster, was speaking about ashes being kept in the Patent Office cellar, under the City Post Office, and conveyed the idea that the fire might have originated there. I immediately went to Mr. Ellsworth, and told him of the remarks of Dr. Jones. While I was speaking to Mr. Ellsworth, Dr. Jones came where we were; I then told Mr. Ellsworth and Dr. Jones that there could not be any fire in the Patent Office cellar, for I had been in the cellar since the fire, and it was entirely dark. I likewise offered, in the presence of Mr. Ellsworth and Dr. Jones, to open the shutter and go in again, but they said it was not worth while.

On the subject of the ashes I have to state that, as soon as the clerks left the office for the day, the fire was not covered with ashes to keep fire for the next day, but the brands were put together, a screen put before the fire, and the fire left to burn out, so that there was very seldom any fire the next morning. In the morning the ashes were taken up in an iron hod, and never emptied till the next day, and sometimes longer; the day previous to the fire, Wednesday, ashes had been emptied from the Patent Office that had been taken from the hearths on the Monday previous, and perhaps some might have been taken up on Tuesday; but I am sure there was none taken up on Wednesday. The ashes were put in a large wooden box in the cellar, under the large room occupied by the City Post Office; the box stood by itself on a ground floor, about eight or nine feet from the floor above.

HENRY BISHOP.

Statement of Cornelius Cox.

Cornelius Cox, a clerk in the City Post Office, testifies and says that, on the morning of the 15th of December last I was awoke by some noise, and upon getting up immediately concluded the office was on fire, as the room was filled with smoke. I opened the door which led into the Post Office, and ran through out of the east door to a room occupied by Mr. Summers. In doing this I suppose I passed through 15 or 20 feet of the office, and saw no light; but the smoke was so dense that it was with great difficulty that I could breathe, and heard a crackling under the floor very distinctly. In Mr. Summers's room I met him and Mr. Crown. I said, Crown, where in the world does all this smoke come from? He said he did not know, but believed the cellar was on fire. I then asked him if he had been down in the cellar. He said no, but had attempted to do so, and proceeded a few steps, when he found the smoke so thick that it put out his candle, and was forced back for fear of suffocation. I told him to go over and wake up Mr. Kennedy, one of the clerks of the office, who lives within a half a square. I then ran out of the office on the pavement to the front, and saw the smoke coming out of the window under the steps at the east of the office, and had a full view of the whole front, but saw no person up to this time, with the exception of Summers and Crown. I then went back again through the office to my room, for the purpose of dressing myself, and in passing over the floor heard the crackling and rumbling of the fire below so clearly that I was apprehensive the floor would give way, and also a knocking at the door communicating with the Post Office Department. I put on my pantaloons, took my coat in my hand, and jumped out of the window at the back of the office, and ran round again to the front, not re-

turning in the same way that I went in, on account of the great danger, as I thought at the time, of the floor falling in. I there met Mr. Crown, and asked him if he had been over for Mr. Kennedy. He told me he had. (I was very anxious to get this gentleman over as early as possible, as I knew he had the key of the desk which contained the money belonging to the office.) Crown then went around and burst the cellar windows open until he came to the third one from the east corner, when he said, here, Mr. Cox, here it is (meaning the fire) just under here. I looked, but could see nothing but the smoke rushing out. At this time I recognised Mr. John Suter, of the Post Office Department, and four or five others. Mr. Kennedy then came over and tried to enter the office at the east door, but was repulsed by the smoke. I told him that the window of my room was open, and probably he might get in there. We then went round, and the smoke was issuing from it very thick. He told me I had better get in and save some of my clothing. I did so, and threw out a part of them, having every moment to thrust my head out of the window for air. After I got out of the window, and was gathering up the clothes that I had thrown out, I saw Mr. Bishop, the messenger of the Patent Office, who told me that he had been trying to get up to that office, but could not do so for the smoke. After this I went in the Post Office Department and assisted in saving the books and papers belonging to that Department. Neither time that I passed through or looked into the City Post Office was there any fire to be seen, nor did it get through for 20 or 30 minutes after I was up. If the fire had originated in the City Post Office, it would have been seen immediately, as there was a great quantity of combustible material there. I would here state that we got through the work and closed the office that morning about half past two o'clock, and I was up about ten minutes after the other clerks had gone, during which time I attended particularly to extinguishing the lights and securing the fires; looked into the stove and saw that the fire had nearly gone out, there being nothing but a few coals, and they nearly covered with ashes; placed a brick before the door, and went over to the fireplace. In this fireplace we burnt coal, and were in the habit of keeping fire throughout the night; it had gone down lower than usual, and fresh coal had been thrown on, so as to completely cover up all the fire there was remaining, and I was fearful that it would go out entirely; saw that a large iron screen which we had was placed before it, for the purpose of keeping any coals that might fall off the grate from rolling on the floor.

The carpenter's work throughout the office had shrunk generally, and the floor, particularly, was very open, so much so that I have often noticed places about the washboards, where it had been neglected to have been swept for a short time, covered with coal dust and other dirt blown up through the crevices from the cellar, which will account for the office being so full of smoke.

It was impossible to open the door at the south front of the office. I was the only person that penetrated any distance in. When I first came out I did so without knowing what was the matter; and when I went back, it was under the impression that I was risking my life; but had nothing on but my shirt, and forced myself through. It is my decided opinion that if any person had attempted to open that door from the inside, they would have suffocated, as they not only would have been obliged to have gone a very considerable distance through the office, which was obstructed by tables and baskets used for the distribution of newspapers, and to have opened a door leading into the lobby, which was locked, before they could have got to the main door, which was locked, bolted, and barred, besides having a large letter-box placed before it, which would have had to be removed. But there was no necessity for opening that door, as any person disposed to enter the office could have tried through the east door, as that entrance was open the whole time.

The great Eastern mail arrived about 15 minutes after 11 o'clock on the night of the fire. The letters and papers were taken out of the mail-bags, and those for the members of Congress placed in boxes ready to be delivered to the messengers of the two Houses; and the letters for the citizens were distributed in the several appropriate boxes. The boxes containing the letters and papers for members of Congress were in the southeast corner of the room of the Post Office. It is my opinion that those letters and papers could not have been saved, on account of the dense smoke. The Port Tobacco, Warrenton, and Georgetown mails were in the room occupied by Dr. Jones. These mails might have been saved if we had thought of them immediately after getting up; but we were occupied in giving the alarm and ascertaining where the fire was, so that they entirely escaped our attention. The large mails had all left the office. The Southern mail was the last, which was about 3 o'clock in the morning.

CORNELIUS COX.

INTERNATIONAL COPYRIGHT LAW.

Petition of Thomas Moore, and other authors of Great Britain, praying Congress to grant to them the exclusive benefit of their writings within the United States.

FEBRUARY 2, 1837.

Referred to a select committee, consisting of Messrs. Clay, Preston, Buchanan, Webster, and Ewing of Ohio.

Address of certain authors of Great Britain to the Senate of the United States in Congress assembled, respectfully showing:

That authors of Great Britain have long been exposed to injury in their reputation and property from the want of a law by which the exclusive right to their respective writings may be secured to them in the United States of America:

That, for want of such law, deep and extensive injuries have of late been inflicted on their reputation and property, and on the interests of literature and science, which ought to constitute a bond of union and friendship between the United States and Great Britain:

That, from the circumstance of the English language being common to both nations, the works of British authors are extensively read throughout the United States of America, while the profits arising from the sale of their works may be wholly appropriated by American booksellers, not only without the consent of the authors, but even contrary to their express desire; a grievance under which they have at present no redress:

That the works thus appropriated by American booksellers are liable to be mutilated and altered at the pleasure of the said booksellers, or of any other persons who may have an interest in reducing the price of the works, or in conciliating the supposed principles or prejudices of purchasers in the respective sections of your Union; and that the names of the authors being retained, they may be made responsible for works which they no longer recognise as their own:

That such mutilation and alteration, with the retention of the authors' names, have been of late actually perpetrated by citizens of the United States; under which grievances such authors have at present no redress.

That certain authors of Great Britain have recently made an effort in defence of their literary reputation and property, by declaring a respectable firm of publishers in New York to be the sole authorized possessors and issuers of the said works, and by publishing, in certain American newspapers, their authority to this effect:

That the object of the said authors has been defeated by the act of certain persons, citizens of the United States, who have unjustly published, for their own advantage, the works sought to be thus protected; under which grievance the said authors have at present no redress:

That American authors are injured by the non-existence of the desired law. While American publishers can provide themselves with works for publication, by unjust appropriation, instead of by equitable purchase, they are under no inducement to afford to American authors a fair remuneration for their labors; under which grievance American authors have no redress but in sending over their works to England to be published; an expedient which has become an established practice with some, of whom their country has most reason to be proud:

That the American public is injured by the non-existence of the desired law. The American public suffers not only from the discouragement afforded to native authors, as above stated, but from the uncertainty now existing as to whether the books presented to them as the works of British authors are the actual and complete productions of the writers whose names they bear:

That, in proof of the evil complained of, the case of Walter Scott might be referred to, as stated by an esteemed citizen of the United States;* that while the works of this author, dear alike to your country and to ours, were read from Maine to Georgia, from the Atlantic to the Mississippi, he received no remuneration from the American public for his labors; that an equitable remuneration might have saved his life, and would, at least, have relieved its closing years from the burden of debts and destructive toils:

That, deeply impressed with the conviction that the only firm ground of friendship between nations is a strict regard to simple justice, the undersigned earnestly request the Senate of the United States in Congress assembled speedily to use, in behalf of the authors of Great Britain, their power of securing to the authors the exclusive right to their respecting writings.

Thomas Moore	Charles Babbage
J. D'Israeli	L. Bonaparte
Benjamin D'Israeli	G. P. R. James
Amelia Opie	William Buckland
Thomas Campbell	Grenville T. Temple
Charles Lyell	William Prout, M. D.
Harriet Martineau	Maria Calcott
Mary Somerville	G. Griffin
Henry H. Milman	Henry F. Chorley
Peter Mark Roget, M. D.	William Kirby
Maria Edgeworth	Thomas Carlyle
J. Bostock, M. D.	J. S. H. Pardoe
Henry Hallam	T. S. Grimshawe
J. N. Talfourd, M. P.	Charles White
Edmund Lodge, Norroy	Henry Lytton Bulwer
E. Lytton Bulwer, M. P.	Samuel Rogers
Marguerite Blessington	Thomas Chalmers
J. P. Potter	Charles Bell
Charles MacFarlane	J. C. Loudon
Anne Marsh	W. Whewell
Thomas Keightley	Edward Tagart, F. G. S.
William Howitt	E. C. E. Stuart Wortley
Mary Howitt	Rob. Murchison
S. C. Hall	Rev. Prof. Vaughn, D. D. Glasgow
Anna Maria Hall	
J. Montgomery	The Rev. G. Skinner, Cambridge University, England
Joanna Baillie	
M. M. Mitford	J. H. Caunter
Allan Cunningham	Robert Southey.

* Dr. McVicker. Vide his letter to the editor of the New York American, November 19, 1832.

Authors whose signatures are hereunto attached.

Names.	Works.
Thomas Moore, Esq.	Irish Melodies, Lalla Rookh, Life of Lord Byron, &c.
J. D'Israeli, Esq.	Curiosities of Literature, &c.
Benjamin D'Israeli, Esq	Vivian Grey, &c.
Mrs. Opie	Simple Tales, &c.
Thomas Campbell Esq.	Pleasures of Hope, &c.
Charles Lyell, Esq.	Geology, &c.
Miss Martineau	Political Economy.
Mrs. Somerville	The Physical Sciences.
The Rev. H. H. Milman	Fall of Jerusalem, History of the Jews, &c.
Dr. Roget	Bridgewater Treatise.
Miss Edgeworth	Tales, Practical Education, &c.
Dr. Bostock	Physiology.
Henry Hallam, Esq.	Constitutional History of England.
J. N. Talfourd, Esq., M. P.	Ion, &c.
Edmund Lodge, Esq., Norroy King of Arms	Illustrious Portraits, &c.
Edward Lytton Bulwer, Esq., M. P.	Pelham, Eugene Aram, Athens and Athenians.
The Countess of Blessington	Conversations of Lord Byron, Book of Beauty, &c.
The Rev. J. P. Potter	The Religion of Socrates, Cowper, Heber, and Newton.
Charles MacFarlane, Esq.	Residence in Constantinople.
Mrs. Marsh	Old Men's tales.
Thomas Keightley, Esq.	History of Greece and Rome, Mythology, &c.
William Howitt, Esq.	Book of the Seasons.
Mrs. Mary Howitt	Wood Leighton, &c.
S. C. Hall, Esq.	Book of Gems.
Mrs. Hall	Bucanier, Outlaw, &c.
James Montgomery, Esq.	World before the Flood, &c.
Miss Joanna Baillie	Plays of the Passions, &c.
Miss Mitford	Our Village, &c.
Allan Cunningham, Esq.	Lives of the Painters, &c.
Charles Babbage, Esq.	Science and Manufactures.
Prince Lucien Bonaparte	Memoirs, written by himself.
G. P. R. James, Esq.	Richelieu, Memoirs of the Black Prince, &c.
Rev. Dr. Buckland	Geology and Mineralogy
Sir Grenville Temple, Bart.	Travels in Greece and Turkey.
Dr. Prout	Chemistry, Meteorology, &c.
Mrs. Calcott	History of Brazil, Chili, and India.
G. Griffin, Esq.	The Collegians, &c.
H. F. Chorley, Esq.	Memoirs of Mrs. Hemans.
The Rev. W. Kirby	Habits, &c. of Animals.
Thomas Carlyle, Esq.	Sartor Resartus.
Miss Pardoe	Residence in Portugal.
The Rev. T. S. Grimshawe	Life of the Rev. Leigh Richmond, the Poet Cowper, &c.
Charles White, Esq.	Belgic Revolution.
Henry Lytton Bulwer, Esq., M. P.	France, Social, Literary, and Political.
Samuel Rogers, Esq.	Pleasures of Memory, &c.
Rev. Dr. Chalmers	Discourses, &c.
Sir Charles Bell	Bridgewater Treatise, &c.
J. C. Loudon, Esq.	Encyclopedia of Gardening, &c.
Professor Whewell	Bridgewater Treatise, &c.
Lady Emeline Wortley	Poems, &c,
Edward Tagart, Esq.	Life of Captain Haywood, &c.
R. Muchison, Esq.	Geology, &c.
Rev. Dr. Vaughn	History of Stuarts, &c.

Names.	Works.
Rev. G. Skinner.	
A. Hayward, Esq.	- Translator of Faust, &c.
The Rev. J. H. Caunter	- Romance of History, India, Oriental Annals.
Robert Southey Esq., Poet Laureate -	- Thalaba, &c.

Memorial of a number of citizens of the United States, praying an alteration of the law regulating copyrights.

FEBRUARY 4, 1837.

Referred to a select committee, consisting of Messrs. Clay, Preston, Buchanan, Webster, Ewing of Ohio, and Ruggles.

To the Senate and House of Representatives in Congress assembled:

The petition of the undersigned, citizens of the United States, respectfully represents:

That they believe native writers to be as indispensable as a native militia; that, although foreign writers and foreign writings may be had *cheaper*, owing to the present law of copyright, our people must look for the defence of their habits, their opinions, and their peculiar institutions, to those who belong to them and have grown up with them—to their own authors, as to their own *soldiers*, whatever may be the cost *in dollars and cents*.

That, by the present law of copyright, our own authors are unable to contend with foreigners who are paid elsewhere:

That, by a change of the present law, with a view to the liberal encouragement of our own writers, and to the just and reasonable protection of others, by whose labors and discoveries we profit, we believe that our people, and the cause of learning, of science, and of literature, throughout the world, would be benefited:

Wherefore we respectfully pray that such changes may be had in the present law of copyright, as, while they insure to authors a safer interest in their property, to our own writers encouragement, and to foreigners a reasonable protection, the public may be secured against a discouraging monopoly, the commonwealth of literature opened to a fair and liberal competition, and the ground laid for a future international law of copyright between the Old World and the New.

And, as in duty bound, we shall ever pray, &c.

John McVicker	L. Taylor D. Clark
John Neal	M. M. Noah
Grenville Mellen	Samuel Woodworth
Henry W. Longfellow	Jo. Seawell Jones
Cornelius C. Felton	Samuel F. B. Morse
Rufus Dawes	Saml. Jenks Smith
Geo. M. Wharton	Benjamin Matthias
Robert Morris	W. A. Duer
Robert M. Bird	Jas. Watson Webb
Willis Gaylord Clark	James Brooks
H. Biddle	Charles King
George P. Morris	John W. Williams
William Dunlap	Charles West Thompson
T. K. Wharton	Joseph C. Neal
Richard A. Locke	Donald Macleod.

IN SENATE OF THE UNITED STATES,
February 16, 1837.

Mr. Clay made the following report:

The select committee to whom was referred the address of certain British and the petition of certain American authors have, according to order, had the same under consideration, and beg leave now to report:

That, by the act of Congress of 1831, being the law now in force regulating copyrights, the benefits of the act are restricted to citizens or residents of the United States; so that no foreigner, residing abroad, can secure a copyright in the United States, for any work of which he is the author, however important or valuable it may be. The object of the address and petition, therefore, is to remove this restriction as to British authors, and to allow them to enjoy the benefits of our law.

That authors and inventors have, according to the practice among civilized nations, a property in the respective productions of their genius, is incontestable; and that this property should be protected as effectually as any other property is by law, follows as a legitimate consequence. Authors and inventors are among the greatest benefactors of mankind. They are often dependent, exclusively, upon their own mental labors for the means of subsistence; and are frequently, from the nature of their pursuits, or the constitutions of their minds, incapable of applying that provident care to worldly affairs which other classes of society are in the habit of bestowing. These considerations give additional strength to their just title to the protection of the law.

It being established that literary property is entitled to legal protection, it results that this protection ought to be afforded wherever the property is situated. A British merchant brings or transmits to the United States a bale of merchandise, and the moment it comes within the jurisdiction of our laws, they throw around it effectual security. But if the work of a British author is brought to the United States, it may be appropriated by any resident here, and republished, without any compensation whatever being made to the author. We should be all shocked if the law tolerated the least invasion of the rights of property, in the case of merchandise, whilst those which justly belong to the works of authors are exposed to daily violation, without the possibility of their invoking the aid of the laws.

The committee think that this distinction in the condition of the two descriptions of property is not just; and that it ought to be remedied by some safe and cautious amendment of the law. Already the principle has been adopted in the patent laws, of extending their benefits to foreign inventions or improvements. It is but carrying out the same principle to extend the benefit of our copyright laws to foreign authors. In relation to the subjects of Great Britian and France, it will be but a measure of reciprocal justice; for, in both of those countries, our authors may enjoy that protection of their laws for literary property which is denied to their subjects here.

Entertaining these views, the committee have been anxious to devise some measure which, without too great a disturbance of interests, or affecting too seriously arrangements which have grown out of the present state of things, may, without hazard, be subjected to the test of practical experience. Of the works which have heretofore issued from the foreign press, many have been already republished in the United States; others are in a progress of republication, and some probably have been stereotyped. A copyright law which should embrace any of these works might injuriously affect American publishers, and lead to collision and litigation between them and foreign authors.

Acting, then, on the principles of prudence and caution, by which the committee have thought it best to be governed, the bill which the committee intend proposing provides that the protection which it secures shall extend to those works only which shall be published after its passage. It is also limited to the subjects of Great Britain and France; among other reasons, because the committee have information that, by their laws, American authors can obtain there protection for their productions; but they have no information that such is the case in any other foreign country. But, in principle, the committee perceive no objection to considering the republic of letters as one great community, and adopting a system of protection for literary property which should be common to all parts of it. The bill also

provides that an American edition of the foreign work for which an American copyright has been obtained shall be published within reasonable time.

If the bill should pass, its operation in this country would be to leave the public, without any charge for copyright, in the undisturbed possession of all scientific and literary works published prior to its passage—in other words, the great mass of the science and literature of the world; and to entitle the British and French author only to the benefit of copyright in respect to works which may be published subsequent to the passage of the law.

The committee cannot anticipate any reasonable or just objection to a measure thus guarded and restricted. It may, indeed, be contended, and it is possible, that the new work, when charged with the expense incident to the copyright, may come into the hands of the purchaser at a small advance beyond what would be its price, if there were no such charge; but this is by no means certain. It is, on the contrary, highly probable that, when the American publisher has adequate time to issue carefully an edition of the foreign work, without incurring the extraordinary expense which he now has to sustain to make a hurried publication of it, and to guard himself against dangerous competition, he will be able to bring it into the market as cheaply as if the bill were not to pass. But if that should not prove to be the case, and if the American reader should have to pay a few cents to compensate the author for composing a work by which he is instructed and profited, would it not be just in itself? Has any reader a right to the use, without remuneration, of intellectual productions which have not yet been brought into existence, but lie buried in the mind of genius? The committee think not; and they believe that no American citizen would not feel it quite as unjust, in reference to future publications, to appropriate to himself their use, without any consideration being paid to their foreign proprietors, as he would to take the bale of merchandise, in the case stated, without paying for it; and he would the more readily make this trifling contribution, when it secured to him, instead of the imperfect and slovenly book now often issued, a neat and valuable work, worthy of preservation.

With respect to the constitutional power to pass the proposed bill, the committee entertain no doubt, and Congress, as before stated, has acted on it. The constitution authorizes Congress "to promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries." There is no limitation of the power to natives or residents of this country. Such a limitation would have been hostile to the object of the power granted. That object was to *promote* the progress of science and useful arts. They belong to no particular country, but to mankind generally. And it cannot be doubted that the stimulus which it was intended to give to mind and genius—in other words, the promotion of the progress of science and the arts—will be increased by the motives which the bill offers to the inhabitants of Great Britain and France.

The committee conclude by asking leave to introduce the bill which accompanies this report.

AMENDMENT OF THE CONSTITUTION OF THE UNITED STATES.

House of Representatives,
February 28, 1837.

Mr. Dromgoole, from the select committee to which the subject had been referred, made the following report:

The select committee to which was referred so much of the President's message as relates to amending the constitution of the United States, together with all propositions and resolutions, submitted at the last and present sessions of Congress, proposing amendments to the constitution, having heretofore been discharged from the consideration of all propositions and resolutions in reference to an amendment of the constitution on the subject of the election of President and Vice President, have, according to order, had under consideration the only remaining proposition, and beg leave to submit the following report:

The proposition which the committee have had under consideration was submitted at the previous session of this Congress, to wit: on February 13th, 1836, and is in the following form and words:

"Mr. Underwood submitted the following joint resolution to amend the constitution of the United States:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following amendments to the constitution thereof be proposed and recommended to the Legislatures of the several States, for their ratification, to wit:

"Amend the seventh section of the first article, by striking out the words '*two thirds of,*' wherever they occur, and insert the words '*a majority of all the members elected to.*'

"Amend the second section of the second article, by inserting after the words '*and which shall be established by law,*' in the second paragraph of that section, the following words: '*except the Secretary of the Treasury, and such officers whose principal duties consist in collecting, or in receiving, or in disbursing, or in keeping accounts concerning, the revenue of the United States, or any part thereof.*'

"Under the general head of amendments, add the following articles, to wit:

"Article XIII.

"§ 1. A Secretary of the Treasury shall be annually, or oftener, if needful, appointed by the joint vote of the Senate and House of Representatives, each Senator and Representative having one vote.

"§ 2. The Secretary of the Treasury shall nominate, and, by and with the advice and consent of the Senate, shall appoint, all officers whose principal duties consist either in collecting, or in receiving, or in disbursing, or in keeping accounts concerning, the revenue, or any part thereof. But Congress may, by law, vest the appointment of such inferior officers, whose duties pertain to the collection, receipt, or disbursement, of the revenue, or any part of it, as shall be deemed proper, in the Secretary of the Treasury alone.

"§ 3. In case of the death, removal, resignation, or disability, of the Secretary of the Treasury, the President of the United States shall designate some officer of the Treasury Department to perform the duties of the Secretary of the Treasury until a successor shall have been duly elected, or until the disability is removed.

"§ 4. In case of the death, removal, resignation, or disability, of any inferior officer connected with the Treasury Department, in the collection, or receipt, or disbursement of, or in keeping accounts concerning, the revenue, or any part of it, during the recess of the Senate, the Secretary of the Treasury shall have power to fill the vacancy by granting commissions, which shall expire at the next ensuing session of Congress, unless the appointment to the vacant office had been exclusively conferred on him by law.

"Article XIV.

"The tenure of all offices, except such as are specially provided for in the constitution, and the mode of removal from office, shall be regulated by Congress.

"Article XV.

"Senators and Representatives shall not be eligible to any office on the nomination of the President, or on the nomination of the Secretary of the Treasury, during the time for which they were respectfully elected to serve in

the Congress of the United States, and for two years next ensuing the expiration thereof.

"*Resolved*, That whenever three fourths of the Legislatures of the several States shall ratify the foregoing proposed amendments, or any one or more of them, the same, as thus ratified, shall be valid to all intents and purposes, as a part of the constitution."

Your committee deem it proper to quote fully the seventh section of the first article of the constitution, in order that the amendment proposed thereto may be correctly understood.

"ARTICLE I.

"SECTION 7th. All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments, as on other bills.

"Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve, he shall sign it; but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two thirds of the House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and, if approved by two thirds of that House, it shall become a law. But, in all such cases, the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House, respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return, in which case it shall not be a law.

"Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary, (except on a question of adjournment,) shall be presented to the President of the United States, and, before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill."

A single glance will readily discover that the amendment seeks a modification of what is commonly denominated the veto power. It proposes (whenever a bill or resolution shall have been returned by the President with his objections) that, instead of the concurrence of two thirds of each House, the concurrence of a majority of all the members elected to each House shall be necessary to repass it.

The fifth section of the first article provides that a "majority of each House shall constitute a quorum to do business."

In one state of things the amendment might require a smaller number, and in another state of things a greater number, to overrule the negative, than is at present required. These positions will be rendered perfectly plain by illustration. The whole number of members in the House of Representatives is 242; of which, 122 is a majority and a constitutional quorum. Suppose a bare quorum to be present, and a bare majority (62) shall pass a bill, which bill is disapproved by the President, and returned with his objections: in this condition of things, the amendment would require the unanimous vote of the House to repass it, which would be an addition of 60 to the original vote, and 40 more than the constitution would now require; because 82, being two thirds, would be sufficient—an addition of twenty to the original vote. At present, 82 to 40 would sustain the bill against the President; but, under the amendment, as it would require the whole quorum, 122, it might happen that a single member could uphold the presidential veto against 121.

But suppose that the whole number elected, 242, be present; then the affirmative vote of 122 is necessary to the passage of a bill. In this supposed case, a returned bill would require the vote of 162 to repass it under the existing constitutional provision; whilst, under the proposed alteration, the same 122 might still give it effect, in defiance of the veto. The negative of the President, then, would be only equivalent to a motion to reconsider, and 40 members less would be required, in the affirmative, than are required by the present arrangement of the constitution.

In the first supposed case, the veto is too powerful, because it can only be overruled by a unanimous vote. In the last case, it may have no final effect in arresting the acts of the Legislature, because the same number of members, and the same majority, may act as effectively after the return of the bill, as they did on its original passage.

From the exhibited results, in the two extreme cases supposed, it becomes apparent, that as you ascend from a bare quorum to a greater number, and as you descend from the whole number to a smaller one, the difference in the operation of the existing provision and the proposed alteration gradually diminishes. In other words, the present qualification of the negative, and the desired substitute, gradually approximate from the two extreme points, until they meet on exactly middle ground, separated by no intervening space, and without any difference in the result of their agency to force them into comparison and collision. For example, take the mean number, which is 182. In case of a returned bill, the contemplated change would still require 122, being a majority of all the members elected, to concur in its re-enactment; and the constitution would also require 122, being two thirds of a House consisting of 182. Let it also be observed, that if a bill should pass by the vote of a bare majority, 92, and be returned by the President, under either plan an additional vote of 30 would be necessary to repass it. If it be more fair and reasonable to test the merits of this measure by arguments based upon the mean, rather than upon either extreme, then the conclusion is attained that the substitution of "majority," as proposed, for "two thirds," is, for all practical purposes, no amendment or alteration at all; and, therefore, its adoption ought not to be urged even by a mere desire that those may be gratified who are "ever studious of change, and fond of novelty."

Your committee do not know the fact, nor have they had an opportunity of examining the journal for its ascertainment; but they will, nevertheless, hazard the conjecture, that the mean between the whole number and a bare majority of the whole will be found to be a fair specimen of the average attendance of the members of the House of Representatives. It does not come within the recollection of the committee to have seen it stated that this estimate of average attendance constituted the basis upon which the concurrence of two thirds of the House was made to rest, in cases where the President, disapproving, refuses to sign. It may, however, well be supposed to have occurred to the wise and calculating framers of the constitution, and to have had some agency in fixing the requirement of two thirds. In ordinary cases, two thirds of those in actual attendance will very nearly approximate to the majority of the whole number elected.

The 7th section of the 1st article preserves a uniform ratio, in case of veto, between the powers of the President and the Congress, in every variety of a quorum, from a bare majority to the entire number; whilst the desired change destroys this uniformity. The constitution, sustained in this particular by all experience, has conceded that legislation may safely proceed in the absence of some of the members of the legislative body. It has not been held to be indispensable—indeed, it may be considered utterly hopeless and impracticable—to secure their unanimous attendance. The constitution, pursuing an uner-

ring guide—the wisdom of experience—has ordained and established that a majority of the whole number is both a safe and practicable quorum. It is a fixed principle of the constitution, that the whole number of each branch of the Legislature, or a majority thereof, is competent to transact business; and, both being equally competent, the same rule is impartially applied to both: and in case of the veto, two thirds are invariably required to pass the bill or resolution.

The amendment leaves unassailed the principle that the whole number, or a bare majority, are equally competent to legislate, and yet gives a different rule or measure of power in reference to the President's negative. With a bare majority, the unanimous concurrence of a competent body is required; whilst, with the whole number present, a bare majority is deemed sufficient—the very smallest number which could originally adopt any measure. This inequality of operation is, of itself, an insurmountable objection to the contemplated plan. The uniform and just provision of the 7th section of the 1st article highly recommends its unaltered preservation.

The committee might here conclude this part of the matter under review, being well satisfied that they have clearly demonstrated the superiority of the existing arrangement over the modification contained in the amendment. But as, peradventure, there may be some lurking hostility to the very existence of the "veto," your committee will indulge in a brief inquiry into the propriety of its introduction into the constitution.

The wise framers of our constitution, discarding the apprehension "that a vigorous Executive is inconsistent with the genius of a republican Government," proceeded upon the idea that "energy in the Executive is a leading character in the definition of good government;" preserving, however, in the organization of this department, "a due dependence on the people; a due responsibility." Requisite energy can only be imparted to the Executive by the bestowal of "competent powers." Among the "competent powers," the same wise and virtuous statesmen thought it necessary to include "the qualified negative of the President upon the acts or resolutions of the two Houses of the Legislature; or, in other words, his power of returning all bills, with objections, which will have the effect of preventing their becoming laws, unless they should afterwards be ratified by two thirds of each of the component members of the legislative body." The qualified negative thus bestowed on the President, with a single exception—the question of adjournment—may be applied, according to his own sense of the propriety or necessity of the case, without restraint or discrimination, to *any* act or resolution of the two Houses of Congress. There was a two-fold object in granting this power. In the first place, it was designed as a means of self-defence to the Executive, to enable the President to counteract such proceedings of the legislative branch as tend to absorb the proper powers or infringe the just rights of the Executive. In the second place, it was intended to afford to the people themselves, through the instrumentality of a President of their own free choice, and possessing their confidence, "an additional security against the enaction of improper laws."

Your committee will not dwell on the tendency of the legislative body occasionally, especially in a free representative Government, to absorb the powers of the other departments; nor will they detain the House by a reference to the previous history of State and Federal legislation, to prove that sometimes a majority of the legislative body may happen to act under the influence of factious feelings, of an ill-advised precipitancy, or some hasty impulse unfriendly to the public good. Your committee are contented to allude to facts attested by all experience, and which no man of candor will deny. It is not a disturbed and feverish imagination which supposes, it is the recorded evidence of American experiments in the science of government which establishes, that there are evils inherent in, and inseparable from, a legislative body composed of representatives freely chosen by the great mass of the people.

For these evils a remedy was sought in the creation of a counterpoise. The creation of a counterpoise was evidently the result of that wise patriotism which designs to call philosophy to its aid. The sagacity to perceive imperfections, without the philosophical prudence to provide the antidote, might, in a moment of hasty despair, induce the abandonment of the whole system of representative government; because the finite intellect of man was insufficient to make it perfect, or secure it at all times from the influence of the passions, the prejudices, and wickedness, of those who might be intrusted with its administration.

It is considered undeniable that the plan of representative government—of conferring the law-making power upon delegates freely and fairly elected—is not only beneficial, but absolutely necessary, to the advancement of human happiness to the greatest attainable degree. It must be conceded, however, that this plan must unavoidably partake, in some degree, of the imperfections of human nature—must inevitably, at times, be exposed to partial or temporary evils. The maturest wisdom plainly dictates that it is far better to temper, to modify, to ameliorate, to counteract, these partial and temporary tendencies to evil, than to avoid their occurrence by a total abandonment of the system.

Has the institution of the qualified negative afforded the remedy for those occasional and temporary, but inherent, evils of a representative legislative body to which your committee have alluded? Or has its application, taking into view the whole period of the existence of the Federal Government, produced opposite evils, more durable and of greater magnitude? Has the exercise of this power, since the adoption of the federal constitution, been arbitrary, capricious, and altogether too frequent? Or has this power, upon the whole, been exerted to defend the people and the States against the bad effects of a legislative usurpation of powers belonging to other departments, as also against hasty, improvident, and unconstitutional enactments? The answer to these interrogatories will furnish a satisfactory solution of the problem, whether the principle of a qualified negative has been wisely and safely introduced into our federal system.

During the term of the present incumbent, this power has been exerted on several occasions of great moment; and your committee cannot doubt but that this circumstance has suggested, to those disapproving the conduct of the Executive in those instances, the proposed modification. It would be an improper consumption of time, and would extend this report to an unreasonable length, to engage in a discussion of the merits of these several applications of the "veto." They were subjects of protracted, animated, and able debate, before the common constituents of the Legislature and Executive. The multiplied developments of public sentiment cannot have failed to produce the conviction, on the mind of every candid and attentive observer of passing events, that, in all the various conflicts in relation to the "veto," the President has been fully sustained by the people, and by a majority of the States composing this confederacy.

Your committee, taking a cursory view of this portion of the history of the Federal Government, do not find any instance which they are prepared to condemn as a wanton or tyrannical display of this executive shield. They do not believe that its protection has been sought capriciously, or with too much frequency. Judging, therefore, from anterior occurrences, and looking to the future with an unjaundiced eye, no ground can be discovered upon which to rest the smallest apprehension of subsequent obstruction to wise legislation, or of a violation or suppression of the con-

stitutional rights of Congress. Whilst it is true that "there are men who, under any circumstances, will have the courage to do their duty at every hazard," yet "the superior weight and influence of the legislative body, in a free Government, and the hazard to the Executive in a trial of strength with that body, afford a satisfactory security that the negative would generally be employed with great caution; and that, in its exercise, there would oftener be room for a charge of timidity than of rashness." From a careful examination of the arguments adduced, both in favor of the qualified negative and in opposition to it, your committee have drawn the conclusion that it is a wise, prudent, and salutary provision; and that the constitution, in this particular, should be permitted to rest undisturbed.

The next branch of the proposed amendment, in the estimation of your committee, aims a still more fatal blow at the independence and integrity of the Executive. The committee have most carefully examined it; they have bestowed on it that deliberate reflection which its importance and its novelty seemed to demand. In the language of the constitution, "the executive power is vested in a President of the United States of America." Congress may, and it is their duty to, enact any law which may be both necessary and proper, for carrying into execution the power vested in the President. The constitution authorizes the President to require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices. The constitution, therefore, expressly authorizes "executive departments," and a "principal officer" in each; which "principal officers" are elsewhere denominated "heads of departments." These "executive departments," with their principal and inferior officers, were intended as auxiliaries to the President; to enable him, by a proper use of their labor and services, efficiently to exercise his powers, and faithfully to fulfil his duties. It could not have been intended to vest in them, either separately or aggregately, any part of the executive power; for this, as we have seen, "is vested in a President of the United States of America."

Congress may, as they have done, very properly pass laws to establish and organize the contemplated executive departments; but may not, without a palpable violation of the constitution, impart to any one, or to all, any portion of executive power. The framers of the constitution, by vesting the executive power solely in the President, have rejected the doctrine of the plurality, and have established that of the unity, of the Executive. Among the powers of the Executive, as settled at the very outset of the Government, is the appointment and removal of officers. The power of appointment is qualified; for it is the duty of the President to nominate, and then to appoint, by and with the advice and consent of the Senate. So the treaty-making power belongs to the President; but, in its exercise, it is his duty to consult the Senate. There are instances in which the Executive is bound to consult one branch of the legislative body; and the refusal of their advice and consent prevents the performance of the intended act. They are not instances of a division of executive power, or of its joint exercise by the President and Senate. The want of advice and consent restrains and arrests the proposed action of the Executive; but restraint or check upon a given power is surely not a participation in its exercise. The qualified negative of the President is a check upon legislative power; but certainly the President is no part of the law-making power, which is vested in "a Congress of the United States, which shall consist of a Senate and House of Representatives." These distinctions are not nice metaphysical subtleties; they are plain and obvious, and are necessary to the preservation of the great principle laid down, in effect, in the constitution: that the Legislative and Executive shall be kept separate and distinct, so that neither exercise the powers properly belonging to the other.

Article 1st, section 1st, of the constitution, declares "all legislative power, herein granted, shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

Article 2d, section 1st, declares "the executive power shall be vested in a President of the United States of America." These two sections, placed in juxtaposition, and viewed in contrast, fully show that a complete separation of the legislative and executive powers was designed. Each part of the constitution should be so construed as to give effect to the whole; and no construction should be countenanced, if it can be possibly avoided, which does violence to one of the great fundamental principles which the best writers on government consider, and have demonstrated to be, essential to a wise administration of delegated power; and, indeed, to the security of civil liberty. The power of removal from office, however, is unqualified: it may be exerted without the advice and consent of the Senate. The Treasury Department, as established and organized at the commencement of the Government, was considered to be one of the "executive departments" mentioned in the constitution, and has been so regarded ever since. If it be not an executive department, it is not known to or authorized by the constitution. It will not be pretended that it is a legislative or judicial department; if, therefore, it be not "executive," it is a nondescript, an exotic, and not of indigenous growth upon the soil of the constitution. From the foregoing views, your committee are justified in asserting, that there is unity in the Executive, and no division of its power; that the Treasury Department is an executive department; that the Secretary of the Treasury is consequently an executive officer, appointed by the President, by and with the advice and consent of the Senate; and removable by the President, without the advice and consent of the Senate. These are the settled principles of the constitution, with which the practice of the Government has conformed from its establishment to the present time.

It is now proposed, by an amendment, or rather by an alteration of the constitution, to change the present mode of appointing the Secretary of the Treasury to that of an annual election by joint vote of the two Houses of Congress; and, also, to divest the President of that part of the executive power which may be exerted in relation to revenue laws and revenue officers, and to vest the same in the Secretary of the Treasury. It is a proposition, then, to *divide* the executive power between the President and the Secretary of the Treasury. The idea of *dividing* executive power—of giving one portion separately and independently to one officer, and another portion separately and independently to another officer—is believed to be purely novel. The examination which your committee have had time to make has not enabled them to learn that this principle has ever been introduced into the Government of any civilized nation. Whilst, therefore, it surely comes to us with all the attractions which novelty may give it, yet it cannot claim any veneration or respect from its antiquity, or pretend that its utility and wisdom have been tested by experience. About the time of the formation of the constitutions of the old States, and of the adoption of the present federal constitution, there was some division of opinion, and much discussion, as to the merits of a single and plural Executive. An eminent writer has remarked that "unity may be destroyed in two ways—either by vesting the power in two or more magistrates of equal dignity and authority, or by vesting it ostensibly in one man; subject, in whole or in part, to the control and co-operation of others, in the capacity of counsellors to him. Of the first, the two Consuls of Rome may serve as an example; of the last, we shall find examples in the constitutions of several of the States."

In both the modes designated, the unity of the Executive may be destroyed, but in neither instance is there a partition of executive power. A superficial reference to Roman history, in the time of the Consuls, might induce the belief that the executive power was divided; it is, however, not so. The Consuls were executive officers, with joint and equal power; but either, in the absence of the other, might exercise the executive power singly. Hence, by consent, they often divided the Government. One governed Rome and its environs, the other governed one or more of the provinces; yet the executive power was not divided, for each, within his limits, exercised the whole executive power. Your committee repeat that they can find no precedent in ancient or modern times. Unable, therefore, to derive any advantage from historical research on this subject, they can only consult the dictates of common sense and sober judgment. Your committee are of opinion that, in relation to the Federal Government particularly, every argument which may be urged against a plurality in the Executive applies with equal if not greater force against a disjointed Executive. No one of ordinary intelligence and candor can doubt the necessity of vigor and energy in the Executive. No one will question the great philosophical truth, that concentration promotes strength, and that diffusion or division impairs. Hence, if the executive power be diffused among a plurality, or divided among several, we must necessarily have a weak and inefficient Executive. And it has with strict propriety been remarked "that a feeble Executive implies a feeble execution of the Government; a feeble execution is but another phrase for a bad execution; and a Government ill executed, whatever it may be in theory, must be, in practice, a bad Government." Should this portion of executive power be taken from the President, and conferred on the Secretary of the Treasury—should the President be deprived of all communion with, and control over, "all officers whose principal duties consist either in collecting, or receiving, or in disbursing, or in keeping accounts concerning, the revenue, or any part thereof," how could he, in such a condition of things, with regard to the fiscal concerns of the United States, "from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient?" How could he "take care that the laws be faithfully executed?" In the practical administration of the Government, therefore, this proposed division of power would seem likely to produce the most pernicious effect. Only extend this principle of a division of executive power; apply it to each of the other departments; confide to the head of each department the entire control over the business allotted to it, independent of, and unconnected with, the President; almost the whole mass of executive power will then have been parcelled out to officers not chosen by the people, but the dependants of Congress; and thus the President will be rendered comparatively powerless and inefficient; confusion of business, distraction of councils, imbecility of administration, will be the natural and deplorable effects of division. The simplicity of our system will be lost in a variety and complication, incomprehensible to the plain sense of ordinary men. If your committee have succeeded, as they trust they have, in showing that the proposed division of executive power ought not to be incorporated into the constitution, then it might be considered superfluous to examine the proposed mode of appointment. It is, however, a fit occasion to suggest that the election annually of an executive officer, with extensive power and patronage, by Congress, might, in time, become a fruitful source of intrigue and corruption; and the consequent dependence of this officer upon Congress might, virtually, violate that sound principle of keeping separate and distinct the legislative and executive branches of the Government.

Upon the supposition that the Secretary of the Treasury, under the contemplated change of the constitution, was to be really and *bona fide* an independent executive officer, it has, nevertheless, been shown that the principle of division is in itself wrong, and cannot be sustained. But whilst it is readily conceded that, under the new arrangement, he would be independent of the President, it is, however, denied that he would be independent of the Legislature. It is a miserable solecism to pronounce that officer independent who is expressly made to depend annually, or oftener if needful, upon Congress, for his place and his compensation; he could not be other than a fawning creature of Congress, watching the indications of their inclinations for his guidance, rather than consulting his own dispassionate judgment. Should this constitutional alteration be effected, Congress will, practically and essentially, have absorbed a large share of executive power; and the sanction of this scheme will add another to the many proofs of the tendency, especially in free Governments, of the legislative to appropriate to itself some of the powers properly belonging to the other branches.

It will not escape the observation of a discerning public, that certain executive proceedings in relation to the deposite and custody of the moneys of the United States are, in all probability, the groundwork of this attempted innovation upon the settled principles of the constitution. A bare order issued by the Secretary of the Treasury, under the direction and with the approbation of the President, directing that the then Bank of the United States should be discontinued as the depository of the collected revenue of the country, and that, after a given time, the collectors and receivers should deposite it "elsewhere" for safe keeping, was seized upon as a suitable occasion for a concerted clamor throughout the Union, that the Treasury had been lawlessly violated, and that the union of the sword and purse, in the person of the President, menaced the liberties of the nation with immediate destruction. It is no part of the business of the committee to discuss, in this place, the propriety of the removal of a former head of the Treasury Department, or to examine the legality and expediency of the removal of the deposites; they have referred to these matters for the purpose of tracing to its true source this charge of a union of the sword and purse, which is used as a pretext for a radical alteration of the fundamental law. Should it be made manifest that this imputed union of the sword and purse is the creature of a vivid fancy, rather than a real existence, the argument which rests upon such an assumption will have been annihilated. What, let it be candidly inquired, constitutes a concentration of the power of the sword and purse in the hands of the same person? When an individual, either by gross usurpation, or by the unfortunate and ill-advised consent of the community, has attained the high prerogative of declaring war at his own mere will and caprice; of raising armies at his own pleasure to prosecute such war; of levying and collecting money by his own arbitrary edict, and of disbursing this extorted treasure at his own unlimited discretion; such an individual would combine in his own hands the power of the sword and purse. In such a state of things, the country would be under the rule of a tyrant; and revolution, of the most sanguinary kind, for the rescue of liberty from the rapacious grasp of despotism, would justly claim the approbation of men and angels. Looking, however, into the provisions of our constitution, and the practice of the Government under it, there can be seen no color for the charge of such an unholy connexion. The President cannot make war; for this power is expressly given to Congress. The President cannot raise armies, or build and man a navy: "to raise and support armies," "to provide and maintain a navy," are expressly embraced in the legislative power granted in the constitution, and vested in the Congress. The President cannot, in any form, or by any device, levy any tax or contribution upon his fellow-citizens:

"to lay and collect taxes, duties, imposts, and excises," to borrow money on the credit of the United States, are powers expressly conferred on Congress. The President cannot take and appropriate to his own use, or to others' uses, one cent of the revenues of the United States: "no money shall be drawn from the Treasury but in consequence of appropriations made by law." Not one dime, therefore, can be extracted from the public coffers, but with the approbation and by the direction of Congress, declared by law enacted for that purpose. The very compensation of the President and all the executive officers cannot be drawn from the Treasury "but in consequence of appropriations made by law." What pretext, then, can be found for the allegation that the Executive, as at present organized, holds in a single grasp the double and dangerous power of the sword and purse; and that, for the patriotic purpose of disconnecting them, it is necessary to introduce into our Government the novel and untried experiment of a division of the executive power between two or more separate, distinct, independent, and unconnected functionaries?

The execution of the laws for the collection, safe keeping, and disbursement, of the revenue, like the execution of other laws, appertains to the President, in whom the executive power is vested. But those who have most strenuously defended the true constitutional powers of the President from legislative encroachment have always and invariably admitted that the custody of the public money might with great propriety be regulated by law. Taking into view all the constitutional restrictions upon the subject of the revenue, your committee have not the sagactity to discern any valid reason for making the execution of these laws an exception to the general rule. The President is directly responsible for the faithful execution of all the laws. He cannot, like the King of Great Britain, shield himself from accountability under the specious pretence of the evil counsels of ministers. The heads of departments and the inferior executive officers are the agents and auxiliaries of the President, subject to his supervision and control, and liable to removal by him. He, is, therefore rightly held amenable for the employment of honesty, industry, and capacity, in these several departments. And whilst these officers are themselves impeachable, their accountability does not in any wise remove or impair that of the President. Liability to removal, upon an impeachment, as well as by order of the President, affords a double security for the prompt and faithful discharge of the public business. But these officers neither divide the executive power nor the executive responsibility.

The 14th article of the proposed amendment next presents itself for examination. It is in these words: "The tenure of all offices, except such as are specially provided for in the constitution, and the mode of removal from office, shall be regulated by Congress." Of what offices is the tenure provided by the constitution? The tenure or term of office is prescribed in the constitution, in the case of the President and Vice President, the judges of the Supreme and inferior courts, and also in the case of members of Congress. In all the other innumerable cases of offices of every kind, it is gravely asked that the tenure of office may depend on the legislative will. In addition to which, it is also asked that "the mode of removal from office shall be regulated by Congress." Besides the power of removal, which, it has been settled, attaches to the executive function, the 4th section of the 2d article prescribes: "The President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors." The last sentence of the 2d section of the 1st article gives to the House of Representatives "the sole power of impeachment." In the 3d section of the same article, "the sole power to try all impeachments" is given to the Senate. No good reason suggests itself to your committee in favor of a change of this apparently well-guarded mode of removal. It might be unsafe to empower Congress, without restraint, to adopt another and more summary mode. The power of regulating the tenure of office, and the mode of removal from office, might be the means of enabling Congress to draw within the vortex of its influence both executive and judicial officers. Under cover of the power of regulating the tenure of office, the heads of departments and inferior officers might be enabled to disregard the supervisory control of the President, and still continue in office in defiance of his wishes. Would it be just or reasonable to exact from the President a responsibility for the faithful discharge of the duties of officers who were, by the regulation of the tenure of their office, removed completely beyond his direction and influence? In the same degree that the power of the President is lopped off, in the same degree that the due subordination of inferior officers is not secured, in the same degree is the efficiency of the Executive impaired, and rendered incapable of a wise and vigorous administration; and in the same degree does not stern justice demand that the reins of accountability should be relaxed.

The last provision of the amendment under consideration makes a universal disqualification of members of Congress to any office, on the nomination of the President or Secretary of the Treasury, during the term of their office, and for two years next ensuing the expiration thereof. There might, perhaps, be some reason for this last provision, some propriety in its adoption, as an accompaniment of the preceding parts. But your committee, having expressed their disapprobation of all those, do not deem it important to recommend that as an independent amendment which was only designed as one consequent on others. Bad selections might sometimes be made, not only from among the members of Congress, but also from the great body of the citizens. Aware of the weakness of human nature, your committee will not assert that the desire of appointment to office by the Executive may not on some occasions influence the conduct of men in and out of Congress. Perhaps (and some of the committee incline to that opinion) the disqualification might be somewhat extended beyond the point already established in the constitution. In relation to some classes of offices, it might be wise to exclude members of Congress during the continuance of their membership; whilst, as to others, the President ought to be allowed the widest scope of nomination. Specification is unnecessary, as your committee consider it their duty to report on the propositions referred to them, and do not regard themselves at liberty to originate. They do not approve the universal disqualification contained in the proposition referred, nor do they perceive the reason of prolonging the disqualification for two years after the expiration of the term of service.

Your committee have now completed a cursory review of all parts of the proposition submitted to them. The committee have heretofore intimated a distinction between an alteration, or change of the constitution, and an amendment thereto. They do not desire, however, to be understood as denying that, under the general and comprehensive term of "amendments to the constitution," some of the features may be changed, altered, or abolished, and that new features or principles may be incorporated. The term "amendment" is applied to the whole constitutional compact, and not to an amendment or modification of an existing provision. They certainly meant not to insinuate that the constitution itself could limit or restrain the creative or extinguishing power of the sovereign parties to the compact. The parties to the compact may amend it, by repealing or expunging some provisions altogether, by the introduction of entire new principles, or by mere modifications of those already existing. But much greater caution and deliberation ought to be observed in making radical

changes, or alterations, or additions, than in only amending, modifying, or perfecting, an existing provision. And your committee will here intimate that, in the latter case, amendments may very properly be proposed by Congress, two thirds of both Houses concurring, subject to ratification by the Legislatures of three fourths of the several States; but that, in the former case, it might be a wiser and safer precaution for Congress, on the application of the Legislatures of two thirds of the several States, to call a convention, as provided in the constitution, and amendments proposed in such convention should be submitted for ratification to conventions in the States, the concurrence of three fourths of which would be necessary. The suggestion of these precautions proceeds from the well-settled conviction that we ought not to change, alter, or abolish, any of the principles upon which the confederacy was originally based, for light and insufficient causes, or without due and solemn deliberation. Prudence dictates that we ought not to enter hastily upon new and untried experiments; that we ought not, by the introduction of novelties, to deprive ourselves of the advantage, not inconsiderable to any Government, of that veneration which antiquity throws around all institutions. Frequent changes will impair our belief in the wisdom of our ancestors, and our admiration of the patriotism and skill with which they formed the American confederacy.

If there be not cogent reasons, based upon the detection of defects by experience, the noble edifice erected by our revolutionary fathers ought not to be rashly pulled down. Our glorious federal constitution will soon have existed half a century, and will soon begin to be encircled with ancient renown; it should, therefore, be defended with persevering and resolute valor. It is a noble contrivance, which binds in happy union so many sovereign republics. It is a precious inheritance, which deserves our warmest thankfulness and our most vigilant preservation. Let it be destroyed—posterity will then have imitated the spendthrift, who, by acts of imprudence and folly, dissipates both his patrimony and his gratitude.

The following resolution is therefore respectfully submitted by the committee to the House:

Resolved, That it is inexpedient to propose any of the aforesaid amendments to the Legislatures, or to conventions of the several States.

PROTECTION TO AMERICAN SEAMEN.

House of Representatives,
February 2, 1837.

Mr. McKeon, from the Committee on Commerce, to which was referred the following resolution of the House of Representatives: "*Resolved*, That the Committee on Commerce be directed to inquire into the expediency of repealing all laws authorizing protections to be issued to American seamen, and to inquire into the expediency of abolishing all fees for protections to seamen," made the following report:

A proposition to modify a system which has for years been incorporated with our commercial arrangements, and intimately united with the most important relations of this country, ought to excite more than ordinary attention. Deeply impressed with the momentous character of the inquiry submitted to them, the committee have endeavored to present an ample statement of the question. The practice of issuing protections has been sanctioned under a law of Congress passed on the 18th day of March, 1796, entitled "An act for the relief and protection of American seamen." The following abstract presents a view of its most important provisions: the 1st, 2d, and 3d sections relate to the appointment of agents in foreign countries, to take care of the rights of seamen who might be impressed. These sections were enacted for a limited period, and are now inoperative. By the fourth section, it is provided that the collector of every district shall keep a book or books, in which, at the *request* of any seaman, being a citizen of the United States of America, and producing proof of his citizenship, authenticated in the manner hereinafter directed, he shall enter the name of such seaman, and shall deliver to him a certificate in the following form, that is to say: "I, A B, collector of the district of D, do hereby certify that E F, an American seaman, aged — years, or thereabouts, of the height of — feet — inches, [describing the said seaman as particularly as may be,] has this day produced to me proof, in the manner directed in the act entitled 'An act for the relief and protection of American seamen;' and, pursuant to the said act, I do hereby certify that the said E F is a citizen of the United States of America. In witness whereof, I have hereunto set my hand and seal of office, this — day of —." And it shall be the duty of the collector aforesaid to file and preserve the proof of citizenship produced as aforesaid; and for each certificate, delivered as aforesaid, the said collector shall be entitled to receive from the seaman applying for the same the sum of twenty-five cents.

As a proposition has been offered to inquire into the expediency of repealing this statute, the inquiry should be made into the origin of the law; for what purpose it was enacted; and whether a state of circumstances exists which requires a continuance of its provisions. The simple examination of the law shows that it was passed in consequence of the impressment of our seamen. The history of the period at which it passed, and particularly the journal of the House; can be adduced to show that the system of protections arose out of this outrage. From the journal of the House it appears that, on the 20th May, 1794, a resolution was adopted appointing a committee to regulate the mode in which American seamen might be furnished with evidence of citizenship, for the purpose of protecting them against impressment in foreign service.—(*House Journal, vol. 2, p.* 170.) Mr. Murray, from that committee, reported a bill, and, on the 6th June, a debate took place on it, in a Committee of the Whole House. The committee rose, and, on the question of granting leave to sit again, it was decided in the negative. On the 9th June Congress adjourned, no further action having taken place on it. The debates of that day, as they appear on the public journals, show why Mr. Murary introduced the resolution. He referred, in his remarks in the introduction of the measure, to the fact, that when Great Britain armed against Spain, in the affair of Nootka Sound, our seamen had been impressed. He was of opinion that, if certificates were issued, no nation would attempt to molest them. The discussion on the bill was very animated. The measure was objected to, amongst other reasons, on the ground of its being an admission on our part that such seamen as might be without protections would be liable to impressment. The objections to the bill prevailed, and it was defeated. The subject was not permitted to sleep; the country became aroused by the enormities committed on our mariners by foreign Powers, and demanded some action. Mr. Livingston, on the 18th February, 1796, introduced a resolution to check the evil. In introducing the resolution, Mr. Livingston said: "He would call the attention of the House to the situation of a very important and meritorious class of men, whose value seemed to be overlooked, and whose dearest rights were either shamefully neglected, or ignominiously surrendered. He adverted to the seamen of the United States. This valuable class of men would fall under one of these descriptions:

"1. Native American citizens.

"2. Such as were citizens at the time of the declaration of independence, and at the period of the peace with Great Britain.

"3. Foreigners naturalized since the declaration of independence.

"It would be no difficult matter to prove that all the individuals of either of those descriptions were equally entitled to the protection of the Government, to the same or greater exertions in their favor, than were made for those citizens whose situations rendered it easier to apply for relief. Yet this meritorious body of our constituents, he said, thus entitled to our protection and favor, sailing under the sanction of our national flag, had been illegally seized, violently forced into a service they abhorred, cruelly torn from their relations, their families, and their country, and ignominiously scourged, for asserting the privileges of their citizenship. The country, to whom they looked for protection and relief, had regarded their sufferings with apathy and indifference. Three years we had beheld their miseries, and heard their cries for relief; yet for three years we had been silent spectators of this disgraceful scene.

"He concluded with moving the following resolution:

"*Resolved*, That a committee be appointed to inquire and report whether any, and what, legislative provision is necessary for the relief of such American seamen as may have been impressed into the service of any foreign Power; and, also, to report a mode of furnishing American seamen with such evidence of their citizenship as may protect them from foreign impressment in future.

"Ordered to lie on the table."

On the succeeding day the resolution was adopted without "opposition, and a committee appointed in obedience to it, consisting of Mr. Livingston, Mr. Bourne, Mr. Swanwick, Mr. Samuel Smith, and Mr. William Smith. On the 21st of February, Mr. Livingston made a report, which was debated in a Committee of the Whole, and the following resolutions agreed to:

"*Resolved*, That provision ought to be made for the support of two or more agents, to be appointed by the President of the United States, by and with the advice and consent of the Senate, the one of which agents shall reside in the Kingdom of Great Britain, and the others at such places as the President may direct, whose duty it shall be to inquire into the situation of such American citizens as shall have been, or may hereafter be, impressed or detained on board any foreign vessel, to endeavor by all legal means to obtain their release, and to render an account of all foreign impressments of American citizens to the Government of the United States.

"*Resolved*, That proper offices ought to be provided, where every seaman, being a citizen of the United States, on producing evidence, duly authenticated, of his birth, naturalization, or residence within the United States, and under their protection, on the third day of September, 1783, may have such evidence registered, and may receive a certificate of his citizenship.

"*Resolved*, That a bill or bills be brought in, in pursuance of the said resolutions, and Mr. Livingston, Mr. Bourne, Mr. Swanwick, Mr. Samuel Smith, and Mr. William Smith, do prepare and bring in the same."

Mr. Livingston, from the committee, reported a bill, which, after a violent debate, was passed. An ineffectual effort was made to recommit it. The bill passed by a vote of 77 in the affirmative, and 13 in the negative. In the Senate the bill met also with opposition—amendments were made; the House agreed to some, and rejected others; a committee of conference was appointed, and, after consultation, the Senate receded from the amendments objected to by the House. The bill finally passed, and was approved by the President on the 28th day of May, 1796. From the debate which took place, it is evident that the law was produced by the violations which were daily committed on the rights of our seamen. The opposition to the law was chiefly founded on the want of sufficient proof that our citizens had been seized. To this it was answered, that the seizures were so notorious that the committee to which the subject was referred had not deemed it necessary to enumerate the cases. Every paper was filled with accounts of the capture of our seamen. The British Government, while insisting on the right of taking natives of Great Britain, wherever found, not only seized their own citizens, but also Americans. That, in consequence of the similarity of language and appearance, they might mistake our citizens for citizens of Great Britain; and, to provide our seamen with evidence of their citizenship, the law was proposed to be passed.

This sketch of the history of the law is given to show from what causes sprang this species of legislation. The period at which it originated was peculiar. While the European Powers were engaged in a tremendous struggle, the influences of which were felt in every quarter of the world, the United States was pursuing a policy secured to them by the law of nations, and one which displayed their anxiety to preserve a strict neutrality. One of the belligerant Powers, anxious to obtain all the means within her reach to prosecute a maritime war with success, insisted on the right to board neutral vessels, and take from them such seamen as might have been born within the dominions of the King of Great Britain. In vain were our remonstrances made against this practice. At the period to which we allude, our country had but just emerged from the troubles of our revolutionary contest. She was feeble, and without a naval force. She was willing to remove from foreign Powers any pretext for seizing our citizens on the ground of similarity of language and appearance with those of Great Britain, and for this purpose provided the system of protections. Notwithstanding this movement, the practice was not abandoned, nor was the protection system respected in any manner by Great Britain. This was evident, not only from the declarations but the acts of that nation. The British minister to the United States, Mr. Liston, in the year 1800, in writing to the Secretary of State, remarks: "I cannot omit this opportunity of recalling to your remembrance what I have frequently stated in conversation, that while the papers called protections are granted with fraudulent intention, or without a proper examination of facts, by inferior magistrates, or notaries public, in the United States, and while they can easily be procured by such natural-born subjects of his Majesty as choose to abandon his service in the hour of danger, it is not expected that any regard will be paid to them by his commanders of British ships of war." Not only in the communications with this Government, but in the proclamations issued by the British Government to the commanders of vessels, objection was made to the protections. Years had elapsed after the passage of our law; full notice had been given to Great Britain of its existence; and yet, in one of the proclamations, issue is directly joined with that system. Notice was therein given that those who had those certificates should not be exempt from impressment. All natural-born subjects of the King could not divest themselves of their allegiance, and were informed "that no such letters or certificates do or can, in any manner, divest our (the King's) natural-born subjects of the allegiance, or in any degree alter the duty, which they owe to us, their lawful sovereign." (Proclamation, Oct. 16, 1807.) Not only are we in possession of the declarations of that Government, in opposition to the value of those documents, but we have also the fact that, after the passage of the law, thousands of seamen, armed with the protections, were seized on board of American vessels. The ground assumed by those who impressed them was, that the papers were forgeries; that the King had a right to the services of his natural-born subjects, and that it was difficult to distinguish Americans from natural-born Englishmen. But not only were English and Americans impressed, but Swedes, Danes, and natives of other countries, who could not be mistaken

for natives of Great Britain. Every officer boarding one of our vessels was made the judge of the genuineness of the protection, and of the fact of citizenship. The prisons of Great Britain can prove that our seamen were confined, even when they held the protections. Amongst the causes which produced the war between this country and England, the impressment of our seamen bore a conspicuous place. It was well known that thousands had been seized while sailing under our flag, and with the protections in their possession.

At the conclusion of the contest, which brought so great glory to the American arms on land, and evinced the power of the United States to claim equality on the ocean, the question of impressment was proposed to be made the subject of the treaty of Ghent. It was not acted upon; but, as yet, remains undetermined between us and Great Britain, the only Government which insists upon this right of impressment. It is evident that the protection system never answered the purpose for which it was intended by its authors. It was not respected by the Government of Great Britain; it was not respected by any of its agents; still our seamen, as a general rule, were compelled to submit to the expense of the documents, and then to find the paper utterly impotent. The system was strenuously objected to by many of our leading statesmen. Mr. Jefferson was the first to raise his voice against the proposition. Before the passage of the law, his opinion was recorded in opposition to the measure. That distinguished statesmen, in June, 1792, was Secretary of State, and, in writing to Mr. Pinckney, minister plenipotentiary of the United States at London, remarked, "that the peculiar custom of England, in impressing seamen on every appearance of war, will occasionally expose our seamen to peculiar oppressions and vexations. It will be expedient that you take proper opportunities in the mean time of conferring with the minister on this subject, in order to form some arrangement for the protection of our seamen on these occasions. We entirely regret the mode which was the subject of conversation between Mr. Morris and him; which was, that our seamen should always carry about them *certificates of citizenship*. This is a condition never yet submitted to by any nation; one with which seamen would never have occasion to comply; the casualties of their calling would expose them to the constant destruction or loss of this paper evidence, and thus the British Government would be armed with *legal authority* to impress the whole of our seamen. The simplest rule will be, that *the vessel being American*, shall be evidence that the seamen on board are such." This letter of Mr. Jefferson was long before the passage of the law now proposed to be repealed. After its passage, Mr. Pinckney, then Secretary of State, wrote, in June, 1796, to Mr. King, referring to the instructions given to Mr. Pinckney in June, 1792. He says: "You will see, referring to Mr. Jefferson's letter to Mr. Pinckney, that the mode prescribed in the late act of Congress, of certificating our seamen, was pointedly *reprobated*. The simplest rule, as remarked to Mr. Pinckney, would be, that the vessel being American should be evidence that the seamen on board her are such. But it will be an important point gained, if on the high seas our flag can protect those, of whatever nation, who shall sail under it. And for this, humanity, as well as interest, powerfully plead. Merchant vessels carry no more hands than their safety renders necessary; to withdraw any of them on the ocean is to expose both lives and property to certain destruction." Speaking of the protections under the act of 1796, he says, "that sailors will often lose their certificates, and provision should be made for other proof of their citizenship, such as their own oaths, with those of master's mates, or other creditable witnesses. The rolls of the crew, or shipping papers, may also be authenticated by the collectors of the customs, and then they ought to be admitted as of equal validity with the individual certificates." The opinions here advanced contain the true principles on which we should act. The sentiments of the statesman to whom reference is made reflect the opinions of the present day. On reference to the commercial systems of the various maritime Powers, no provision similar to our system of protections can be discovered. In Spain, every individual who desires to become a sailor is enrolled in the district to which he belongs, and a certificate given him. He is liable to be called into the public service for a number of years, and at the expiration of the service to enjoy certain privileges. It has been supposed that the certificate was for the same purpose with our protection. It is evident that it was never intended for the same object. Our document was intended to be produced on the high seas. The Spanish certificate was adopted for the purpose of being effective within the Spanish territories. Other nations have also certificates, intended to operate only within their respective territories. It is believed that no nation can be found which has been willing to follow the system introduced by the United States. It may be argued that in consequence of the resemblance in manners, appearance, and language, we are the only people exposed to the rule of the British Government—that rule of insisting on impressment. The fact of our issuing protections to avoid such a difficulty is making a concession which no sovereign Power ought to make to another. But it is well known that naturalized citizens of the United States, who had been born in Sweden, and other parts of the continent, and who could not have been mistaken for natives of Great Britain, were seized by her officers. Instead of legislating in the manner we have legislated, ought we not to stand upon the broad ground of the law of nations? Ought we not, in fact, appear in our intercourse with the world one "of the equal and independent nations of the earth?" Can we present that character so long as we have remaining on our laws a provision which shows that we have been willing to do more than is required by the laws of nations, and that we are still willing to allow that anomalous provision to remain in full operation? Is it not due to the character of the country that we should now, when we we have arrived at strength and are possessed of resources of vast extent, stand erect, untrammelled with legislation which was yielded in the days of our infancy and weakness, and when from our situation we were compelled to make concessions to those Powers that had no right, but had the means, of enforcing their demands upon us? The flag of the country has fought its way to the respect of the world, and ought now to cover those who sail under it. The United States ought not to acquiesce in any rule which even throws a suspicion upon their full equality on the ocean. The brilliant naval victories of the late war are evidence of the capacity of our seamen to maintain their rights, and it does not become this Government to require of them to be provided upon the ocean with any other documents than seamen of other countries. Is it not degrading to our citizens that they are bound to have a document which is unusual, unsanctioned by the law of nations, and reminds them at the same time that it grew out of the fact of our country not being able to maintain her flag? Is it creditable to us as a nation, that upon the high seas, where the vessels of all nations meet as equals, that our sailors have been requested by our Government, since 1796, to provide themselves with paper evidence of their American character? Every other nation deems the flag of the country sufficient protection, but we insist upon a proof, which we submit to exhibit to any foreign Power whose officer may board our vessels.

Many object to the repeal of the act, on the ground that it assimilates to a passport, which is granted to every citizen when he leaves this country; that it operates in the same manner; that it is serviceable to the sailor in his inter-

course with our foreign consuls. It must be evident that the system of protections was not introduced for the purpose of being operative within the territories of a foreign Power, where passports are useful, but only on the high seas. They who object ought to consider that no maritime Power gives its citizens evidences to show on the high seas the fact of their allegiance. None of the numerous crews of foreign vessels which enter our ports, or the ports of Great Britain or France, except American seamen, have any evidences of this nature. If, however, it be deemed advisable to grant our seamen evidences of any kind, let them be taken out in the same manner with other citizens, and let them not be compelled to take their evidence under a law which was intended to operate only on the high seas. Under our laws, the protection is, even to our consuls, not the sole evidence of the fact of citizenship. If an American sailor is without a protection, it is not evidence sufficient to justify the consul to refuse giving him aid. If, by any reasonable mode, he can discover the fact of his being an American seaman, he is bound, even if unprovided with a protection, to afford the seaman relief, if he be in distress.

From the abuses which grow out of these papers, many complaints have been made by our consuls. If our foreign agents are bound to obey these documents, without question, it is evident that gross frauds may be committed upon them. From experience, it has been settled that our consuls have advised the repeal of the protection law. Mr. Stewart, who was in the consulate in London in 1815 and 1816, gave his opinion in favor of the repeal of the protection system. He stated the facility with which they were procured tended in a great measure to render it useless. "It would, in my opinion," he writes, in 1817, to Mr. Forsyth, then at the head of the Committee on Foreign Relations, "be much better to repeal the law on that subject, in preference to its remaining on the present footing." He was satisfied of the frauds that were practised, and of the inutility of the document. As the law now stands, if a sailor should find it necessary to have a certificate of citizenship, he can always apply to our consuls when in a foreign port. They are fully authorized to grant them, and are liable to a fine if they knowingly grant them to any but citizens. Mr. Dodge, our consul at Bremen, in a letter full of information on this and other subjects, addressed to one of the Committee on Commerce, gives the following opinion on this point:

"The system of custom-house protections to our seamen has never, in my humble opinion, answered the purpose for which they were granted: said protections were for the protection of American seamen from impressment by the British. It must be well known to many of our mercantile community, conversant with the events preceding our last war with that country, that in thousands of cases where a British officer boarded one of our merchant vessels, that if the man-of-war wanted hands, and the officer found such on board the American vessel as, by their seamanlike appearance, would answer his purpose, he was sure to take them, whether they had protections or not."

Mr. Dodge then states the facilities with which frauds are committed, and the inducements which are held out under the system. At the same time he suggests the propriety of giving to seamen a document, in the nature of a passport, to be useful to him in a foreign country. In Mr. Dodge's opinion, the *role d'equipage* ought to be sufficient protection on the high seas.

Mr. Dana, in 1813, reported to the Senate a system of navigation for the United States. It arose out of the suggestion in the President's message, to confine the American navigation to American seamen. The report states that the bill submitted by the committee proposed to allow the privileges of an American character to none but vessels navigated by American mariners. The law may require means to provide for ascertaining who shall be regarded as mariners, and to make it requisite for vessels of the United States to have documents on board as evidence of being so navigated.

At the conclusion of the report, it is stated that the documents for vessels sailing on foreign voyages may suspend the use of any other certificate of citizenship for persons employed in navigating them; and it is proposed to repeal the section of the act of May, 1796, which has authorized collectors to deliver certificates to individual mariners. Abuses which *are known to have prevailed* in relation to such certificates may be avoided by requiring proper documents to accompany the vessels. The law of 1796, as at present understood and administered, it is well known, gives great room to frauds and exactions. The protections are considered absolutely necessary by our seamen. That class of our citizens supposes that the law *compels* them to take out the document. Notwithstanding the law makes it a voluntary act to take a protection, yet, as the practice has become general amongst our vessels of insisting on it, our seamen submit to the trouble and expense. The form of expression in the law makes it optional with the seaman. The collector is bound to deliver protections to only those who desire it. The words of the law are, "*at the request* of any seaman, being a citizen of the United States." The intention of the law was to give the sailor, if *he* thought it of any service, evidence of his citizenship. A general impression exists, among our maritime people, that a legal necessity exists on the part of the seaman to be provided with the protection. The sole purpose of the paper was to give to a foreign Power, insisting on the right of impressment, evidence that the bearer of the document was an American citizen, and, by the law of nations, exempt from impressment. In a state of peace, it is more manifest that it cannot be of any advantage; yet the result of the impression alluded to is, that every sailor provides himself with the document.

It is easily lost, and the probability is, that it is frequently renewed at an expense to the seaman. The fee exacted by the law is twenty-five cents at the custom-house, but, with the charge of notary, it is understood to be a charge to the applicant of about one dollar and twenty-five cents. One of the officers of the revenue says that "by repealing the fees for protections you would reduce the expense of the seamen to one fifth or one ninth of what they are now at to procure these protections. The persons from whom, in some of our ports, they obtain protections, make money out of them. They frequently collect the protections of the seamen, and hand them over to the captains, as some kind of lien that the seamen will go with them, and not leave them in a foreign port; and whenever they quit the employ, their protections are generally left, and new ones are to be obtained when they go to sea again." From the returns which have been made annually to the Department of State, under the law of 1796, which requires a return of the number of seamen registered as protected, it appears that large numbers are registered, at an expense of many thousands of dollars. It is manifest that the withdrawal of that amount was wholly unnecessary, and peculiarly oppressive, on the part of the Government, upon a class of our citizens whose labors are of a character exposing them to toils and dangers of no ordinary nature, and should shield them from such severe exactions of the Government under which they live. Whether it shall be deemed proper to repeal the whole of the provisions relating to this subject, there cannot be a doubt as to the propriety of destroying that part of the law which imposes fees on the issuing of the certificates. Already the seamen are burdened sufficiently with taxation, and have strong claims on the Government for a release from the oppression. The passports which are issued from the State Department to persons about to travel in foreign countries are delivered gratuitously

to applicants; and there cannot be any reason why our seamen should be compelled to pay for their certificates of citizenship, more than any other class of our citizens.

It is a well-settled principle of international law, and maintained by all our statesmen, that "over the individuals and property within the limits of a sovereign State, the laws of that State have control and owe protection." The vessels of every nation are part of its property; she regulates them while within her ports, and all acts committed, and contracts entered into, while on the high seas, are referred to the tribunals of the courts of that nation whose flag the vessel may bear. In the language of Kluber, a merchant vessel ought to be considered as a floating colony of her State. The flag of the nation protects all who are beneath it. There is no doubt of the impropriety of granting certificates to our own inhabitants, while within our own territories, and yet we preserve a law which makes provision for a document as unnecessary, under the law of nations, as any document of the same kind would be to any of our inhabitants within his own home. Not more sacred should be the home of the landsman than the vessel of the mariner in that respect. Both are equally entitled to the protection of the Government, and one ought not to be burdened with the evidence of his citizenship more than the other; more especially as the protection is the evidence of our weakness in the earlier age of the nation. The practice of impressment was adopted by Great Britain when she was engaged in the naval gigantic wars which have ever disturbed the peace of the world. She insisted that, under an imprescriptible custom, the King had a right to the services of all his subjects, and that any nation which employed them exposed their vessels to the search of the British vessels of war. In no treaty, or in any work upon the law of nations, can any authority be found for such a practice. Lord Castlereagh put it on the common-law right of the King to command the services of his subjects, and that the allegiance which was due from a native citizen never could be shaken off. The consequence of this position, as asserted by our statesmen, must be that every municipal law, every regulation which might operate within the territories of a nation, must be binding upon all other nations at sea. The inevitable result might be, that, if a nation thought proper to make regulations with regard to certain articles, (not even contraband of war,) and make them liable to seizure on board of a vessel bearing a neutral flag, that those neutral vessels must submit not only to search, but to seizure and to confiscation on the high seas.

A retrospect of the course pursued by this country will show with what zeal the statesmen who have been engaged in carrying on the foreign negotiations of this country have sustained the cause of the freedom of the seas, of the rights of neutrals, of the want of authority to sustain the practice of impressment, and, above all, the ability with which they have insisted on the power of the flag to be the *ægis* of protection of American seamen, and American property, on the high seas. Mr. Madison in 1806, in writing to Mr. Monroe, then in London, examined the whole question of impressment. He insisted that a neutral flag, on the high seas, should be a safeguard to those sailing it. He assumes the position that, under the law of nations, the right of searching for, and seizing on, subjects of foreign countries, except those in the military service of a country, does not exist. That justice and virtue forbid the exercise of a right which gives to an officer of a vessel the power of determining on the rights of a citizen, without even the forms of a trial, which is secured under the code of civilized nations to the enrolled amount of property. Speaking of the protection, he says: "That the certificate called a protection to American seamen is not meant to protect them under their own, or even any other neutral flag, on the high seas." He can never admit that, in such situations, any other protection is required for them than the neutral flag itself on the high seas. He says "that the protection is given to be useful to them within the jurisdiction of foreign Powers."

Great Britain, in 1803, by her ministers, yielded in full this great point. Lord Hawkesbury, the Secretary of State, in fact, admitted the rights of our flag, by assenting to Mr. King's proposition forbidding impressment on the high seas. Lord St. Vincent, First Lord of the Admiralty, also assented, but afterwards, on consultation with Sir William Scott, an exception in favor of the narrow seas was inserted. This exception was wholly untenable. The exclusive jurisdiction of Great Britain did not extend to those seas. Her claim was of no higher value than that of any other nation. Her only pretext was the common-law claim of the sovereign to the services of his subjects, at all times and places. Mr. Monroe, Secretary of State, writing to our plenipotentiaries for treating of peace, (April 15, 1813,) stated that our Government had passed a law on the subject of seamen. By that law, no British subject could be engaged as a seaman on board of our vessels, private or public, without producing to the collector, or commander of the vessel, a certified copy of the act by which he was naturalized. Five years' continued residence was required as a condition precedent to citizenship. After naturalization, he remarked that the native and adopted citizen stood on the same footing by our laws. Of the right to be exempt from impressment, he insisted that the practice was utterly repugnant to the law of nations, as unsupported by any treaty with any nation, never was acquiesced in by any, and that a submission to it seemed to be sacrificing the natural rights of the United States. Mr. Adams, in 1816, had an interview with Lord Castlereagh on the subject of the impressment of our seamen. Mr. Adams, anxious to obtain some settlement of the question on honorable terms, pointed out to Lord Castlereagh the measure of Congress restricting our vessels to citizens of the United States. It was evident, from the remarks of Castlereagh, that from the passage of that law he adduced an argument against any stipulation on the part of the Government of Great Britain. He remarked, that if our law was carried out, there would be no seamen on board of American vessels to take, and the practice of taking them would cease of course. Mr. Adams, in his communication to the Secretary of State, properly observes "that the practice will not be tolerated by a nation of the strength and resources to which the United States are rising. It cannot be too forcibly urged upon their conviction, that the only means of protecting their seafaring men will consist in the energy with which their rights shall be asserted."

Mr. Adams, in 1818, in writing to Messrs. Gallatin and Rush, then in London, on the subject of a proposition which had been made to enter into some arrangement as to impressments, remarked: "The second proposal (that British officers entering our vessels, for purposes warranted by the laws of nations, should be authorized to call for the list of the crew; and if they should find, or suspect, an Englishman to be on board, to make a record of the fact, for the purpose of remonstrance to the Government of the United States) is, in the view of the President, still more objectionable. In the first place, the distrust that it implies that the law for excluding British seamen will, though stipulated, not be faithfully executed, is not warranted by any experience, nor can this Government give countenance to it by assenting to any stipulation which could be considered as resulting from it." He then states: "It was not expressly asked by Lord Castlereagh in his proposal, as reported by Mr. Rush, that the officer, in calling for the shipping papers, should also have the power of mustering the crew, to examine them, by comparison, with the list; but, as the mere view of the list would be useless, unless coupled with that power, we consider it as having been intended to have been in-

cluded in the proposal. And this very inspection of the crews of our vessels by a foreign officer has been found among the most grievous and insulting aggravations of the practice of impressment. The tendency, he insists, would be to produce altercation between commanders. The suspected seamen must have a right as well as the suspecting officer. There would be no tribunal to judge between them, and the consequent cause of collision between the two nations;" and yet has not the protection system been yielding these very points? Do we not make our seamen offer themselves to be examined? Is not the practice open to all the objections advanced with such force and ability by the Secretary of State?

Destined as this country is to maintain a high rank amongst the maritime nations of the world, it becomes it to occupy that position, with regard to the high seas, which will not, in any way, affect the great principles of international law. In all our foreign policy, we have endeavored to enlarge the charities of the law of nations: to insist upon the strictest rules with reference to a state of war, and to carry out the principle that in that state belligerants ought not to interfere with the rights of neutrals, so long as they do not aid, in any manner, either of the hostile parties. The commerce of this country is seeking every ocean; our seamen are exposed at every point; and it is questionable whether, by having upon our statute book a law which admits that protection to our seamen may be useful, and even necessary, we are not inviting a principle which, by course of time, may operate to the disadvantage of our seamen. We ought to inquire, what papers are necessary under the law of nations? As part of the civilized portion of the world, bound by that code, we should conform to its regulations, but should not go beyond them. What are the documents required?

1. *The passport, sea brief, or sea letter.*—This is a permission from the neutral State to the captain or master of the ship to proceed on the voyage proposed, and usually contains his name and residence; the name, property, description, tonnage, and destination, of the ship; the nature and quantity of the cargo; the place from whence it comes, and its destination, with such other matters as the practice of the place requires.

2. *The proofs of property* —These ought to show that the ship really belongs to the subjects of a neutral State; (this is shown by our register.) If she appear to be either belligerant or to have been built in the enemy's country, proof is generally required that she was purchased by the neutral before, or captured, and legally condemned, and sold to the neutral, after the declaration of war; and, in the latter case, the bills of sale, properly authenticated, ought to be produced.

3. *The muster roll.*—This, which the French call *role d'equipage*, contains the names, ages, quality, place of residence, and, above all, *the place of birth*, of every person of the ship's company. This document is of great use in ascertaining a ship's neutrality.

4. *The charter party.*—When the ship is chartered, this instrument serves to authenticate many of the facts on which the truth of her neutrality must rest, and should therefore be always found on board chartered ships.

5. *The bills of lading.*—By these, the captain acknowledges the receipt of the goods specified therein, and promises to deliver them to the consignee or his order.

6. *The invoices.*—These contain the particulars and prices of each parcel of goods, with the amount of the freight, duties, and other charges thereon, which are usually transmitted from the shippers to their factors or consignees.

7. *The log book or ship's journal.*—This contains a minute account of the ship's course, with a short history of every occurrence during the voyage.

8. *The bill of health.*—This is a certificate, properly authenticated, that the ship comes from a place where no contagious distemper prevails; and that none of the crew, at the time of her departure, were infected with any such disorder. These documents are, on reference, found to be important and necessary. When a vessel of the United States is found with these documents, nothing more can be required of her, and any legislation which admits the necessity of further proof must be tolerated at the sacrifice of that equality which we should maintain with the other neutral Powers of the world.

The great principle of the inviolability of a neutral flag is one in which this country, as a commercial nation, is deeply interested. No position which yields the principle that the high seas are not common to all, that on the ocean one Power has authority over another, can ever be acquiesced in. Desirous as we must be of maintaining the rights of neutrals, we ought never to contract the already limited privileges they enjoy under the law of nations. From our character as a nation, from the policy which ought to distinguish our movements, it is expected that we should not be disposed to submit to shackles which would tend to derogate from our character, and expose our seamen to investigations and trials unknown to the seamen of every other country. While we admit that the right of search during a state of war exists, we can go no further than to say that it is the duty of the master of a vessel to produce his documents to support his neutral character, and that those documents are the register, the passport, sea letter, muster roll, log book, charter party, invoice, and bill of lading These papers are the extent to which a belligerant can go; but under no part of international law can particular protections be demanded for the individuals on board of the vessel. The *role d'equipage* contains all that, under the law of nations, can be demanded as to the ship's company; and to acquiesce in that rule, and to advance no further, ought to be the present policy of the United States.

Upon a review of the circumstances under which the law of 1796 was passed, it cannot but be believed that the period has passed when it was necessary to continue the present law. It is evident that, during a time when the maritime nations of the world are at peace, it is useless; that its existence renders the opinion prevalent that a necessity exists for obtaining protections; and that if difficulty should again occur, this legislation might be adduced in a manner disadvantageous to our interests, and prejudicial to the glory and national elevation of the country. The period which found us without a navy, and encumbered with debt, has passed away; and with that period ought to vanish the legislation which was the consequence of that situation. The present period is peculiarly auspicious to proclaim the principle that the flag of the Union shall be the protection of those who tread the deck of an American vessel. The repeal of this law cannot in any manner affect our relations with foreign Powers. But one nation has insisted on the right of impressment, and this she has only exercised when engaged in naval warfare with other nations. At a period when she is at peace it is proposed to repeal it; and there can be but little doubt that, with the sincere feeling of amity which exists between the two countries, some arrangement may be entered into whereby this subject may disposed of to the advantage of both parties. Not only the great interests which connect us, but also the common language which binds us, and the dictates of reason, of humanity, and sound policy, ought to induce an amicable and happy adjustment of this disturbing point. In the kind office which, within the last year, that Government proffered its services, may be seen the best evidence of its feelings towards this country; and we cannot but indulge the hope that the same spirit may be contiuued, until it shall remove every trace of a question which has heretofore been a point of difference.

The result of an examination of the questions submitted must lead to the conclusion that the law of 1796 ought not to remain upon our statute book; because it has not answered the original purpose of its framers, and preserves a system unknown to the maritime nations of the world.

It has introduced a regulation productive of frauds. It places our seamen under an obligation to obtain documents wholly useless, and at the same time expensive. It is objected to by the most prominent statesmen in the nation, and in the opinion of our public agents unnecessary.

It has been, and might be, claimed as an admission of the right, put forward by Great Britain, to seize all our seamen who have not the protections.

The interests of the nation require that the rights of neutrals should be maintained, and the honor of the country demands that the flag of the country shall be inviolate, and the only protection of those who place themselves under it.

In accordance with the suggestions of some of our public agents, it has been deemed not improper to grant to our seamen a document which will, in a foreign land, afford them evidence of their citizenship, and at the same time entitle them, under our own laws, to certain advantages. A law which shall place our seamen on a footing with the rest of our citizens passing into foreign countries, and who now procure passports, may not be open to objections, particularly to those made to protections; while, at the same time, the passport might have some effect with our consuls and the officers of customs. It is proposed to direct the Secretary of State to transmit to the collectors passports, in the same manner that the Treasury Department now transmits registers of vessels. No passport to be issued unless signed by the collector. At our custom-houses, proper officers will examine our citizens, and deliver the passport to those who may wish to obtain the document.

Under the law of March 3, 1813, "for the regulation of seamen on board the public and private vessels of the United States," the President can make and promulgate regulations as to the mode of obtaining evidence of citizenship. The main object will be to grant to the mariner who desires it this evidence of his being an American citizen, in the same manner with other citizens, and to relieve the sailor of a tax which he is now subjected to. A bill embracing these points is herewith submitted.

Whether the House, at the present session, will decide upon the question, or not, the committee are satisfied that the subject is one which ought to be brought to the attention of the country. A description of its merits will bring forth the opinions of the nation on a point of vital importance to the welfare of a highly meritorious and useful portion of our citizens, and a matter particularly interesting to the country, when viewed in connexion with our national character and independence.

HARBORS AND RIVERS.

HOUSE OF REPRESENTATIVES,
January 31, 1837.

Mr. Smith, of Maine, from the Committee of Ways and Means, made the following report:

The Committee of Ways and Means submitted to the House of Representatives, at the last session of Congress, a report explanatory of the unproductive yet growing expenditures of the Government upon harbors and rivers, and expressive of serious doubts of the policy of following out this branch of the public service, unless some more certain and efficient and economical system for conducting it could be devised. The experience of another year upon the subject, written out in the progress reported as having been made in the several works of the denomination mentioned during that period, and in the estimates submitted for their continuance, in no degree alters the conclusion of the committee, expressed in their before-named report, that "the system is expensive, and yet feeble; flattering, and yet uncertain, in all its operations and results, unless it be viewed only with reference to its fitness to the purposes of the individual wealth and profit of the agents and contractors immediately concerned." The bill submitted to the House by the committee at the last session, entitled "A bill directing the Secretary of War to report annually certain information relating to works of internal improvement," and still pending before the House, is believed to be well calculated to secure to the Government much needful and useful information respecting this branch of expenditures, and not heretofore reported to the Engineer department. And it is due to the principal officer of that department to say that the suggestions of that bill have been, in the main, adopted and enforced by him during the past year upon the officers and agents who superintended the public works under him, and the advantages of this course are already beginning to be realized. But, notwithstanding the great additional responsibility and accountability, on the part of subordinates, thus imparted to this branch of expenditures, the great and inherent evils of the system, expanded as it has been, have not been cured, and are perhaps incurable. At all events, they must probably be borne until Congress shall resolve to confine the operations of the Government to such improvements as are of the first magnitude, and of urgent necessity to the commerce of the lakes and seaboard, and to leave those of a secondary and still less important order to be accomplished by the energies of the State Governments, which can better appreciate the utility of them, or to individual enterprise. It is not easily seen why individual wealth and enterprise may not combine and direct their efforts to the execution of such works of general benefit upon the shores of our interior lakes, and upon the margins of rivers susceptible of improvement, and which fall short of national importance, and derive such remuneration from their use as is awarded to capital invested in other works of public and local utility—say turnpikes, bridges, locks, and canals. Without some curtailment by Congress of the class of works already projected as recipients of its bounty, and without a decisive limitation of its appropriations to works that may justly be denominated of the first magnitude, and of imperious necessity too, it requires no spirit of prophecy to predict that the operations of the civil engineer department will, in a very few years, rival in expenditures, and numerical strength of agents and operatives, the military and naval service of the Government, and constitute a more alarming branch of public patronage than is to be found elsewhere in the Government. From the peculiar nature of their expenditures, corruption, favoritism, and peculation, may be reduced to system more successfully in them than in almost any other branch of the civil administration.

No two works are dependent upon the same calculations, because of the differences of their locations, and in the locality and nature of the material with which they are constructed, and because of numerous other considerations that enter into the account; and since all the results are necessarily dependent, in the main, upon mere estimates, these may be excessive, or prove inaccurate, from positive design, and without a betrayal of the motives influencing them, to an extent that can attach either censure or punishment, however they may be merited. And so flattering to popular expectation is every local improvement, carried on at the expense of the Federal Government, that the grossest abuses are more readily submitted to, in such expenditures, by whole communities interested, than is the smallest extravagance in matters that fall immediately upon themselves for support.

The representative himself seldom feels it to be his duty to encounter or thwart a strong inclination of the popular will of his district to be satisfied with appropriations that

purport to be for its benefit, though persuaded that they are both useless and unavailing in fact, and expended also without due regard to economy.

In confirmation of the views here advanced of the expensive tendency of this branch of the National Government and federal patronage, the committee beg leave to refer the House to such data as are furnished in the appropriation bills of late years, for harbors and rivers alone.

In 1824 the appropriation amounted to			$100,000
1825	do	do	11,000
1826	do	do	85,320
1827	do	do	82,176
1828	do	do	312,313
1829	do	do	129,493
1830	do	do	367,114
1831	do	do	445,474
1832	do	do	745,586
1833	do	do	495,600
1834	do	do	629,956
1835	do	do	502,257
1836	do	do	1,786,884

And for 1837, the sum of two millions three hundred and twenty-one thousand five hundred and thirty-six dollars is asked by the Engineer department, to conduct those works only that have been commenced, and exclusive of appropriations for new works.

The committee are of opinion that such an appropriation is largely disproportioned to the other expenditures of the Government, and adverse to its economical administration. It should awaken Congress to serious reflection upon the policy of a system thus expensive. The committee have graduated the appropriations to the several works, according to the best information they can acquire relative to the several interests involved. It would seem to be very desirable that the department having charge of this branch of expenditure should adopt some method of classifying all the works now in progress, and all that may be instituted under its charge, according to their relative importance, somewhat in the manner that the military fortifications in the course of construction, or that have been projected, have been classified in former years; that those may be completed, at an early day, which are of primary necessity; and the remainder be conducted forward, thereafter, as the resources of the Government, public interest, and sound economy, may dictate. It is believed entirely competent for the department to do this, and to institute any other salutary rules of conducting these works that might be calculated to elucidate their worth, progress, or cost, respectively, and enable Congress to judge more understandingly of each than has yet been practicable. They involve various details that can be judged of accurately only by comparison with each other, in connexion with the geographical and commercial data from which they respectively derive importance; and too great vigilance cannot be called into requisition, by the department, in the collation of them for the use and information of Congress.

The committee report a bill of appropriations, for the year 1837, amounting in the aggregate to the sum of nine hundred and sixteen thousand six hundred and seventy-five dollars.

MR. STEVENSON'S APPOINTMENT.

IN SENATE, *March* 3, 1836.

Mr. Clay, from the Committee on Foreign Relations, submitted the following report:

The Committee on Foreign Relations, to whom was referred the nomination of Andrew Stevenson, of Virginia, as Minister Plenipotentiary and Envoy Extraordinary to Great Britain, have, according to order, had the same under consideration, and now beg leave to report:

That, on the 30th of May, 1834, Andrew Stevenson was nominated for the same office, and on the 24th of the succeeding month he was rejected by the Senate; that Martin Van Buren, of New York, had been previously nominated for the same office, and, on the 25th of January, 1832, had been rejected by the Senate; that it remained vacant from this period until the nomination of Mr. Stevenson, and it has continued vacant from the time of his rejection. This office has, therefore, been unoccupied during a term of more than four years.

When Mr. Stevenson was first nominated, he was Speaker of the House of Representatives of the United States, which office he resigned on the —— day of June, 1834. Whilst that nomination was under consideration, it appeared to the Senate that the Secretary of State had, on the 15th day of March, 1833, addressed an official note to Mr. Stevenson, in which the Secretary said: "I am directed by the President to inform you, confidentially, that, as soon as advices shall be received that the British Government consent to open negotiations with this, which are daily expected, it is his intention to offer you the place of minister plenipotentiary to the court of St. James; and he requests that, should this appointment be agreeable to you, you would hold yourself in readiness to embark in the course of the summer. I congratulate you, sir, on this mark of the President's confidence." This note was received by Mr. Stevenson; but, if he returned a direct answer, it did not appear to the Senate.

Subsequent to the receipt of this note, in April, 1833, Mr. Stevenson was elected a member of the House of Representatives from the State of Virginia, took his seat at the commencement of the session of Congress in the December following, was elected Speaker of the House, and continued to discharge the duties of that office until he resigned it, as hereinbefore stated.

It appeared further to the Senate that, shortly after Mr. Stevenson received the note of the Secretary of State before mentioned, he had an interview and consultation with Mr. Thomas Ritchie, his friend and neighbor, and the editor of a leading newspaper supporting the administration, published at Richmond, in Virginia, on the subject of the contents of that note. In that interview, Mr. Ritchie, in a letter addressed to Mr. Stevenson, in June, 1834, says, it struck him that the President might appoint Mr. Stevenson, in case the contingency happened during the recess, and not send him, but Mr. Livingston, to France. "I suggested (says he) that these appointments ought not, and could not be made, according to the spirit of the constitution, during the recess of the Senate. You (Mr. Stevenson) promptly and cordially concurred in this view of the subject, and I then determined to write to a friend in Washington, for the purpose of laying this view before the President himself. You *approved* of my doing so; and, in fact, we *agreed perfectly* in the course to be taken. *We* determined to take no notice of Mr. Livingston's letter, to act yourself as if no such letter had been written; that it would be best not to offer to accept the appointment if made in the summer, and to wait the action of the Senate," &c.

In pursuance of the plan thus arranged between Mr. Stevenson and Mr. Ritchie, the latter, in March, 1833, addressed two letters to Mr. W. B. Lewis, at the city of Washington, who was the friend and enjoyed the confidence of the President, and held the office of Auditor. Extracts from these letters were furnished by Mr. Lewis, and presented to the Senate on the occasion of the first nomination of Mr. Stevenson. Mr. Ritchie says to Mr. Lewis: "I am about to address you on a subject which has caused much speculation among our friends, and great uneasiness in my bosom. I speak to you as a friend, and without the slightest reserve. The papers have recently spoken of a batch of appointments which the President is

about to make, embracing the two highest missions to European courts, and the two highest seats in his cabinet. I have conversed freely with our friend Stevenson upon them, and I have this day communicated to him my intention to write to you, and to lay before you my own views of the matter.

"We have the utmost confidence in the virtue of Gen. Jackson. We have no idea that he would arrogate to himself new powers, at the expense of the other departments of the Government. His generous ambition has been fully satisfied! He has nothing more to ask of his country than her verdict of approbation when he lays down the high and difficult office with which he is intrusted! We all know it, and every candid individual admits it! We believe that the course he may pursue will be with a single eye to the public interest. But whilst we dismiss all apprehensions that he will designedly abuse his authority, we wish, at the same time, that he should do no act which may be plead, hereafter, by an unworthy predecessor, in justification of his acts. In this last term of his administration, we wish to see no precedent set which may be perverted in future times; we desire it on our own account as well as that of our country. We wish to see his administration set in glory; and we wish to see our country benefited, in all time to come, by his pure example. But this cannot be, if any error should be commi ted against principle, even from the best of motives; if any authority should be assumed which does not fairly belong to him, or even if any doubtful power should be exercised upon any delicate branch of the constitution, his high popularity would only make it more current. One of the highest powers which attaches to the Executive is that of appointment; over its exercise is accordingly thrown, and wisely thrown, the check of concurrence by the Senate. Now, sir, doubts do exist whether the vacancy in the missions to London and Paris did not originally occur during the recess of the Senate. Secondly, whether the vacancy does not still exist; and, thirdly, whether it ought now to be filled without a consultation with the Senate."

The letters from which these extracts were taken, having been written expressly with a view of being laid before the President, there can be no doubt that it was done. Their main object, that of preventing the appointment of Mr. Stevenson in the vacation of the Senate, was secured. The President forbore to make it, and waited until the Senate assembled at the ensuing session before the nomination was made.

It is stated by the President, in his message of the 13th June, 1834, communicating the note of the Secretary of State to Mr. Stevenson, that the negotiations to which it refers were commenced early in April, 1833, in the city of Washington, instead of London, and as they have been since conducted here, no further communication was made to Mr. Stevenson. What these negotiations were has not been stated. Whatever they might have been, the residence of a minister of the United States at London, at all times, is obviously proper; and that the appointment of Mr. Stevenson did not depend upon any particular negotiations, is manifest from the fact of his having been finally nominated to the office. If the President had abandoned all intention of sending him to England, inasmuch as he had been requested to hold himself in readiness to go, during the summer of 1833, and had not declined the offer, he would probably have been notified of the change in the views of the President.

The Senate saw, therefore, that a promise of the mission to Great Britain had been communicated to Mr. Stevenson on the 15th March, 1833. They saw an indirect intervention, with Mr. Stevenson's knowledge and acquiescence, to prevail on the President not to make the appointment in the vacation of the Senate, in accommodation to the views of Mr. Stevenson and his friend Mr. Ritchie. They saw that the President did forbear to make the appointment in the vacation of the Senate. And they saw the final execution of the promise, as far as it depended upon the Executive, by his nomination on the 30th May, 1834. During this long interval, he had been elected by the people of a congressional district in Virginia as their representative, ignorant of his having possession of such an official promise; he had been elected, under like ignorance, by the House of Representatives, as their Speaker; and, in that station, had performed all the highly important duties incident to it. That office, at all times one of great influence, possessed more than ordinary weight in the session of 1833–'4. The President, some time before its commencement, had directed the public deposites to be withdrawn from the Bank of the United States, and placed in the local banks. That measure excited deep and general sensation throughout the country; divided the people; divided the constitutional advisers of the President; divided Congress, and became a subject of warm and animated discussion in both Houses. It was at this extraordinary period that the Speaker of the House of Representatives, invested with the power of appointing and arranging the committees of the House, and wielding a great influence, secretly held a written official promise of the most important mission abroad, every body being ignorant of the fact except himself, the President, the Secretary of State, and a few confidential friends.

It was under these circumstances that his nomination came up for consideration in the Senate. It is a fundamental principle of free Governments, that, in order to preserve the purity of their administration, each of the three departments into which, according to all safe maxims, they are divided, should be kept independent of and without the influence of the others. But if the head of one of those departments may, at a critical period, confidentially present, and for a long period of time hold up to the presiding officer of the popular branch of another, the powerful inducement of a splendid foreign mission, is there not imminent danger of undue subserviency? of a failure of that presiding officer faithfully and independently to discharge the high duties of his exalted station?

The Senate thought there was, and withheld its advice and consent to the nomination of Mr. Stevenson as minister to Great Britain. And now, after a lapse of near two years, with all the circumstances by which his original nomination was attended remaining in full force, but with considerable individual variations in the composition of the Senate, the same individual is again nominated by the President for the same office. Doubtless a place, more than any other foreign appointment, important to be constantly occupied, has not been kept vacant with a view to, or in expectation of, any such variations. Doubtless, in the ample field for selection which the intelligence and patriotism of near fifteen millions of people offer, some individual, equally well qualified with and less exceptionable than Mr. Stevenson, might be designated to represent the United States at the court of St. James. Doubtless no personal feelings or wishes to achieve a triumph over the Senate can have prompted the renewal of this nomination.

Whatever may have been its motives, the committee neither know nor have any thing to do with them. They are not themselves aware of any peculiar fitness in Mr. Stevenson, or any absolute necessity of deputing him, and only him, as the minister of the United States to Great Britain. In ordinary times, the fact of his being unacceptable to a large portion of the Senate, even if that did not constitute an actual majority, would be regarded as deserving of consideration. In a free Government, it should be the aim of those who administer it to promote harmony in the public councils, and satisfaction among the people.

The Senate of the United States is supposed, by the theory of the constitution, to be as free and independent in

the exercise of its judgment on nominations submitted to its consideration, as the President is in proposing them. Each of the two components of the appointing power acts upon its own sense of duty, and upon its own responsibility. The Senate has no right to require the President to nominate any particular individual, and the President has no right to require the Senate to confirm any particular nomination. When the Senate has once decided upon a nomination, there ought to be an end of the matter.

Prior to the present administration, instances of renomination were rare, and are believed to have occurred only when some indication was given from the Senate of a desire that it should take place. It has of late become much more frequent. The practice is liable to great abuses. A President disposed to advance favorites to public offices, and finding a Senate disagreeing with him as to their fitness, may forbear for a long time, to the detriment of the public service, to nominate any person to fill them, until, from those changes of individual members to which all collective bodies are liable, a Senate happens to be formed more yielding and complying. When a nomination is *once* rejected, the exact state of the votes of the Senate is known to the President; and if the practice of renomination is indulged, in process of time there will be danger of the existence or the imputation of corruption. The committee think that the practice ought to be resisted; that, when the Senate has once rejected an individual nomination, the decision ought to be held as final and conclusive; and that it ought not to confirm the nomination of the same person, when again made for the same office, without strong special cause. In the present case, no such cause is alleged or known to exist; whilst all the considerations which formerly opposed the confirmation of Mr. Stevenson continue in unabated strength. The committee, therefore, recommend the adoption of the following resolution:

Resolved, That the Senate do not advise and consent to the appointment of Andrew Stevenson as minister plenipotentiary and envoy extraordinary to Great Britain.

LAWS OF THE UNITED STATES,

PASSED AT THE SECOND SESSION OF THE TWENTY-FOURTH CONGRESS, WHICH WAS BEGUN AND HELD AT THE CITY OF WASHINGTON, IN THE DISTRICT OF COLUMBIA, ON MONDAY, THE FIFTH DAY OF DECEMBER, ONE THOUSAND EIGHT HUNDRED AND THIRTY-SIX.

AN ACT to regulate, in certain cases, the disposition of the proceeds of lands ceded by Indian tribes to the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all moneys received from the sales of lands that have been, or may be hereafter, ceded to the United States by Indian tribes, by treaties providing for the investment or payment to the Indians, parties thereto, of the proceeds of the lands ceded by them respectively, after deducting the expenses of survey and sale, any sums stipulated to be advanced, and the expenses of fulfilling any engagements contained therein, shall be paid into the Treasury of the United States, in the same manner that moneys received from the sales of pulic lands are paid into the Treasury.

Sec. 2. *And be it further enacted*, That all sums that are or may be required to be paid, and all moneys that are or may be required to be invested by said treaties, are hereby appropriated in conformity to them, and shall be drawn from the Treasury as other public moneys are drawn therefrom, under such instructions as may, from time to time, be given by the President.

Sec. 3. *And be it further enacted*, That all investments of stock that are or may be required by said treaties shall be made under the direction of the President; and special accounts of the funds under the said treaties shall be kept at the Treasury, and statements thereof be annually laid before Congress.

Sec. 4. *And be it further enacted*, That the provisions of the 4th section of the act of June 14th, 1836, entitled "An act making appropriations for the Indian department," &c., be, and are hereby, extended in such manner as to apply to the disposition of all moneys that may hereafter be received under the treaties therein named, or under any others containing similar stipulations for the payment to the Indians, annually, of interest upon the proceeds of the lands ceded by them.

Approved January 9, 1837.

AN ACT making an appropriation for the suppression of Indian hostilities.

Be it enacted, &c., That the further sum of two millions of dollars shall be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to defray any expenses which have been or may be incurred in preventing or suppressing the hostilities of any Indians; to be expended under the direction of the Secretary of War, conformably to the acts of Congress of the nineteenth of March and the second of July last, and of the acts therein referred to.

Approved January 9, 1837.

AN ACT supplementary to the act entitled "An act establishing a Mint, and regulating the coins of the United States.

Be it enacted, &c., That the officers of the mint of the United States shall be a director, a treasurer, an assayer, a melter and refiner, a chief coiner and an engraver, to be appointed by the President of the United States, by and with the advice and consent of the Senate.

Sec. 2. *And be it further enacted*, That the respective duties of the officers of the mint shall be as follows:

First. The director shall have the control and management of the mint, the superintendence of the officers and persons employed therein, and the general regulation and supervision of the business of the several branches. And in the month of January of every year, he shall make report to the President of the United States of the operations of the mint and its branches for the year preceding; and, also, to the Secretary of the Treasury, from time to time, as said Secretary shall require, setting forth all the operations of the mint subsequent to the last report made upon the subject.

Second. The treasurer shall receive, and safely keep, all moneys which shall be for the use and support of the mint; shall keep all the current accounts of the mint, and pay all moneys due by the mint, on warrants from the director. He shall receive all bullion brought to the mint for coinage; shall be the keeper of all bullion and coin in the mint, except while the same is legally placed in the hands of other officers, and shall, on warrants from the director, deliver all coins struck at the mint, to the persons to whom they shall be legally payable. And he shall keep regular and faithful accounts of all the transactions of the mint, in bullion and coins, both with the officers of the mint and the depositors; and shall present, quarter-yearly, to the Treasury Department of the United States, according to such forms as shall be prescribed by that Department, an account of the receipts and disbursements of the mint, for the purpose of being adjusted and settled.

Third. The assayer shall carefully assay all metals used in coinage, whenever such assays are required in the operations of the mint; and he shall also make assays of coins whenever instructed to do so by the director.

Fourth. The melter and refiner shall execute all the operations which are necessary in order to form ingots of standard silver or gold, suitable for the chief coiner, from the metals legally delivered to him for that purpose.

Fifth. The chief coiner shall execute all the operations which are necessary in order to form coins, conformable in all respects to the law, from the standard silver and gold ingots, and the copper planchets, legally delivered to him for this purpose.

Sixth. The engraver shall prepare and engrave, with the legal devices and inscriptions, all the dies used in the coinage of the mint and its branches.

Sec. 3. *And be it further enacted*, That the director shall appoint, with the approbation of the President, assistants to the assayer, melter and refiner, chief coiner, and engraver, and clerks for the director and treasurer, whenever, on representation made by the director to the President, it shall be the opinion of the President that such assistants or clerks are necessary; and it shall be the duty of the assistants to aid their principals in the execution of their respective offices, and of the clerks to perform such duties as shall be prescribed for them by the director.

Sec. 4. *And be it further enacted*, That whenever any officer of the mint shall be temporarily absent on account of sickness, or any other sufficient cause, it shall be lawful for the director, with the assent of said officer, to appoint some person attached to the mint to act in the place of such officer dusing his absence, and that the director shall employ such workmen and servants in the mint as he shall from time to time find necessary.

Sec. 5. *And be it further enacted*, That every officer, assistant, and clerk of the mint, shall, before he enters upon the execution of his office, take an oath or affirmation before some judge of the United States, or judge of the superior court or any court of record of any State, faithfully and diligently to perform the duties thereof.

Sec. 6. *And be it further enacted*, That the following officers of the mint, before entering upon the execution of their respective offices, shall become bound to the United States, with one or more sureties, to the satisfaction of the Secretary of the Treasury, in the sums hereinafter mentioned, with condition for the faithful and diligent performance of the duties of their offices, viz: the treasurer in the sum of ten thousand dollars; the assayer in the sum of five thousand dollars; the melter and refiner in the sum of ten thousand dollars; and the chief coiner in the sum of ten thousand dollars. And that similar bonds may also be required of the assistants and clerks, in such sums as the director shall determine, with the approbation of the Secretary of the Treasury.

Sec. 7. *And be it further enacted*, That there shall be allowed to the officers of the mint the following salaries per annum: To the director, for his services, including travelling expenses incurred in visiting the different branches, and all other charges whatever, three thousand five hundred dollars; to the treasurer, assayer, melter and refiner, chief coiner, and engraver, each, two thousand dollars; to the assistants and clerks, such annual salaries shall be allowed as the director may determine, with the approbation of the President: *Provided*, That an assistant shall not receive more than fifteen hundred dollars; and that a clerk shall not receive more than twelve hundred dollars; to the workmen and servants shall be allowed such wages, to be determined by the director, as may be customary and reasonable, according to their respective stations and occupations; and that the salaries provided for in this section shall be payable in quarterly instalments.

Sec. 8. *And be it further enacted*, That the standard for both gold and silver coins of the United States shall hereafter be such, that of one thousand parts by weight, nine hundred shall be of pure metal, and one hundred of alloy; and the alloy of the silver coins shall be of copper; and the alloy of the gold coins shall be of copper and silver, provided that the silver do not exceed one-half of the whole alloy.

Sec. 9. *And be it further enacted*, That, of the silver coins, the dollar shall be of the weight of four hundred and twelve and one-half grains; the half dollar of the weight of two hundred and six and one-fourth grains; the quarter dollar of the weight of one hundred and three and one-eighth grains; the dime, or tenth part of a dollar, of the weight of forty-one and a quarter grains; and the half dime, or twentieth part of a dollar, of the weight of twenty grains and five-eighths of a grain. And the dollars, half dollars, and quarter dollars, dimes and half dimes, shall be legal tenders of payment, according to their nominal value, for any sums whatever.

Sec. 10. *And be it further enacted*, That, of the gold coins, the weight of the eagle shall be two hundred and fifty-eight grains; that of the half eagle one hundred and twenty-nine grains; and that of the quarter eagle sixty-four and one-half grains. And that, for all sums whatever, the eagle shall be a legal tender of payment for ten dollars; the half eagle for five dollars; and the quarter eagle for two and a half dollars.

Sec. 11. *And be it further enacted*, That the silver coins heretofore issued at the mint of the United States, and the gold coins issued since the thirty-first day of July, one thousand eight hundred and thirty-four, shall continue to be legal tenders of payment for their nominal values on the same terms as if they were of the coinage provided for by this act.

Sec. 12. *And be it further enacted*, That, of the copper coins, the weight of the cent shall be one hundred and sixty-eight grains, and the weight of the half cent eighty-four grains. And the cent shall be considered of the value of one-hundredth part of a dollar, and the half cent of the value of one two-hundreth part of a dollar.

Sec. 13. *And be it further enacted*, That upon the coins struck at the mint there shall be the following devices and legends: upon one side of each of said coins there shall be an impression emblematic of liberty, with an inscription of the word Liberty, and the year of the coinage; and upon the reverse of each of the gold and silver coins, there shall be the figure or representation of an eagle, with the inscription United States of America, and a designation of the value of the coin; but on the reverse of the dime and half dime, cent and half cent, the figure of the eagle shall be omitted.

Sec. 14. *And be it further enacted*, That gold and silver bullion brought to the mint for coinage, shall be received and coined, by the proper officers, for the benefit of the depositor: *Provided*, That it shall be lawful to refuse at the mint any deposite of less value than one hundred dollars, and any bullion so base as to be unsuitable for the operations of the mint: *And provided, also*, That when gold and silver are combined, if either of these metals be in such small proportion that it cannot be separated advantageously, no allowance shall be made to the depositor for the value of such metal.

Sec. 15. *And be it further enacted*, That when bullion is brought to the mint for coinage, it shall be weighed by the treasurer, in the presence of the depositor, when practicable, and a receipt given, which shall state the description and weight of the bullion: *Provided*, That when the bullion is in such a state as to require melting before its value can be ascertained, the weight after melting shall be considered as the true weight of the bullion deposited.

Sec. 16. *And be it further enacted*, That from every parcel of bullion deposited for coinage, the treasurer shall deliver to the assayer a sufficient portion for the purpose of being assayed; but all such bullion remaining from the operations of the assay shall be returned to the treasurer by the assayer.

Sec. 17. *And be it further enacted*, That the assayer shall report to the treasurer the quality or standard of the bullion assayed by him; and he shall also communicate to the treasurer such information as will enable him to estimate the amount of the charges hereinafter provided for, to be made to the depositor, for the expenses of converting the bullion into standard metal fit for coinage.

Sec. 18. *And be it further enacted*, That the only subjects of charge by the mint to the deposior shall be the following: For refining when the bullion is below standard; for toughening when metals are contained in it which render it unfit for coinage; for copper used for alloy when the bullion is above standard; for silver introduced into the alloy of gold; and for separating the gold and silver when these metals exist together in the bullion: and that the rate of these charges shall be fixed, from time to time, by the director, with the concurrence of the Secretary of the Treasury, so as not to exceed, in their judgment, the actual expense to the mint of the materials and labor employed in each of the cases aforementioned; and that the amount received from these charges shall be accounted for, and appropriated for defraying the contingent expenses of the mint.

Sec. 19. *And be it further enacted*, That from the report of the assayer, and the weight of the bullion, the treasurer shall estimate the whole value of each deposite, and also the amonnt of the charges or deductions, if any; of all which he shall give a detailed memorandum to the depositor; and he shall also give, at the same time, under his hand, a certificate of the nett amount of the deposite, to be paid in coins of the same species of bullion as that deposited.

Sec. 20. *And be it further enacted*, That parcels of bullion shall be, from time to time, transferred by the treasurer to the melter and refiner; that a careful record of these transfers, noting the weight and character of the bullion, shall be kept; and that the bullion thus placed in the hands of the melter and refiner shall be subjected to the several processes which may be necessary to form it into ingots of the legal standard, and of a quality suitable for coinage.

Sec. 21. *And be it further enacted*, That the ingots thus prepared shall be assayed by the assayer, and if they prove to be within the limits allowed for deviation from the standard, they shall be transferred by the melter and refiner to the treasurer, accompanied by the assayer's certificate of their fineness; and that a careful record of the transfer shall be kept by the treasurer.

Sec. 22. *And be it further enacted*, That no ingots of gold shall be used for coinage of which the quality differs more than two thousandths from the legal standard; and that no ingots of silver shall be used for coinage of which the quality differs more than three thousandths from the legal standard.

Sec. 23. *And be it further enacted*, That in the treasurer's account with the melter and refiner, the melter and refiner shall be debited with the standard weight of all the bullion placed in his hands, that is to say, with the weight of metal of legal standard fineness which it will make; and that he shall be credited by the standard weight of all the ingots delivered by him to the treasurer; and that once at least in every year, at such time as the director shall appoint, the melter and refiner shall deliver up to the treasurer all the bullion in his possession, in order that his accounts may be settled up to that time; and, in this settlement, he shall be entitled to a credit for the difference between the whole amount of bullion delivered to him and received from him, since the last settlement, as an allowance for necessary waste: *Provided*, That this allowance shall not exceed two thousandths of the whole amount of gold and silver bullion, respectively, that had been delivered to him by the treasurer.

Sec. 24. *And be it further enacted*, That the treasurer shall, from time to time, deliver over to the chief coiner ingots for the purpose of coinage; that he shall keep a faithful record of these transfers, noting the weight and description of the ingots; and that the ingots thus placed in the hands of the chief coiner shall be passed through the several processes necessary to make from them coins, in all respects, conformable to law.

Sec. 25. *And be it further enacted*, That, in adjusting the weights of the coins, the following deviations from the standard weight shall not be exceeded in any of the single pieces: in the dollar and half dollar, one grain and a half; in the quarter dollar, one grain; in the dime and half dime, half a grain; in the gold coins, one-quarter of a grain; in the copper coins, one grain in the pennyweight; and that, in weighing a large number of pieces together, when delivered from the chief coiner to the treasurer, and from the treasurer to the depositors, the deviations from the standard weight shall not exceed the following limits: four pennyweights in one thousand dollars; three pennyweights in one thousand half dollars; two pennyweights in one thousand quarter dollars; one pennyweight in one thousand dimes; one pennyweight in thousand half dimes; two pennyweights in one thousand eagles; one and a half pennyweight in one thousand half eagles; one pennyweight in one thousand quarter eagles.

Sec. 26. *And be it further enacted*, That the chief coiner shall, from time to time, as the coins are prepared, deliver them over to the treasurer, who shall keep a careful record of their kind, number, and weight; that, in receiving the coins, it shall be the duty of the treasurer to see whether the coins of that delivery are within the legal limits of the standard weight; and, if his trials for this purpose shall not prove satisfactory, he shall cause all the coins of this delivery to be weighed separately, and such as are not of legal weight shall be delivered to the melter and refiner, as standard bullion, to be again formed into ingots and recoined.

Sec. 27. *And be it further enacted*, That, at every delivery of coins made by the chief coiner to the treasurer, it shall be the duty of the treasurer, in the presence of the assayer, to take indiscriminately a certain number of pieces of each variety for the annual trial of coins, (the number being prescribed by the director,) which shall be carefully labelled, and deposited in a chest appropriated for the purpose, kept under the joint care of the treasurer and assayer, and so secured that neither can have access to its contents without the presence of the other.

Sec. 28. *And be it further enacted*, That the chief coiner shall, from time to time, deliver to the treasurer the clippings and other portions of bullion remaining after the process of coining, and that the treasurer shall keep a careful record of their amount.

Sec. 29. *And be it further enacted*, That in the treasurer's account with the chief coiner, the chief coiner shall be debited with the amount in weight of standard metal of all the bullion placed in his hands, and credited with the amount, also by weight, of all the coins, clippings, and other bullion delivered by him to the treasurer; and that once at least in every year, at such time as the director shall appoint, the chief coiner shall deliver to the treasurer all the coins and bullion in his possession, so that his accounts may be settled up to that time; and in this settlement he shall be entitled to a credit for the difference between the whole amount of the ingots delivered to him, and of the coins and bullion received from him, since the last settlement, as an allowance for necessary waste: *Provided*, That this allowance shall not exceed two thousandths of the whole amount of the silver, or one and one-half thousandth of the whole amount of the gold, that had been delivered to him by the treasurer.

Sec. 30. *And be it further enacted*, That when the coins which are the equivalent to any deposite of bullion are ready for delivery, they shall be paid over to the depositor, or his order, by the treasurer, on a warrant from the director; and the payment shall be made, if demanded, in the order in which the bullion shall have been brought to the mint, giving priority according to priority of deposite only, and that, in the denominations of coin delivered, the treasurer shall comply with the wishes of the depositor, unless when impracticable or inconvenient to do so; in which case the denominations of coin shall be designated by the director.

Sec. 31. *And be it further enacted*, That, for the purpose of enabling the mint to make returns to depositors with as little delay as possible, it shall be the duty of the Secretary of the Treasury to keep in the said mint, when the state of the Treasury will admit thereof, a deposite of such amount of public money, or of bullion procured for the purpose, as he shall judge convenient and necessary, not exceeding one million of dollars, out of which those who bring bullion to the mint may be paid the value thereof as soon as practicable after this value has been ascertained; that the bullion so deposited shall become the property of the United States; that no discount or interest shall be charged on moneys so advanced; and that the Secretary of the Treasury may at any time withdraw the said deposite, or any part thereof, or may, at his discretion, allow the coins formed at the mint to be given for their equivalent in other money.

Sec. 32. *And be it further enacted*, That, to secure a due conformity in the gold and silver coins to their respective standards and weights, an annual trial shall be made of the pieces reserved for this purpose at the mint and its branches, before the judge of the district court of the Uni-

ted States for the eastern district of Pennsylvania, the attorney of the United States for the eastern district of Pennsylvania, and the collector of the port of Philadelphia, and such other persons as the President shall, from time to time, designate for that purpose, who shall meet as commissioners for the performance of this duty on the second Monday in February, annually, and may continue their meetings, by adjournment, if necessary; and if a majority of the commissioners shall fail to attend at any time appointed for their meeting, then the director of the mint shall call a meeting of the commissioners at such other time as he may deem convenient; and that before these commissioners, or a majority of them, and in the presence of the officers of the mint, such examination shall be made of the reserved pieces as shall be judged sufficient; and if it shall appear that these pieces do not differ from the standard fineness and weight by a greater quantity than is allowed by law, the trial shall be considered and reported as satisfactory; but if any greater deviation from the legal standard or weight shall appear, this fact shall be certified to the President of the United States; and if, on a view of the circumstances of the case, he shall so decide, the officer or officers implicated in the error shall be thenceforward disqualified from holding their respective offices.

Sec. 33. *And be it further enacted*, That copper bullion shall be purchased for the mint, from time to time, by the treasurer, under instructions from the director; that the cost shall be paid from the fund hereinafter provided for; and that the copper bullion shall be of good quality, and in the form of planchets, fit for passing at once into the hands of the chief coiner.

Sec. 34. *And be it further enacted*, That the copper planchets shall be delivered, from time to time, by the treasurer to the chief coiner, to be by him coined; and all such copper shall be returned to the treasurer, by the chief coiner, weight for weight, without allowance for waste.

Sec. 35. *And be it further enacted*, That it shall be the duty of the treasurer of the mint to deliver the copper coins in exchange for their legal equivalent in other money, to any persons who shall apply for them: *Provided*, That the sum asked for be not less than a certain amount, to be determined by the director, and that it be not so great as, in his judgment, to interfere with the capacity of the mint to supply other applicants.

Sec. 36. *And be it further enacted*, That the copper coins may, at the discretion of the director, be delivered in any of the principal cities and towns of the United States, at the cost of the mint for transportation.

Sec. 37. *And be it further enacted*, That the money received by the treasurer in exchange for copper coins shall form a fund in his hands, which shall be used to purchase copper planchets, and to pay the expense of transportation of copper coins; and that, if there be a surplus, the same shall be appropriated to defray the contingent expenses of the mint.

Sec. 38. *And be it further enacted*, That all acts or parts of acts heretofore passed, relating to the mint and coins of the United States, which are inconsistent with the provisions of this act, be, and the same are hereby, repealed.

Approved January 18, 1837.

AN ACT making appropriations for the payment of the revolutionary and other pensioners of the United States for the year one thousand eight hundred and thirty-seven.

Be it enacted, &c., That the following sums be, and the same are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the pensioners of the United States, for the year one thousand eight hundred and thirty-seven:

For the revolutionary pensioners, under the several acts, other than those of the fifteenth of May, one thousand eight hundred and twenty-eight, the seventh of June, one thousand eight hundred and thirty-two, and the fourth of July, one thousand eight hundred and thirty-six, seven hundred and twelve thousand five hundred and sixty dollars.

For the invalid pensioners, under various laws, three hundred and twenty-five thousand three hundred and seventy-six dollars.

For pensions to widows and orphans, under the act of the fourth of July, one thousand eight hundred and thirty-six, five hundred and fifty-two thousand dollars.

For pensions to widows and orphans, payable through the office of the Third Auditor, four thousand dollars.

Approved January 18, 1837.

AN ACT to provide for the payment of horses and other property lost or destroyed in the military service of the United States.

Be it enacted, &c., That any field, or staff, or other officer, mounted militiaman, volunteer, ranger, or cavalry, engaged in the military service of the United States since the eighteenth of June, eighteen hundred and twelve, or who shall hereafter be in said service, and has sustained, or shall sustain damage, without any fault or negligence on his part, while in said service, by the loss of a horse in battle, or by the loss of a horse wounded in battle, and which has died or shall die of said wound, or being so wounded shall be abandoned by order of his officer, and lost, or shall sustain damage by the loss of any horse by death or abandonment, in consequence of the United States failing to supply sufficient forage, or because the rider was dismounted and separated from his horse, and ordered to do duty on foot at a station detached from his horse, or when the officer in the immediate command ordered or shall order the horse turned out to graze in the woods, prairies, or commons, because the United States failed or shall fail to supply sufficient forage, and the loss was or shall be consequent thereof; or for the loss of necessary equipage, in consequence of the loss of his horse as aforesaid, shall be allowed and paid the value thereof: *Provided*, That if any payment has been, or shall be, made to any one aforesaid, for the use and risk, or for forage after the death, loss, or abandonment of his horse, said payment shall be deducted from the value thereof, unless he satisfied or shall satisfy the paymaster, at the time he made or shall make the payment, or thereafter show, by proof, that he was remounted, in which case the deduction shall only extend to the time he was on foot: *And provided, also*, If any payment shall have been, or shall hereafter be, made to any person abovementioned on account of clothing, to which he was not entitled by law, such payment shall be deducted from the value of his horse or accoutrements.

Sec. 2. *And be it further enacted*, That any person who, in the said military service as a volunteer, or draughted militiaman, furnished or shall furnish himself with arms and military accoutrements, and sustained or shall sustain damage by the capture or destruction of the same, without any fault or negligence on his part, or who lost or shall lose the same by reason of his being wounded in the service, shall be allowed and paid the value thereof.

Sec. 3. *And be it further enacted*, That any person who sustained or shall sustain damage by the loss, capture, or destruction, by an enemy, of any horse, mule, or wagon, cart, boat, sleigh, or harness, while such property was in the military service of the United States, either by impressment or contract, except in cases where the risk to which the property would be exposed was agreed to be incurred by the owner, if it shall appear that such loss, capture, or destruction was without any fault or negligence on the part of the owner; and any person who, without any such fault or negligence, sustained or shall sustain damage by the death or abandonment and loss of any such horse, mule, or ox, while in the service aforesaid, in consequence

of the failure on the part of the United States to furnish the same with sufficient forage, shall be allowed and paid the value thereof.

Sec. 4. *And be it further enacted*, That the claims provided for under this act shall be adjusted by the Third Auditor, under such rules as shall be prescribed by the Secretary of War, under the direction or with the assent of the President of the United States, as well in regard to the receipt of applications of claimants, as the species and degrees of evidence, the manner in which such evidence shall be taken and authenticated, which rules shall be such as, in the opinion of the President, shall be best calculated to obtain the object of this act, paying a due regard as well to the claims of individual justice as to the interests of the United States, which rules and regulations shall be published for four weeks in such newspapers in which the laws of the United States are published as the Secretary of War shall direct.

Sec. 5. *And be it further enacted*, That, in all adjudications of said Auditor upon the claims above mentioned, whether such judgment be in favor of, or adverse to, the claim, shall be entered in a book provided by him for that purpose, and under his direction; and when such judgment shall be in favor of such claim, the claimant, or his legal representative, shall be entitled to the amount thereof upon the production of a copy thereof, certified by the said Auditor, at the Treasury of the United States.

Sec. 6. *And be it further enacted*, That, in all instances where any minor has been, or shall be, engaged in the military service of the United States, and was, or shall be, provided with a horse or equipments, or with military accoutrements, by his parent or guardian, and has died, or shall die, without paying for said property, and the same has been or shall be lost, captured, destroyed, or abandoned in the manner before mentioned, said parent or guardian shall be allowed pay therefor, on making satisfactory proof, as in other cases, and the further proof that he is entitled thereto by having furnished the same.

Sec. 7. *And be it further enacted*, That, in all instances where any person, other than a minor, has been or shall be engaged in the military service aforesaid, and has been or shall be provided with a horse or equipments, or with military accoutrements, by any person, the owner thereof, who has risked or shall take the risk of such horse, equipments, or military accoutrements, on himself, and the same has been or shall be lost, captured, destroyed, or abandoned in the manner before mentioned, such owner shall be allowed pay therefor, on making satisfactory proof, as in other cases, and the further proof that he is entitled thereto by having furnished the same, and having taken the risk on himself.

Sec. 8. *And be it further enacted*, That the act passed on the nineteenth of February, eighteen hundred and thirty-three, entitled "An act for the payment of horses and arms lost in the military service of the United States against the Indians on the frontier of Illinois and Michigan Territory," and an act passed on the thirtieth of June, eighteen hundred and thirty-four, entitled "An act to provide for the payment of claims for property lost, captured, or destroyed by the enemy, while in the military service of the United States, during the late war with the Indians on the frontier of Illinois and Michigan Territory," be, and the same are hereby, repealed.

Sec. 9. *And be it further enacted*, That this act shall be and remain in force until the close of the next session of Congress.

Approved January 18, 1837.

AN ACT to admit the State of Michigan into the Union upon an equal footing with the original States.

Whereas, in pursuance of the act of Congress of June the fifteenth, eighteen hundred and thirty-six, entitled "An act to establish the northern boundary of the State of Ohio, and to provide for the admission of the State of Michigan into the Union, upon the conditions therein expressed," a convention of delegates, elected by the people of the said State of Michigan, for the sole purpose of giving their assent to the boundaries of the said State of Michigan, as described, declared, and established in and by the said act, did, on the fifteenth of December, eighteen hundred and thirty-six, assent to the provisions of the said act, therefore,

Be it enacted, &c., That the State of Michigan shall be one, and is hereby declared to be one, of the United States of America, and admitted into the Union on an equal footing with the original States, in all respects whatever.

Sec. 2. *And be it further enacted*, That the Secretary of the Treasury, in carrying into effect the thirteenth and fourteenth sections of the act of the twenty-third of June, eighteen hundred and thirty-six, entitled "An act to regulate the deposites of the public money," shall consider the State of Michigan as being one of the United States.

Approved January 26, 1837.

AN ACT for the relief of Robert P. Letcher and Thomas P. Moore.

Be it enacted, &c., That there paid out of any money in the Treasury not otherwise appropriated, to Robert P. Letcher, the sum of one thousand five hundred and forty-four dollars, and to Thomas P. Moore, the like sum of one thousand five hundred and forty-four dollars; the same being at the rate of eight dollars per day from the second day of December, one thousand eight hundred and thirty-three, to the twelfth of June, eighteen hundred and thirty-four, both inclusive, being the period occupied by the House of Representatives of the United States of the twenty-third Congress, in deciding the contest for a seat in the said House, as the Representative for the fifth congressional district of the State of Kentucky, which seat was claimed by each of said parties; and that the allowance for travelling, as fixed by law for a member of Congress, be, and the same is hereby, granted and allowed to the said Robert P. Letcher and to the said Thomas P. Moore, for coming to and returning from the seat of Government to their residences, respectively, upon the most usual and accustomed route of travel; the amount of which allowance shall be ascertained by the accounting officers, and paid out of any money in the Treasury not otherwise appropriated.

Approved January 31, 1837.

AN ACT for the relief of Norman Holt.

Be it enacted, &c., That Norman Holt, of Owen county, in the State of Indiana, shall be entitled to enter one quarter-quarter section of land, on any of the unsold lands in the Vincennes land district in said State, subject to entry at private sale, on his first surrendering to the United States, at the said office, the southwest quarter of the southeast quarter of section number twenty-five, in township twelve north, and range five west; and that the money paid by said Holt for the entry of said tract, shall be applied to the payment of such other tract or quarter-quarter section as the said Holt may enter in said district.

Approved January 31, 1837.

AN ACT to authorize certain railroad companies to construct railroads through the public lands in the Territory of Florida.

Be it enacted, &c., That the East Florida Railroad Company, a corporation established by an act of the Governor and Legislative Council of the Territory of Florida, approved the fourteenth of February, anno Domini eighteen hundred and thirty-five, be, and they hereby are, authorized to locate and construct a railroad on the following route, to wit: commencing on the St. John's river, and thence, in

the most convenient and suitable direction, to Tallahassee, or the waters of St. Mark's river or bay, on the Gulf of Mexico, or to any other point east of or between the St. Mark's and Appalachicola rivers, which may be selected by said company.

Sec. 2. *And be it further enacted*, That the said company is further authorized, wherever the said route shall pass over the public lands of the United States, to locate the same thereon, eighty feet wide; which said location, if made according to the true intent and meaning of this act, shall be enjoyed by said company so long as they maintain the said road for the public accommodation.

Sec. 3. *And be it further enacted*, That the said company shall have the right to take from the said public lands, timber, stone, and earth, whenever it may be convenient for the construction of any part of said way running through the same; also, to deposite and leave such materials upon such lands, whenever it may be necessary; also, to cut drains, where necessary, through the same; and during the period of the construction of said way, to occupy said lands along said route, doing as little injury thereto as may be.

Sec. 4. *And be it further enacted*, That, to entitle the said company to the enjoyment of the privileges herein provided for, they shall comply with the following conditions, to wit:

First, They shall cause the said route, whenever it passes over the public lands, to be surveyed, and the location of the way to be accurately delineated in their proper connexion, and a map thereof, and a copy of the locations, to be returned and deposited in the General Land Office, within six months from the date of the final location of said road.

Second, They shall cause permanent monuments to be erected along said route, conforming to such locations and maps, defining the limits of the way.

Third, Wherever the said railway shall intersect a highway or travelled way on the public lands, that way or ways shall be left unobstructed.

Fourth, Wherever it shall cross a stream or low grounds, such provision shall be made for draining off the water as to leave the said public lands uninjured by said railway.

Fifth, They shall complete the said way within the time provided for in the act of incorporation.

Sixth, Said location of said way shall be considered and treated as open way, and be kept up as such, and the lands abutting thereon shall be considered as abutting upon a public way.

Sec. 5. *And be it further enacted*, That the sections and quarter sections of public lands over which the said road may pass, shall be reserved by the United States for two years after the final location of the said way; and to this end the said company shall, as soon as they have resolved to survey or examine any route, give notice to the register of the land district in which the lands may be over which they intend to pass; and when the final location is made, a further notice of that fact shall be given, in like manner, of the lands over which it actually passes, which said last-mentioned lands shall be reserved as aforesaid from sale: *Provided*, That neither the said company nor any other person shall be authorized to settle on the said reserved sections or quarter sections; and no person so settling shall acquire thereby a pre-emptive right or claim to the said reserved lands, or to any part thereof; and if said company shall fail to give prompt and seasonable notice in both the above cases, they shall forfeit their privileges under this act.

Sec. 6. *And be it further enacted*, That the time for making the surveys and commencing the work, as prescribed in the said act of incorporation, be, and the same is hereby, extended for one year after the passage of this act.

Sec. 7. *And be it further enacted*, That it shall be lawful for the Governor and Legislative Council of the said Territory, or for the Legislature of the State of Florida hereafter, to provide by law for the construction of railroads from the Appalachicola river, or from any other point, to cross or intersect the abovementioned railroad, from the Georgia State line to the Gulf of Mexico.

Sec. 8. *And be it further enacted*, That the said East Florida Railroad Company be, and they are hereby, authorized to cross the railroad proposed to be made at any point between Tallahassee and St. Mark's.

Sec. 9. *And be it further enacted*, That the Territory or State of Florida shall, at the end of twenty years, have the privilege of taking one-fourth of the stock at par, by paying to the company the interest on the investment.

Sec. 10. *And be it further enacted*, That all acts or parts of acts of the Legislative Council of the Territory of Florida, inconsistent with the foregoing provisions, be, and the same are hereby, annulled.

Sec. 11. *And be it further enacted*, That the Pensacola and Perdido Railroad Company, organized under acts of the Governor and Legislative Council of the Territory of Florida, and of the State of Alabama, be, and they are hereby, authorized to make a railroad from Pensacola to the waters of Mobile bay or river; and also, that the Brunswick and Florida Railroad Company, incorporated by an act of the Legislature of Georgia, be, and they are hereby authorized to extend their railroad from the Georgia line to the city of Tallahassee, and thence to the river Appalachicola, or St. George's sound, upon the same conditions and limitations contained in the foregoing provisions of this act.

Sec. 12. *And be it further enacted*, That the Lake Winnico and St. Joseph's Canal and Railroad Company, organized under acts of the Governor and Legislative Council of the Territory of Florida, be, and they are hereby, authorized to locate and construct a railroad from the city of St. Joseph's to the city of Tallahassee, in said Territory, upon the same conditions and limitations contained in the foregoing provisions of this act; and in the construction of said road, may cross, or intersect, and form a junction with, any other railroad which may be made west of the city of Tallahassee.

Approved January 31, 1837.

AN ACT for the relief of Andrew Knox.

Be it enacted, &c., That Andrew Knox, of Washington county, in the State of Mississippi, be, and he is hereby, authorized and permitted to purchase, upon the payment of the minimum price to the receiver of the proper land district, section sixteen, in township fourteen, range nine west, in the Choctaw district, in said State, the purchase of which section heretofore was prevented by the illegal numbering of the sections in said township.

Sec. 2. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury to cause to be selected and reserved for the use of schools within the said township numbered fourteen, in lieu of the aforesaid section, a section of land in equal extent in said Choctaw land district.

Approved February 3, 1837.

AN ACT for the relief of John E. Wool.

Be it enacted, &c., That so much of the thirteenth section of the act of June thirtieth, eighteen hundred and thirty-four, entitled "An act to provide for the organization of the department of Indian affairs," as prescribes "that all merchandise required by any Indian treaty for the Indians payable after making such treaty, shall be purchased under the direction of the Secretary of War, upon proposals to be received to be based on notices previously to be given," be dispensed with so far as it may affect the purchases made by Brigadier General J. E. Wool under the eighteenth article of the treaty with the Cherokee Indians of December twenty-ninth, eighteen hundred and

thirty-five, prior to the second day of November, eighteen hundred and thirty-six, and that the sums expended by him previous to that date be passed to his credit in the settlement of his accounts, and the drafts drawn by him on the Department of War on account thereof, be paid without reference to the said provisions of the said act.

Approved February 9, 1837.

AN ACT to extend the limits of the port of New Orleans.

Be it enacted, &c., That, from and after the passage of this act, the port of New Orleans shall extend, on the river, from the lower to the upper corporate limits of the municipalities of the city of New Orleans.

Approved February 9, 1837.

AN ACT to change the name of the collection district of Dighton, in the State of Massachusetts, to Fall River, and for other purposes.

Be it enacted, &c., That, from and after the first day of April next, the said district, now known and called by the name of the Dighton district, shall be called the district of Fall River, and as such shall be made a port of entry for vessels arriving from the Cape of Good Hope, and from places beyond the same, any law now in force to the contrary notwithstanding.

Approved February 13, 1837.

AN ACT to amend an act entitled "An act to establish branches of the mint of the United States," passed the third day of March, one thousand eight hundred and thirty-five.

Be it enacted, &c., That the officers of the branch mint at New Orleans shall be one superintendent, one treasurer, one assayer, one melter and refiner, and one coiner; and that the officers of the branch mints at Charlotte and Dahlonega, severally, shall be one superintendent, who shall also perform the duties of treasurer; one assayer, who shall also perform the duties of melter and refiner; and one coiner; and the annual salaries of said officers shall be as follows: for the branch at New Orleans, to the superintendent, two thousand five hundred dollars; to the treasurer, the assayer, the melter and refiner, and the coiner, each two thousand dollars; for the branches at Charlotte and at Dahlenoga, to the superintendent two thousand dollars, and to the assayer and the coiner, each fifteen hundred dollars.

Sec. 2. *And be it further enacted*, That so much of the act entitled "An act to establish branches of the mint of the United States," approved the third day of March, one thousand eight hundred and thirty-five, as is inconsistent with the provisions of this act, be, and the same is hereby, repealed.

Approved February 13, 1837.

AN ACT to suspend certain provisoes of "An act to alter and amend the several acts imposing duties on imports," approved the fourteenth day of July, eighteen hundred and thirty-two.

Be it enacted, &c., That the provisoes of the tenth and twelfth clauses of the second section of the act to alter and amend the several acts imposing duties on imports, passed July the fourteenth, eighteen hundred and thirty-two, be, and the same are hereby, suspended until the close of the next session of Congress.

Approved March 1, 1837.

AN ACT to extend the jurisdiction of the district court of the United States for the district of Arkansas.

Be it enacted, &c., That the district court of the United States for the district of Arkansas shall have the same jurisdiction and power, in all respects whatever, that was given to the several district courts of the United States by an act of Congress approved March thirtieth, eighteen hundred and two, entitled "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," or by any subsequent acts of Congress, concerning crimes, offences, or misdemeanors, which may be committed against the laws of the United States in any town, settlement, or territory belonging to any Indian tribe in amity with the United States, of which any other district court of the United States may have jurisdiction.

Approved March 1, 1837.

AN ACT making appropriations for the support of the army for the year one thousand eight hundred and thirty-seven, and for other purposes.

Be it enacted, &c., That the following sums be, and the same are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the support of the army during the year one thousand eight hundred and thirty-seven; that is to say:

For the pay of the army, one million ninety thousand one hundred and thirteen dollars.

For the subsistence of officers, three hundred and thirty-two thousand six hundred and thirty-eight dollars.

For forage of officers' horses, seventy thousand nine hundred and eighty-seven dollars.

For clothing for officers' servants, twenty-six thousand five hundred and fifty dollars.

For payments in lieu of clothing to discharged soldiers, thirty thousand dollars.

For subsistence, exclusive of that of officers, nine hundred and thirteen thousand four hundred and forty-five dollars, including the sum of three hundred and five thousand three hundred and seventy-two dollars for the subsistence of the volunteers and militia called out for preventing or suppressing Indian hostilities.

For clothing of the army, camp and garrison equippage, cooking utensils, and hospital furniture, two hundred and six thousand nine hundred and forty dollars.

For the medical and hospital department, thirty-eight thousand five hundred dollars.

For the regular supplies furnished by the quartermaster's department, consisting of fuel, forage, straw, stationary, and printing, two hundred and eight thousand dollars.

For barracks, quarters, store-houses, embracing the repairs and enlargement of barracks, quarters, store-houses, and hospitals at the several posts; the erection of temporary cantonments at such posts as shall be occupied during the year, and of gun-houses for the protection of the cannon at the forts on the seaboard, the purchase of the necessary tools and materials for the objects wanted, and of the authorized furniture for the barrack-rooms; rent of quarters for officers; of barracks for troops at posts where there are no public buildings for their accommodation; of store-houses for the safe-keeping of subsistence, clothing, &c., and of grounds for summer cantonments, encampments, and military practice, ninety-five thousand dollars.

For the allowance made to officers for the transportation of their baggage, when travelling on duty, without troops, the sum of fifty thousand dollars.

For the transportation of troops and supplies, viz. transportation of the army, including the baggage of troops when moving either by land or water; freight and ferriage; purchase or hire of horses, mules, oxen, carts, wagons, and boats, for the purpose of transportation, or for the use of garrison; drayage and cartage at the several posts; hire of teamsters; transportation of funds for the pay department; expense of sailing a public transport between the posts on the Gulf of Mexico, and of procuring water at such posts as, from their situation, require it; the transportation of clothing from the depot at Philadelphia to the stations of the troops; of subsistence from the places of purchase, and the points of delivery under contracts, to

such places as the circumstances of the service may require it to be sent; of ordnance from the foundries and arsenals to the fortification and frontier posts, and of lead from the Western mines to the several arsenals, the sum of one hundred and seventy-seven thousand dollars.

For the incidental expenses of the quartermaster's department, consisting of postage on public letters and packets; expenses of courts-martial and courts of inquiry, including the compensation of judge advocates, members and witnesses; extra pay to soldiers, under an act of Congress of the second of March, eighteen hundred and nineteen; expenses of expresses from the frontier posts, of the necessary articles for the interment of non-commissioned officers and soldiers; hire of laborers; compensation to clerks in the offices of quartermasters and assistant quartermasters, at posts where their duties cannot be performed without such aid, and to temporary agents in charge of dismantled works, and in the performance of other duties; purchase of horses to mount the second regiment of dragoons, and expenditures necessary to keep the two regiments of dragoons complete, including the purchase of horses to supply the place of those which may be lost and become unfit for service; and the erection of additional stables, one hundred and ninety-two thousand dollars.

For contimgencies of the army, three thousand dollars.

For two months' extra pay to re-enlisted soldiers, and for contingent expenses of the recruiting service, thirty-four thousand three hundred and sixty-two dollars.

For arrearages prior to the first of July, one thousand eight hundred and fifteen, payable through the office of the Third Auditor, one thousand dollars.

For the national armories, three hundred and sixty thousand dollars.

For the armament of the fortifications, two hundred thousand dollars.

For the current expenses of the ordnance service, one hundred and twenty-three thousand nine hundred and seventy-five dollars.

For arsenals, three hundred and seventy-three thousand four hundred and twenty-nine dollars.

For the purchase of percussion cannon locks, fifteen thousand dollars.

For the manufacture of elevating machines for barbette and casemate carriages, eight thousand two hundred and fifty dollars.

For the manufacture of sponges for field and battery cannon, one thousand nine hundred and sixty dollars.

For the rifle factory at the Harper's Ferry armory, eight thousand five hundred and sixty-nine dollars.

For completing the barracks at Baton Rouge, being an amount expended out of the general appropriation for the quartermaster's department, to enable the accounting officers to close the accounts, twenty-three thousand nine hundred and sixty-nine dollars and five cents.

For completing the wharf at Fort Monroe, Virginia, five hundred dollars.

For constructing a river wall, making embankment to the same, arching, stone-walling, repairing the embankment of the new canal, and for completing the tilt-hammer-shop at Harper's Ferry, fifty three thousand seven hundred and forty-three dollars.

For a magazine at the arsenal at Baton Rouge, Louisiana, five thousand dollars.

For the purchase of land, building a brick warehouse and wharf, and making a turnpike road to the river at the arsenal at Mount Vernon, Alabama, in addition to former appropriations for these objects, six thousand six hundred dollars.

For enlarging the site at the arsenal at Frankford, Pennsylvania, one thousand dollars.

For a blacksmith's shop, a reservoir, and a gun-carriage house at Watertown, Massachusetts, twenty-three thousand one hundred dollars.

For the purchase of ten thousand copper rifle flasks, seventeen thousand dollars.

Sec. 2. *And be it further enacted*, That the following sums of money be paid, out of any money in the Treasury not otherwise appropriated, on the requisition of the Secretary of War, and, so far as shall be necessary, the same shall be expended for the following purposes, to wit:

For the pay, travelling, clothing for six months, and other legal expenses of the Tennessee volunteers, mustered into the service of the United States under the requisition of General Gaines, under date of April eight, one thousand eight hundred and thirty-six, and the proclamation of Governor Cannon of twenty-eighth of the same month, and approved by the Secretary of War on the ninth of May, by direction of the President of the United States, one hundred thousand dollars: *Provided*, That such of said volunteers as volunteered under the proclamation of Governor Cannon of the sixth of June or twentieth of July, one thousand eight hundred and thirty-six, and were mustered into the service of the United States, and are entitled to clothing under the act of May twenty-third, one thousand eight hundred and thirty-six, shall not be paid for clothing out of the aforesaid appropriation.

For pay, travelling, clothing, and other legal expenses of the Tennesse volunteers, mustered into the service of the United States, under the order of the Secretary of War of May twenty-fifth, one thousand eight hundred and thirty-six, and Governor Cannon's proclamation of June sixth, one thousand eight hundred and thirty-six, ninety-five thousand dollars.

For pay, travelling, clothing, and other legal expenses of the Tennessee volunteers, mustered into the service of the United States under General Gaines's requisition, under date of June twenty-eighth, one thousand eight hundred and thirty-six, and Governor Cannon's proclamation of July twentieth, one thousand eight hundred and thirty-six, thirty-five thousand three hundred and ten dollars.

For the liabilities incurred by Governor Cannon in raising money, so far as said money has been properly expended in the service of the United States on acconnt of the aforesaid volunteers, thirteen thousand five hundred dollars.

For pay due the executive staff of the Governor of Tennessee, while actually engaged in obtaining, organizing, mustering, or marching volunteers, during the year one thousand eight hundred and thirty-six, to the places of their rendezvous, or taking returns of said volunteers, three thousand dollars.

Sec. 3. *And be it further enacted*, That the Secretary of War be, and he hereby is, directed to cause to be paid to the volunteers and militia of Kentucky, Tennessee, Alabama, and Mississippi, including the companies in Mississippi, mustered into the service, who were duly called into service, and whose service was accepted by the Executives of the States respectively, during the summer of the year one thousand eight hundred and thirty-six, under requisitions from the Secretary of War, or from generals commanding the troops of the United States, and who were discharged before marching, the amount of one month's pay, with all the allowances to which they would have been entitled if they had been in actual service during the period of one month; and that the same be paid out of any money in the Treasury not otherwise appropriated.

Sec. 4. *And be it further enacted*, That eleven thousand six hundred and fifty dollars be appropriated for paying the rifle rangers, Coosada volunteers, and the independent blues, under the command of Major Holt, and for the payment of Major Holt and battalion staff, or so much of said sum as may be necessary for those purposes, be appropriated and paid on the presentation of the rolls of said companies and battalion staff to the Paymaster Gen-

eral, with evidence of the time they were in the service against the Creek Indians in the months of May and June, eighteen hundred and thirty-six.

Sec. 5. *And be it further enacted*, That one thousand dollars be, and the same is hereby, appropriated for arming and equipping the militia of the United States, in addition to the appropriations heretofore made for that purpose.

Sec. 6. *And be it further enacted*, That, for paying the claims of the State of Connecticut for the services of her militia during the late war, to be audited and settled by the proper accounting officers of the Treasury, under the superintendence of the Secretary of War, in the following cases: first, where the militia of the said State were called out to repel actual invasion, or under a well-founded apprehension of invasion; provided their numbers were not in undue proportion to the exigency; secondly, where they were called out by the authority of the State, and afterwards recognised by the Federal Government; and thirdly, where they were called out by, and served under, the requisition of the President of the United States, or of any officer thereof, the sum of one hundred thousand dollars, if so much be necessary for that purpose, be, and the same is hereby, appropriated.

Sec. 7. *And be it further enacted*, That, to pay all the claims of North Carolina for the services of her militia during the late war with Great Britain, in the cases enumerated in the act approved the thirty-first May, eighteen hundred and thirty, entitled "An act to authorize the payment of the claims of the State of Massachusetts for certain services of her militia during the late war," and also the claims of said State for disbursements in the purchase of munitions or other supplies on account of the war, and expended therein, the sum of thirty thousand dollars be, and the same is hereby, appropriated.

Approved March 1, 1837.

AN ACT to provide for the support of the Military Academy of the United States for the year eighteen hundred and thirty-seven.

Be it enacted, &c., That the following sums be, and the same are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the support of the Military Academy for the year one thousand eight hundred and thirty-seven, to wit:

For pay of the officers, cadets, and musicians, fifty-six thousand and twelve dollars;

For subsistence of officers and cadets, thirty-nine thousand five hundred and sixty-six dollars;

For forage of officers' horses, one thousand one hundred and fifty-two dollars;

For clothing of officers' servants, three hundred and thirty dollars;

For defraying the expenses of the Board of Visiters at West Point, two thousand and seven dollars and eighty-four cents;

For fuel, stationary, printing, transportation, and postage, eight thousand dollars;

For repairs, improvements, and expenses of buildings, grounds, roads, wharves, boats, and fences, ten thousand one hundred and seventy-eight dollars and twenty-five cents;

For pay of adjutants' and quartermasters' clerks, nine hundred and fifty dollars;

For philosophical apparatus, and repairs of the same, three hundred dollars;

For models for the department of engineering, three hundred dollars;

For models for the drawing department, apparatus and contingencies of the department of chemistry, and instruments and repairs for the mathematical department, eight hundred and fifty dollars;

For incidental expenses of the department of artillery, three hundred dollars;

For increase and expenses of the library, six hundred dollars;

For miscellaneous items and incidental expenses, one thousand seven hundred and seventy-seven dollars and fifty cents;

For completing the chapel, one thousand two hundred and fifty-three dollars and thirty-five cents;

For the erection of a suitable building to contain the public stores, one thousand five hundred dollars;

For the preparation of a yard and construction of permanent shops suitable for carpenters, painters, blacksmiths, &c. and for the safe-keeping of implements and materials, eight thousand dollars;

For the erection, as per plan, of a building for recitation and military exercises, in addition to amount heretofore appropriated, thirty thousand dollars;

For the erection of new barracks for the Military Academy department, to consist of eight buildings, at five hundred dollars each, four thousand dollars;

For grading the grounds about the exercise hall, and removing temporary buildings, three hundred and fifty dollars;

For compensation to the acting professor of chemistry, mineralogy, and geology, at the Military Academy, between the first of September, one thousand eight hundred and thirty-seven, and the first of September, one thousand eight hundred and thirty-eight, at twenty-five dollars per month, three hundred dollars;

For a painting-room for the professor of drawing, eight hundred dollars.

Approved March 2, 1837.

AN ACT respecting discriminating duties upon Dutch and Belgian vessels and their cargoes.

Be it enacted, &c., That the same duties shall be levied and collected in the ports of the United States, on Belgian vessels and their cargoes, which are now levied and collected on Dutch vessels and their cargoes; but nothing in this act contained shall be construed to prevent the President of the United States from enforcing, whensoever he may deem proper, both against Dutch and Belgian vessels, or either of them, and their cargoes, the provisions of the third section of the act entitled "An act concerning discriminating duties of tonnage and imposts," approved the seventh day of January, one thousand eight hundred and twenty-four.

Approved March 2, 1837.

AN ACT making an additional appropriation for the suppression of Indian hostilities for the year one thousand eight hundred and thirty-seven.

Be it enacted, &c., That the further sum of two millions of dollars shall be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to defray any expenses which have been, or may be incurred, in preventing or suppressing the hostilities of any Indians; to be expended under the direction of the Secretary of War, conformably to the acts of Congress of the 19th of March and the 2d of July last, and of the acts therein referred to.

Approved March 2, 1837.

AN ACT to provide for the enlistment of boys for the naval service, and to extend the term of the enlistment of seamen.

Be it enacted, &c., That it shall be lawful to enlist boys for the navy, with the consent of their parents or guardians, not being under thirteen nor over eighteen years of age, to serve until they shall arrive at the age of twenty-one years; and it shall be lawful to enlist other persons for the navy, to serve for a period not exceeding five years, unless sooner discharged by direction of the President of the United States;

and so much of an act entitled "An act to amend the act entitled 'An act to amend the act authorizing the employment of an additional naval force,'" approved the fifteenth May, one thousand eight hundred and twenty, as is inconsistent with the provisions of this act, shall be, and is hereby, repealed.

Sec. 2. *And be it further enacted*, That when the time of service of any person enlisted for the navy shall expire, while he is on board any of the public vessels of the United States employed on foreign service, it shall be the duty of the commanding officer of the fleet, squadron, or vessel in which such person may be, to send him to the United States in some public or other vessel, unless his detention shall be essential to the public interests, in which case the said officer may detain him until the vessel in which he shall be serving shall return to the United States; and it shall be the duty of said officer immediately to make report to the Navy Department of such detention and the causes thereof.

Sec. 3. *And be it further enacted*, That such persons as may be detained after the expiration of their enlistment, under the next preceding section of this act, shall be subject, in all respects, to the laws and regulations for the government of the navy, until their return to the United States; and all such persons as shall be so detained, and all such as shall voluntarily re-enlist, to serve until the return of the vessel in which they shall be serving, and their regular discharge therefrom in the United States, shall, while so detained, and while so serving under their re-enlistment, receive an addition of one-fourth to their former pay.

Approved March 2, 1837.

AN ACT concerning pilots.

Be it enacted, &c., That it shall and may be lawful for the master or commander of any vessel coming into or going out of any port situate upon waters which are the boundary between two States, to employ any pilot duly licensed or authorized by the laws of either of the States bounded on the said waters, to pilot said vessel to or from said port: any law, usage, or custom to the contrary notwithstanding.

Approved March 2, 1837.

AN ACT to extend for a longer period the several acts now in force for the relief of certain insolvent debtors of the United States.

Be it enacted, &c., That the act entitled "An act for the relief of certain insolvent debtors of the United States," passed on the second day of March, one thousand eight hundred and thirty-one, and an act in addition thereto, passed on the fourteenth day of July, one thousand eight hundred and thirty-two, and an act to revive and amend the said acts, passed on the seventh day of June, one thousand eight hundred and thirty-four, be, and the same are hereby, extended and continued in force for three years, from and after the passage of this act.

Sec. 2. *And be it further enacted*, That the provisions of the said several acts shall apply to cases of insolvency which shall have occurred on or before the first day of January last.

Approved March 2, 1837.

AN ACT to incorporate the Howard Institution of the city of Washington.

Be it enacted, &c., That William W. Seaton, Archibald Henderson, Matthew St. Clair Clarke, William A. Bradley, John Coyle, George Gillis, N. B. Van Zandt, Richmond Johnson, John Nourse, Michael Nourse, B. F. Rittenhouse, Lewis H. Machen, Rezin Orme, Peter W. Gallaudet, Jacob Gideon, George Stettinius, William C. Orme, John P. Ingle, William Brent, John G. Whitwell, John Shackford, C. T. Coote, Thomas Blagden, Griffith Coombe, William Speiden, William Doughty, Marmaduke Dove, and G. D. Hanson, and all other persons who have contributed to the fund of the Howard Institution of the city of Washington, each in a subscription of an annual sum of at least one dollar, and all who may hereafter contribute to the said funds in a like annual subscription of a sum not less than one dollar, shall be, and are hereby, made, constituted, and declared to be, a corporation and body politic in law and in fact, to have continuance forever under the name, style, and title, of the Howard Institution of the city of Washington.

Sec. 2. *And be it further enacted*, That all and singular the lands, tenements, rents, legacies, annuities, rights, privileges, goods, and chattels, that may hereafter be given, granted, sold, devised, or bequeathed to the said Howard Institution, be, and they are hereby, vested in and confirmed to the said corporation; and that they may purchase, take, receive, and enjoy, any lands, tenements, rents, annuities, rights, or privileges, or any goods, chattels, or other effects of what kind or nature soever, which shall or may hereafter be given, granted, sold, bequeathed, or devised, unto the said institution, or unto any trustee for the use of the said institution, by any person or persons, bodies politic or corporate, capable of making such grant, and to dispose of the same for the benefit of said corporation: *Provided*, The amount of property held by said institution shall, at no time, exceed the amount of twenty thousand dollars.

Sec. 3. *And be it further enacted*, That the said corporation, by the name and style aforesaid, be, and shall be hereafter capable, in law and equity, to sue and be sued, to plead and be impleaded, within the District of Columbia and elsewhere, in as effectual manner as other persons or corporations can sue or be sued.

Sec. 4. *And be it further enacted*, That such persons as shall be officers of the said Howard Institution at the time of the passing of this act, shall be continued to be such until the first Tuesday in October next, on which day such of the persons hereby incorporated as shall then, or within a year preceding that day, contribute one dollar to the support of the said institution, and be or become a subscriber of one dollar or more per annum towards the same, and shall assemble at the house now belonging to the said institution at such hour as shall be directed by the board, shall proceed to elect a president, a first and second vice president, a treasurer and secretary, and twenty-four managers—four from each ward of the city of Washington, for the term of one year, who shall constitute the board of managers of the said Howard Institution of the city of Washington; and in like manner, on the first Tuesday of October in each year thereafter, the like officers shall be elected for the same term of one year, at such hour and place as shall have been previously designated by the board of managers, of which time and place at least two days' notice shall be given by publication in some newspaper printed in the city of Washington; and if, from any cause, an election shall not be held on the day of the month herein appointed, then an election may be held on any other day, of which the like notice shall be given, and those persons in office shall so continue until their successors shall be elected; and at all such elections, every contributor of not less than one dollar, in the manner as aforementioned, shall be entitled to one vote; but those who contribute, by a yearly subscription, a larger sum, shall be entitled to a greater number of votes, to be regulated by the by-laws of the board; and any vacancies which may occur in the board by resignation, death, removal, or otherwise, shall be supplied by the board of managers in such manner as the by-laws of the board may direct.

Sec. 5. *And be it further enacted*, That the object of the said Howard Institution of the city of Washington shall be to afford relief to the indigent females of the city of Washington, by providing work for those who may desire it, and by procuring for them fuel and other necessaries of life on the most reasonable terms, and to adopt such other

means as may be fund expedient for bettering the condition of the poor of the said city.

Sec. 6. *And be it further enacted*, That all the business of said corporation hereby created shall be transacted by the board of managers, except the election of the said board, as hereinbefore provided for; the number of the board to form a quorum to transact the business of the said corporation to be regulated by the by-laws of said institution. At all meetings thereof the president, if present, shall preside; and if he be absent, then one of the vice presidents, if either of them be present; and if neither of these shall be present at any meeting of the board, then the members present shall appoint one of their number as president *pro tempore*.

Sec. 7. *And be it further enacted*, That the board of managers shall have power to adopt and use a common seal as the seal of this corporation, and to alter or exchange the same at their pleasure. They shall have power to adopt all by-laws which they may think necessary for the management of the concerns of the institution, and which shall not be inconsistent with the laws of the United States, or the laws of the District of Columbia for the time being. They shall appoint such officers, agents, and servants, as may be necessary to carry on the business of the institution, and regulate the compensation to be paid to them for their services; and they may dismiss any of them at their pleasure, and appoint others in their stead, as often as they shall think fit. They shall keep a journal of their proceedings, in which shall be recorded every by-law which may be adopted. They shall adopt such checks and regulations as may appear necessary for the security of the funds and property of the institution; and shall annually make a report of the affairs and condition of the institution for the preceding year.

Sec. 8. *And be it further enacted*, That it shall be lawful for Congress, at any time hereafter, to alter, amend, modify, or repeal this act.

Approved March 2, 1837.

AN ACT to provide for the adjustment of title and final disposition of the four reserved sections in the tract of country allotted to the Tombeckbee Association for the encouragement of the cultivation of the vine and olive.

Be it enacted, &c., That all persons who became entitled, under the contract entered into on the eighth day of January, eighteen hundred and nineteen, by the Secretary of the Treasury, on the part of the United States, and Charles Villar, agent of the Tombeckbee Association, in pursuance of "An act to set apart and dispose of certain public lands for the encouragement of the cultivation of the vine and olive," approved third March, eighteen hundred and seventeen, to an allotment or share of the four sections of land reserved for the small allotments, and designated as sections seven, eighteen, nineteen, and thirty, in township eighteen, range three east, their heirs, devisees, or assigns, who shall have complied with the conditions of settlement and cultivation on such allotment, as required by said contract, or shall have been in the actual settlement and cultivation of his or her allotment within said four sections, or a part thereof, before or on the thirty-first day of October, eighteen hundred and thirty-two, as provided by the act of the nineteenth day of February, eighteen hundred and thirty-three, shall, on producing to the register and receiver of the land district in which said lands are situated, satisfactory evidence of title to such allotment, and of settlement and cultivation on the same as aforesaid, and paying one dollar and twenty-five cents per acre for the land, receive a patent for the same: *Provided*, Such proof shall be filed and payment made within six months from the passage of this act: *And provided, further*, That the expense of surveying any such allotment shall be defrayed by the person or persons claiming the same.

Sec. 2. *And be it further enacted*, That any remainder of said four sections not disposed of by the first section of this act shall be subject to entry at one dollar and twenty-five cents per acre, by the trustees of the Demopolis Female Academy, in trust for the use and benefit of said institution.

Approved March 2, 1837.

AN ACT to organize the several Fire Companies in the District of Columbia.

Be it enacted, &c., That, from and after the passage of this act, the fire companies of Washington, Georgetown, and Alexandria, in the District of Columbia, and those which may hereafter be formed in either of the said cities, shall, when so formed, severally have power to frame their own constitution, and adopt by-laws for their own regulation, and to elect their own officers, who, and the members of the several companies, shall be exempt from the performance of military duty in time of peace, so long as they shall continue active members thereof; and the certificate of the several presidents of the said companies, attested by the secretary, shall be sufficient evidence of membership: *Provided*, That no company now formed, or hereafter to be formed, as aforesaid, shall have the benefit of this act, until it shall first obtain a fire apparatus of the value of at least five hundred dollars: *And, provided*, A company possessing an apparatus of the value of five hundred dollars, shall not exempt more than seventy-five; and a company possessing an apparatus of the value of one thousand dollars and upwards, shall not exempt more than one hundred.

Sec. 2. *And be it further enacted*, That the corporate authorities in each of the said cities shall, annually, appoint an inspector, whose duty it shall be to examine the condition of the fire apparatus belonging to each fire company at least once in every month, and to report its state to a fire department, to be composed of the presidents of the respective fire companies in each of the said cities, who are hereby constituted a fire department for that purpose, which shall sit monthly, at the town-house in the city to which they belong. And if the said inspector shall report that the fire apparatus of any one of the said fire companies is so defective or out of repair as to be of less value than five hundred dollars, or unfit for service, and the company or companies whose apparatus shall be thus reported to be so depreciated in value or out of repair, shall permit the same to continue so for one calendar month, the said company or companies shall thereupon forfeit all the rights, privileges, and immunities, granted by this act; and it shall be the duty of the said inspector to communicate this fact to the adjutant of the regiment of the city in which such company or companies may belong.

Sec. 3. *And be it further enacted*, That each of the said fire companies shall have power to enforce obedience to its constitution and by-laws by fine and forfeiture; and to collect all such fines by warrant, to be issued by a justice of the peace in the city where such company belong, in the name of the said company; and the certificate of the president of such company, that the person so fined has been fined for disobedience to the constitution or by-laws (as the case may be) of fire company in ——— city, attested by the secretary of the said company, shall be sufficient evidence for the magistrate to issue his warrant, and after having the party before him, to enter up judgment, and issue execution thereon: *Provided*, Proof of such fine shall be made by the record thereof produced before the justice, and proved by the secretary; and, if either of the said companies shall expel any member thereof, he, the said member so expelled, shall thereupon forfeit all the rights, privileges, and immunities, granted by this act; and it shall be the duty of the secretary of the company from which the said member shall be so expelled, immediately to inform the captain of the militia company within whose limits the said member shall reside, that he has been so expelled; and

the said expelled member shall thereupon be enrolled in the said militia company, and compelled to perform military duty, if otherwise liable to do military duty.

Sec. 4. *And be it further enacted*, That all and every sum and sums of money collected under the authority of this act, shall be paid over by the officer or other person collecting the same, to the treasurer of the company in the name of which the warrant shall have been issued, or money collected; and upon such officer or other person failing so to pay over the same, the said treasurer may recover the same by warrant or suit, in his own name, for the use of the said fire company, in the same manner as private debts are now recovered by law. And each and every of the said fire companies now existing, or which may hereafter be formed, as aforesaid, shall, each for itself, provide a fund for the relief of such member or members of such company, who shall or may receive any corporeal hurt or injury, or contract any disease at, or in consequence of, any fire, and be unable to provide medical aid, or whose family or families may be dependent upon his or their daily labor for support, and for the relief of the family or families of any member or members of such fire company, who shall or may be killed at, or die in consequence of, any injury received, or disease contracted at, or in consequence of, any fire, and whose family or families may have been dependent upon his or their daily labor for support; and the treasurer of the said company shall, after having paid all the expenses which the said company shall have lawfully incurred, pay over to the said fund the residue of all fines collected under the authority of this act.

Sec. 5. *And be it further enacted*, That nothing in this act shall be construed to interfere with the right of the corporate authorities of the several cities aforesaid "to provide for the prevention and extinguishment of fires;" and it is hereby declared to be the true intent and meaning of the several acts of incorporation of the several cities aforesaid, to give to the corporate authorities thereof full power and lawful authority to make all necessary provisions for the prevention and extinguishment of fires; for the preservation of order and protection of property at any fire; for the removal from any fire of suspicious persons, and those who are disobedient to the regulations of the said several corporations; for the punishment, by fine and imprisonment, of such person or persons as, being present at, refuse to assist, and obey the commands of the proper officer, in extinguishing any fire; for the removal of such property as may be necessary to be removed, to prevent and arrest the progress of any fires; and to aid, protect, and obtain obedience to the officers in command of the several fire companies, and to protect the members thereof while in the discharge of their duty at any fire.

Approved March 2, 1837.

AN ACT for the relief of Catharine Myott.

Be it enacted, &c., That the proper officers be, and they are hereby, authorized to cause the east half of section fourteen, in township forty-four north, range one east, third principal meridian, in the State of Illlinois, to be set apart and designated for Catharine Myott, as part of the reservation to which she is entitled under the provision of the treaty made at Prairie du Chien on the first day of August, eighteen hundred and twenty-nine.

Approved March 2, 1837.

AN ACT confirming the claim of the heirs of Michael Dragon to certain tracts of land therein mentioned.

Be it enacted, &c., That the claims of Andria Demetry, or the heirs of Michael Dragon, deceased, to three several tracts of land situate on the bay of Saint Louis, in the State of Louisiana, the titles to which were derived from the Spanish Government of that country, and containing together five thousand nine hundred and sixty-eight arpens, be, and the same hereby are, confirmed, in conformity with the report made by the register and receiver of the land district of St. Stephen's, acting as commissioners under the third section of the act approved the second March, eighteen hundred and twenty-nine, entitled "An act confirming the report of the register and receiver of the land office for the district of St. Stephen's, in the State of Alabama, and for other purposes," dated the sixteenth of February, eighteen hundred and thirty-four: *Provided*, This confirmation does not interfere with any title or right, if such exist, to any part of the said land, acquired by any individual or individuals under the laws of the United States.

Approved March 2, 1837.

AN ACT to amend an act approved the second of July, eighteen hundred and thirty-six, for the relief of Samuel Smith, Linn McGhee, and Semoice, Creek Indians; and also, an act passed the second July, eighteen hundred and thirty-six, for the relief of Susan Marlow.

Be it enacted, &c., That so much of the acts for the relief of Samuel Smith, Linn McGhee, Semoice, and Susan Marlow, as restrict them to the entry of one *entire* section of land, be, and the same is hereby repealed; and the said Samuel Smith, Linn McGhee, Semoice, and Susan Marlow, are hereby authorized to enter, without payment, and by legal subdivisions, a quantity of land not exceeding six hundred and forty acres each, which is subject to entry at private sale.

Approved March 2, 1837.

AN ACT making appropriations for the naval service for the year one thousand eight hundred and thirty-seven.

Be it enacted, &c., That the following sums be appropriated for the naval service for the year one thousand eight hundred and thirty-seven, in addition to the unexpended balances of former appropriations, to wit:

For pay of commissioned, warrant, and petty officers, and of seamen, two millions four hundred and fifty-four thousand six hundred and eighty-six dollars.

To enable the President, provided he should deem it necessary, to offer a bounty for the purpose of promoting the enlistment of seamen, seventy-two thousand dollars.

For the pay of superintendents, naval constructors, and all the civil establishments at the several yards, sixty-nine thousand four hundred and seventy dollars.

For provisions, seven hundred and sixty-two thousand eight hundred and sixty-five dollars.

For the repairs of vessels in ordinary, and the repairs and wear and tear of vessels in commission, one million two hundred and fifty thousand dollars.

For medicines and surgical instruments, hospital stores, and other expenses on account of the sick, thirty-nine thousand dollars.

For improvement and necessary repairs of the navy yard at Portsmouth, New Hampshire, forty-seven thousand seven hundred dollars.

For improvement and necessary repairs of the navy yard at Charlestown, Massachusetts, one hundred and twenty-four thousand dollars.

For improvement and necessary repairs of the navy yard at Brooklyn, New York, sixty-two thousand five hundred dollars.

For improvement and necessary repairs of the navy yard at Philadelphia, Pennsylvania, thirty-four thousand eight hundred and fifty dollars.

For improvement and necessary repairs of the navy yard at Washington, fifty-two thousand eight hundred and fifty dollars.

For improvement and necessary repairs of the navy yard at Gosport, Virginia, one hundred and forty thousand five hundred dollars,

For improvement and necessary repairs of the navy yard near Pensacola, seventy-eight thousand dollars.

For ordnance and ordnance stores, seventy-two thousand dollars.

For defraying the expenses that may accrue for the following purposes, to wit: for the freight and transportation of materials and stores of every description; for wharfage and dockage; storage and rent; travelling expenses of officers and transportation of seamen; house rent for pursers when attached to yards and stations where no house is provided; for funeral expenses; for commission, clerk hire, office rent, stationary and fuel to navy agents; for premiums and incidental expenses of recruiting; for apprehending deserters; for compensation to judge advocates; for per diem allowance to persons attending courts martial and courts of inquiry; for printing and stationary of every description, and for working the lithrographic press, and for books, maps, charts, mathematical and nautical instruments, chronometers, models, and drawings; for the purchase and repair of fire engines and machinery, and for the repair of steam engines; for the purchase and maintenance of oxen and horses, and for carts, timber-wheels, and workmen's tools of every description; for postage of letters on public service; for pilotage and towing ships of war; for cabin furniture of vessels in commission; taxes and assessments on public property; for assistance rendered to vessels in distress; for incidental labor at navy yards, not applicable to any other appropriation; for coal and other fuel, and for candles and oil; for repairs of magazines or powder-houses; for preparing moulds for ships to be built, and for no other purpose whatever, three hundred and thirty-seven thousand six hundred dollars.

For contingent expenses for objects not hereinbefore enumerated, three thousand dollars.

For pay of the officers, non-commissioned officers, musicians, and privates, and subsistence of the officers of the marine corps, one hundred and sixty-three thousand and nineteen dollars and sixty cents.

For the provisions of the non-commissioned officers, musicians, and privates serving on shore, servants and washerwomen, thirty-three thousand four hundred and twenty-eight dollars and eighty cents.

For clothing, thirty-eight thousand six hundred and fifty-five dollars.

For fuel, fourteen thousand five hundred and eighty-nine dollars.

For keeping the present barracks in repair until new ones can be erected, and for the repair of barracks at headquarters, and Portsmouth, New Hampshire, ten thousand dollars.

For the transportation of officers, non-commissioned officers, musicians, and privates, and expenses of recruiting, six thousand dollars.

For medicines, hospital stores, surgical instruments, and pay of matron, four thousand one hundred and thirty-nine dollars and twenty-nine cents.

For contingent expenses of said corps, freight, ferriage, toll, wharfage, and cartage, per diem allowance for attending courts of inquiry, compensation to judge advocates, house-rent where there are no public quarters assigned, incidental labor in the quartermaster's department, expenses of burying deceased persons belonging to the marine corps, printing, stationary, forage, postage on public letters, expenses in pursuing deserters, candles and oil for the different stations, straw for the men, barrack furniture, bed sacks, spades, axes, shovels, picks, and carpenters' tools, seventeen thousand nine hundred and seventy-seven dollars and ninety-three cents.

For military stores, pay of armorers, keeping arms in repair, drums, fifes, flags, accoutrements, and ordnance stores, two thousand dollars.

For launching and securing the ship of the line Pennsylvania, one hundred thousand dollars.

For building and equipping two sloops of war, from frames already provided under former appropriations, two hundred and eighty thousand dollars;

And also six vessels of war, if not less than ten nor more than eighteen guns, four hundred thousand dollars, in addition to any materials on hand.

For erecting and furnishing a new hospital building, and for a dwelling for an assistant surgeon; for the repairs of the present building, and for all expenses upon their dependencies near Pensacola, forty-seven thousand five hundred dollars.

For erecting a sea-wall to protect the shore, for enclosing the hospital grounds, for completing the basement of south wing, for repairing damages sustained from a recent gale, and for all other expenses upon the dependencies of the hospital near Norfolk, eighteen thousand dollars.

For graduating and enclosing the grounds about the naval asylum near Philadelphia, and for all other expenses upon the building and its dependencies, ten thousand four hundred and sixty dollars.

Towards an extension of the hospital building near Brooklyn, New York, for enclosing the grounds, and for all other expenses upon its dependencies, sixty-six thousand dollars.

For the completion of the present hospital building near Boston, and for all expenses upon its dependencies, one thousand three hundred and fifty dollars.

For the repair of the enclosure, and for the sea-wall of the magazine upon Ellis's island, in the harbor of New York, one thousand two hundred and fifty dollars.

For the completion of the enclosure of the magazine near Boston, the wharf and other dependencies, two thousand seven hundred and fifty dollars.

For the purchase of that portion of land belonging to the town of Portsmouth, Virginia, enclosed by the walls of the navy yard at Gosport, four thousand seven hundred and seventy-nine dollars.

To defray any additional expenses that may be incurred in making an examination and survey of the harbors of Beaufort and Wilmington, in North Carolina, with a view to determine the respective facilities and advantages for the establishment of a navy yard, fifteen hundred dollars.

For the survey of May river from Tybee bar to the Hunting island, fifteen hundred dollars for a similar object.

For payment to Thomas J. Harris of his proportion of the sum of two thousand dollars, appropriated by Congress for the capture of a piratical felucca, in eighteen hundred and twenty-three, twenty-nine dollars and sixteen cents.

To defray the expense of examining the shoals of George's Bank, for the purpose of determining upon the practicability of erecting a light-house upon the same, (in aid of the genreal appropriations for the navy,) five thousand dollars.

Sec. 2. *And be it further enacted*, That the following sums, being the unexpended balances of former appropriations which have been carried to the account of the surplus fund, be, and the same are hereby, reappropriated, to be paid out of any money unappropriated in the Treasury, viz:

For carrying into effect the acts for the suppression of the slave trade, including their support in the United States, and for a term not exceeding six months after their arrival in Africa, of all persons removed from the United States under the said acts, eleven thousand four hundred and thirteen dollars and fifty-seven cents.

For payment of prize-money to the officers and crew of the late private-armed brig General Armstrong, and the legal representatives of such as may be dead, two thousand dollars.

Sec. 3. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized to distribute the residue of the prize-money heretofore deposited in

the Treasury belonging to the crews of the men-of-war Bon Homme Richard, and Alliance, commanded by John Paul Jones, in the revolutionary war, among the several persons entitled thereto, and to pay them the sums respectively due, out of any money in the Treasury not otherwise appropriated.

Sec. 4. *And be it further enacted*, That the sum appropriated at the last session for the erection of a brick enclosure of the navy yard at Pensacola shall be expended to suit the present plan of the yard, and in such manner as the navy commissioners shall direct.

Sec. 5. *And be it further inacted*, That, under the laws providing for the gradual improvement of the navy, the President be authorized to cause articles of a durable character to be purchased for the armament and equipment as well as for the building of vessels.

Approved March 3, 1837.

AN ACT making appropriations for the current expenses of the Indian department, and for fulfilling treaty stipulations with the various Indian tribes for the year eighteen hundred and thirty-seven.

Be it enacted, &c., That the following sums be, and they are hereby, appropriated, for the year one thousand eight hundred and thirty-seven, for the purpose of paying the current expenses of the Indian department, and of fulfilling treaty stipulations with the various Indian tribes, to be paid out of any money in the Treasury not otherwise appropriated; that is to say:

For the pay of the superintendent of Indian affairs at St. Louis, and the several Indian agents, as provided by the act of June thirtieth, eighteen hundred and thirty-four, twelve thousand dollars.

For the pay of sub-agents, authorized by the same act, ten thousand dollars.

For the pay of interpreters, as authorized by the same act, eight thousand seven hundred dollars.

For presents to Indians, authorized by the same act, five thousand dollars.

For the purchase of provisions for Indians, at the distribution of annuities, while on visits of business with the superintendents and agents, and when assembled on public business, eleven thousand eight hundred dollars.

For the necessary buildings required at the several agencies, and repairs thereof, two thousand dollars.

For postages, rents, stationary, fuel for offices, and other contingencies of the Indian department, seven thousand dollars.

For the salary of one clerk in the office of the Governor of Wisconsin Territory, who is *ex officio* superintendent of Indian affairs, eight hundred dollars.

For the salary of one clerk in the office of the acting superintendent of the Western Territory, one thousand dollars.

For the Six Nations of New York, four thousand five hundred dollars.

For the Senecas of New York, six thousand dollars.

For the Ottawas, four thousand three hundred dollars.

For the Wyandots, six thousand eight hundred and forty dollars.

For the Wyandots, Munsees, and Delawares, one thousand dollars.

For the Christian Indians, four hundred dollars.

For the Miamies, thirty thousand one hundred and ten dollars.

For the Eel Rivers, one thousand one hundred dollars.

For the Pottawatamies, twenty thousand eight hundred dollars.

For the Pottawatamies of Huron, four hundred dollars.

For the Pottawatamies of the Prairie, sixteen thousand dollars.

For the Pottawatamies of the Wabash, twenty thousand dollars.

For the Pottawatamies of Indiana, seventeen thousand dollars.

For the Chippewas, Ottawas, and Pottawatanies, thirty-four thousand two hundred and ninety dollars.

For the Winnebagoes, thirty-seven thousand seven hundred and eighty-five dollars.

For the Menomonies, thirteen thousand nine hundred and twenty dollars.

For the Chippewas, six thousand seven hundred and forty dollars.

For the Chippewas, Menomonies, Winnebagoes, and New York Indians, fifteen hundred dollars.

For the Sioux of Mississippi, three thousand six hundred and forty dollars.

For the Yancton and Santie band of Sioux, four thousand three hundred and forty dollars.

For the Omahas, three thousand nine hundred and forty dollars.

For the Sacs of Missouri, one thousand six hundred and forty dollars.

For the Sacs, three thousand dollars.

For the Foxes, three thousand dollars.

For the Iowas, five thousand one hundred and forty dollars.

For the Sacs and Foxes, twenty three thousand nine hundred and twenty dollars.

For the Sacs, Foxes, and Iowas, three thousand dollars.

For the Ottoes and Missourias, five thousand six hundred and forty dollars.

For the Kanzas, six thousand and forty dollars.

For the Osages, eleven thousand and forty dollars.

For the Kickapoos, six thousand five hundred dollars.

For the Kaskaskias and Peorias, three thousand dollars.

For the Kaskaskias, Peorias, Weas, and Piankeshaws, nine hundred and forty dollars.

For the Piankeshaws, thirteen hundred dollars.

For the Weas, three thousand dollars.

For the Delawares, ten thousand two hundred and forty dollars.

For the Shawnees, six thousand nine hundred and forty dollars.

For the Shawnees and Delawares, five hundred dollars.

For the Shawnees and Senecas of Lewistown, one thousand nine hundred and forty dollars.

For the Senecas of Lewistown, two thousand five hundred and forty dollars.

For the Choctaws, fifty-four thousand eight hundred and twenty dollars.

For the Chickasaws, six thousand dollars.

For the Creeks, forty-seven thousand eight hundred and sixty dollars.

For the Quapaws, four thousand five hundred and forty dollars.

For the Florida Indians, nine thousand six hundred and ten dollars.

For the Pawnees, twelve thousand dollars.

For the Cherokees west, six thousand nine hundred and sixty dollars.

For the Ottawas and Chippewas, sixty thousand eight hundred and thirty dollars.

For the Caddoes, ten thousand dollars.

For transportation and incidental expenses, twenty-nine thousand five hundred dollars.

For removal and subsistence of the Creeks, and purchase of articles according to the treaty of the twenty-fourth March, eighteen hundred and thirty-two, for the subsistence of the families of the warriors in the service of the United States, and for the expenses attending the sales of Creek reservations, and investigating the frauds committed on these Indians, and the causes of their hostility, seven hundred and one thousand six hundred and seventy-six dollars.

For the removal and subsistence of the Seminoles, one hundred and forty thousand dollars.

For the removal and subsistence of the Ottawas of the Maumee, thirteen thousand dollars.

For the removal and subsistence of the Pottawatamies of Indiana, and for locating reservations and incidental expenses, under the treaty with the Pottawatamies of St. Joseph, of the twentieth of September, eighteen hundred and twenty-eight, ninety thousand five hundred dollars.

For the removal and subsistence of the Chippewas, Ottawas, and Pottawatamies, under the treaty of twenty-sixth September, eighteen hundred and thirty-three, and for locating reservations, and incidental expenses under the treaty with the same of the twenty-ninth July, eighteen hundred and twenty-nine, one hundred and thirty-two thousand dollars.

For locating reservations and incidental expenses under the treaty with the Winnebagoes of the first of August, eighteen hundred and twenty-nine, one thousand dollars.

For carrying into effect the treaty with the Sioux and other tribes of the fifteenth of July, eighteen hundred and thirty, so far as it relates to the Sioux half-breeds, and for compensation to a blacksmith, under the act of the thirtieth of June, eighteen hundred and thirty-four, one thousand one hundred and twenty dollars.

For the Omahas, Iowas, Ottoes, and Yancton and Santie Sioux, under the tenth article of the treaty of the fifteenth of July, eighteen hundred and thirty, in relation to half-breeds of these tribes, one thousand dollars.

For the various expenses growing out of the location and sale of Choctaw reservations, and perfecting titles to the same, and for additional compensation to blacksmiths, as provided for by the ninth section of the act of June thirty, eighteen hundred and thirty-four, eight thousand eight hundred and sixty dollars.

For carrying into effect the fifth and sixth sections of the treaty with the Osages of June second, eighteen hundred and twenty-five, relative to reservations for half-breeds and for schools, two thousand dollars.

For carrying into effect the sixth article of the treaty with the Kanzas of the third of June, eighteen hundred and twenty-five, in relation to reservations for half-breeds, five hundred dollars.

For carrying into effect the supplementary article of the treaty with the Delawares of the third of December, eighteen hundred and eighteen, in relation to reservations for schools, five hundred dollars.

For the erection of a horse-mill, as stipulated in the fifth article of the treaty with the Ottoes and Missourias of the twenty-first of September, eighteen hundred and thirty-three, in addition to a former appropriation, nine hundred dollars.

For additional compensation to blacksmiths for the Cherokees, as provided for in the ninth section of the act of June thirtieth, eighteen hundred and thirty-four, four hundred and eighty dollars.

For additional compensation to a blacksmith for the Menomonies, as provided for by the ninth section of the act of June thirtieth, eighteen hundred and thirty-four, one hundred and twenty dollars.

For additional compensation to blacksmiths for the Senecas and Shawnees, as provided for by the ninth section of the act of June thirtieth, eighteen hundred and thirty-four, two hundred and forty dollars.

For agricultural assistance for the Sacs and Foxes, in addition to the amount heretofore allowed, and to which they are entitled by an equitable construction of the treaties of the fourth of August, eighteen hundred and twenty-four, and the fifteenth of July, eighteen hundred and thirty, seven hundred and forty dollars.

For the purpose of supplying a deficiency in the sum applicable to the payment of annuities for eighteen hundred and thirty-six, caused by the retention, as commissions on disbursement, by Lieutenant N. J. Eaton, United States army, of this amount, two thousand seven hundred and eighty-nine dollars: *Provided always*, That this appropriation shall not be so construed as to give any sanction to any disbursing officer in retaining commissions on any sum of money paid by him in pursuance of treaty stipulations; but, on the contrary, it is still considered the duty of the proper officers to use all legal means to compel the payment of said sum of two thousand seven hundred and eighty-nine dollars, retained by Lieutenant N. J. Eaton.

For payment of balance due Andrew S. Hughes and Jonathan L. Bean, in compliance with an arrangement made with them, February fourteenth, eighteen hundred and thirty-two, by the superintendent of Indian affairs at St. Louis, in pursuance to instructions from the War Department, sixteen hundred dollars.

For the payment to Charles Rodgers the appraised value of a distillery built by him prior to the act of eighteen hundred and thirty-four, and afterwards destroyed by order of the Indian agents, and for which he was promised indemnity, the sum of sixteen hundred and ninety-two dollars.

For the purpose of paying the expenses of two Fox chiefs and their attendants, in coming to the city of Washington, on necessary business, and returning to their nation, the sum of fifteen hundred dollars.

For the purpose of enabling the Secretary of War to pay a subscription made in eighteen hundred and thirty, for the Indian department, of fifty copies of the History of the Indian Tribes of North America, with biographical sketches, to be composed of, say twenty numbers each, the sum of three thousand dollars.

For the purpose of fulfilling the stipulations in the twentieth article of the treaty with the Choctaws of the twenty-seventh of September, eighteen hundred and thirty, providing for the education of forty Choctaw youths, in addition to the sum heretofore provided, the sum of two thousand dollars.

For holding treaties with the various tribes of Indians east of the Mississippi river, for the cession of lands held by them respectively, and for their removal west of the Mississippi, ten thousand dollars.

For the purpose of defraying the expenses of Eleazer Williams, in coming from Green Bay, and returning home, on business relative to the Oneida Indians, the sum of five hundred dollars.

For carrying into effect the treaty with the Menomonies of the third September, eighteen hundred and thirty-six, two hundred and eighty-eight thousand five hundred and forty dollars.

For carrying into effect the treaties with the Pottawatamies of the fifth of August, twentieth, twenty-second, and thirty-third September, eighteen hundred and thirty-six, and eleventh February, eighteen hundred and thirty-seven, seventy-three thousand four hundred and twenty-three dollars.

For carrying into effect the treaty with the Iowas of the seventeenth September, eighteen hundred and thirty-six, sixty-five thousand five hundred and ninety dollars.

For carrying into effect the treaties with the Sacs and Foxes of the seventeenth, twenty-seventh, and twenty-eighth September, eighteen hundred and thirty-six, one hundred and thirty-eight thousand two hundred and forty dollars.

For carrying into effect the treaty with the Ottoes and Missourias of the fifteenth October, eighteen hundred and thirty-six, three thousand dollars.

For carrying into effect the treaty with the Omahas of the fifteenth October, eighteen hundred and thirty-six, two thousand four hundred and seventy dollars.

For carrying into effect the treaties with the Sioux of the tenth of September, fifteenth October, and thirtieth Novem-

ber, eighteen hundred and thirty-six, one thousand nine hundred and fifty dollars.

For pay of four additional sub-agents, three thousand dollars.

For defraying the expenses of a more particular examination of the vacant Indian country southwest of the Missouri river, with a view to ascertain its adaptation, in quality and extent, to the accommodation of the tribes yet to be removed, three thousand dollars.

For holding treaties with the Sioux Indians to extinguish their title to that part of their lands lying east of the Mississippi river, five thousand dollars.

For expenses of a deputation of the New York Indians to visit the country west of the Mississippi, with a view to the selection of a permanent residence, eight thousand dollars.

For the expenses of a deputation of the Chippewas of Saginaw, for the same object, two thousand dollars.

For defraying the expenses of Hendrick, a Stockbridge Indian, and of two Iowa chiefs, and their attendants, who have visited the seat of Government on business during the present winter, one thousand dollars.

For defraying the expenses of a treaty with the Wyandot Indians of Upper Sandusky, in the State of Ohio, one thousand dollars.

For holding treaties with the various tribes east of the Mississippi river, for the cession of lands held by them respectively, and for their removal west of said river; and with the Sioux for the cession of their country lying east of the same river, and for defraying the expenses of a more particular examination of the vacant lands west of the Mississippi, with a view to ascertain whether it be sufficient to accommodate the tribes remaining east of said river, seventeen thousand dollars.

Sec. 2. *And be it further enacted*, That the sum of five thousand dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to enable the President of the United States, by suitable agents, to inquire what depredations were committed by the Seminole and Creek Indians on the property of citizens of Florida, Georgia, and Alabama, immediately before the commencement of actual hostilities on the part of said respective tribes of Indians: what amount of depredations were committed during the pendency of said hostilities; what portion of the Creek tribe were engaged in such hostilities, and what depredations have been committed by a remnant of said tribe supposed to be friendly, and a part of whom were actually employed against the Seminoles, since the removal of the main body of them west of the Mississippi; and that the President report the information so acquired to Congress at its next session: *Provided*, Nothing hereinbefore contained shall be so construed as to subject the United States to pay for depredations not provided for by the act of April ninth, eighteen hundred and sixteen, and the acts amendatory thereto; nor by acts regulating the intercourse between the Indian tribes and the United States.

Sec. 3. *And be it further enacted*, That the President may and is hereby authorized to appoint, by and with the consent of the Senate, three additional Indian agents, one for the Creek, one for the Cherokee tribe of Indians, and one for the tribes on the Upper Missouri, who shall execute the same duties, posess the same powers, and receive the same pay and emoluments as those now authorized by law execute, possess, and receive; and that the salaries of of said agents be paid out of any money in the Treasury not otherwise appropriated.

Approved March 3, 1837.

AN ACT to change the titles of certain officers in the navy.

Be it enacted, &c., That from and after the passage of this act, all "masters commandant" in the navy shall be taken to be, and shall be called "commanders," and all "sailing-masters" shall be taken to be, and shall be called "masters;" but such change of title shall not impair, or in any way affect, the rank, pay, or privileges of any master commandant or sailing-master now in the service: and should they receive new commissions or warrants, they shall, respectively, take rank from the date of their present commissions.

Approved March 3, 1837.

AN ACT making appropriations for the civil and diplomatic expenses of Government for the year eighteen hundred and thirty-seven.

Be it enacted, &c., That the following sums be, and the same are hereby, appropriated, to be paid out any unappropriated money in the Treasury, viz:

For pay and mileage of the members of Congress and delegates, three hundred and forty-eight thousand and forty dollars;

For pay of the officers and clerks of the Senate and House of Representatives, thirty-three thousand seven hundred dollars;

For stationary, fuel, printing, and all other contingent expenses of the Senate, forty-nine thousand five hundred and fifty dollars;

For stationary, fuel, printing, and all other contingent expenses of the House of Representatives, one hundred and fifty thousand dollars;

The two sums last mentioned to be applied to the payment of the ordinary expenditures of the Senate and House of Representatives, severally, and to no other purpose.

For compensation to the President and Vice President of the United States, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, and the Postmaster General, sixty thousand dollars;

For salary of the secretary to sign patents for public lands, per act of March second, eighteen hundred and thirty-three, one thousand five hundred dollars;

For clerks and messengers in the office of the Secretary of State, twenty thousand three hundred dollars;

For the contingent expenses of the Department of State, including publishing and distributing the laws, twenty-five thousand dollars;

For compiling and printing the Biennial Register, one thousand eight hundred dollars;

For the superintendent and watchman of the northeast executive building, one thousand five hundred dollars;

For contingent expenses of said building, including fuel, labor, oil, and repairs, two thousand five hundred dollars;

For compensation to the clerks and messengers in the office of the Secretary of the Treasury, sixteen thousand four hundred and fifty dollars;

For compensation to the clerks in said office, per act of twenty-third of June, eighteen hundred and thirty-six, three thousand six hundred dollars;

For compensation to the First Comptroller of the Treasury, three thousand five hundred dollars;

For compensation to the clerks and messengers in the office of the First Comptroller, nineteen thousand three hundred dollars;

For compensation to the Second Comptroller, three thousand dollars;

For compensation to the clerks and messenger in the office of the Second Comptroller, including two clerkships transferred from the office of the Fourth Auditor, twelve thousand two hundred and fifty dollars;

For compensation to the First Auditor of the Treasury, three thousand dollars;

For compensation to the clerks and messenger in the office of the First Auditor, fifteen thousand nine hundred dollars;

For compensation to the Second Auditor of the Treasury, three thousand dollars;

For compensation to the clerks and messenger in the office of the Second Auditor, seventeen thousand nine hundred dollars;

For compensation to the Third Auditor, three thousand dollars;

For compensation to the clerks and messengers in the office of the Third Auditor, twenty-nine thousand six hundred and fifty dollars, including two thousand four hundred dollars for clerk hire to carry into effect an act of the seventeenth of January last, entitled "An act to provide for the payment of horses and other property lost or destroyed in the military service of the United States;"

For compensation to the Fourth Auditor, three thousand dollars;

For compensation to the clerks and messenger in the office of the Fourth Auditor, fifteen thousand nine hundred and fifty dollars;

For compensation to the Fifth Auditor, three thousand dollars;

For compensation to the clerks and messenger in the office of the Fifth Auditor, nine thousand eight hundred dollars;

For compensation to the Treasurer of the United States, three thousand dollars;

For compensation to the clerks and messenger in the office of the Treasurer of the United States, including a deficiency of appropriation of two hundred and sixty-four dollars and sixty-four cents, for the year eighteen hundred and thirty-six, eleven thousand and fourteen dollars and sixty-four cents;

For compensation to the Register of the Treasury, three thousand dollars;

For compensation to the clerks and messengers in the office of the Register of the Treasury, twenty-four thousand two hundred dollars;

For compensation to the Commissioner of the General Land Office, per act of fourth of July, eighteen hundred and thirty-six, three thousand dollars;

For compensation of the recorder, solicitor, draughtsman, and assistant draughtsman, clerks, messengers, and packers, in the office of the Commissioner of the General Land Office, one hundred and eight thousand seven hundred and fifty dollars; and the annual salary of the recorder of the General Land Office shall be two thousand dollars; and the sum of nine hundred dollars shall be paid Charles Gordon for services rendered under the resolution of the Senate of second July, eighteen hundred and thirty-six;

For deficiency to be appropriated on account of salaries, for the year eighteen hundred and thirty-six, to the Commissioner and other officers in the General Land Office, twenty-seven thousand eight hundred and eighty-six dollars and ten cents;

For compensation to the Solicitor of the Treasury, three thousand five hundred dollars;

For compensation to the clerks and messenger in the office of the Solicitor of the Treasury, three thousand nine hundred and fifty dollars;

For expenses of stationary, printing, and all other contingent expenses of the Treasury Department, viz:

For the office of the Secretary of the Treasury, including copying and expenses incurred in consequence of the burning of the Treasury building, twelve thousand five hundred dollars;

For translating foreign languages, and for receiving and transmitting passports and sea-letters, in the office of the Secretary of the Treasury, three hundred dollars;

For stating and printing public accounts, one thousand four hundred dollars;

For the office of the First Comptroller, two thousand dollars;

For the office of the Second Comptroller, one thousand five hundred dollars;

For the office of the First Auditor, eight hundred dollars;

For the office of the Second Auditor, one thousand dollars;

For the office of the Third Auditor, thirteen hundred dollars;

For the office of the Fourth Auditor, one thousand dollars;

For the office of the Fifth Auditor, one thousand dollars;

For the office of the Treasurer of the United States, one thousand three hundred dollars;

For the office of the Register of the Treasury, three thousand dollars;

For the office of the Solicitor of the Treasury, one thousand dollars;

For the office of the Commissioner of the General Land Office, for one hundred and fifty thousand pieces of parchment for patents; printing the same; and, also, the cost of books for patent records, twenty-nine thousand two hundred and fifty dollars;

For tract-books, other books, and stationary, furniture, expense of advertising land sales, and other contingent expenses, including office rent for an additional building, ten thousand dollars;

For compensation of superintendent and two watchmen for the additional building for the use of the General Land Office, one thousand and fifty dollars;

For salary of the secretary to the Commissioners of the Sinking Fund, from eighth February to eleventh April, eighteen hundred and thirty-six, forty-three dollars and ninety-five cents;

For compensation to the superintendent and watchman of the southeast executive building, two thousand one hundred dollars;

For contingent expenses of the building occupied by the Treasury, including fuel, oil, labor, repairs, furniture, and for rent, amounting to four thousand four hundred and fifty dollars per annum, twelve thousand dollars;

For compensation to the clerks and messengers in the office of the Secretary of War, including sixty-five dollars and seventy-one cents, arrearages due Samuel J. Potts, for clerk hire and for messenger in the Bounty Land Bureau, thirteen thousand one hundred and fifteen dollars and seventy-one cents;

For contingent expenses of the office of the Secretary of War, three thousand dollars;

For books, maps, and plans for the War Department, one thousand dollars;

For compensation of extra clerks, when employed in said office, two thousand five hundred dollars;

For compensation of the Commissioner of Indian Affairs, three thousand dollars;

For compensation of the clerks and messenger in the office of the Commissioner of Indian Affairs, sixteen thousand four hundred dollars;

For contingent expenses of said office, two thousand dollars;

For compensation of the Commissioner of Pensions, two thousand five hundred dollars;

For compensation of the clerks transferred from the office of the Secretary of War to the office of the Commissioner of Pensions, four thousand eight hundred dollars;

For compensation to clerks and messengers for the office of the Commissioner of Pensions, authorized by act of ninth May, eighteen hundred and thirty-six, thirteen thousand four hundred and fifty dollars;

For compensation to clerks and messenger in the office of the Paymaster General, four thousand six hundred dollars;

For contingent expenses of said office, three hundred dollars;

For compensation of clerk and messenger in the office of the Commanding General, one thousand five hundred dollars;

For contingent expenses of said office, three hundred dollars;

For compensation to the clerks and messenger in the office of the Adjutant General, seven thousand six hundred and fifty dollars:

For contingent expenses of said office, one thousand six hundred dollars;

For compensation of clerks and messenger in the office of the Quartermaster General, seven thousand three hundred dollars;

For contingent expenses of said office, six hundred dollars;

For compensation of clerks and messenger in the office of the Commissary General of Purchases, four thousand two hundred dollars;

For contingent expenses of said office, eight hundred dollars;

For compensation of clerks and messenger in the office of the Commissary General of Subsistence, four thousand three hundred dollars;

For contingent expenses of said office, two thousand six hundred dollars;

For compensation of clerks and messenger in the office of the Chief Engineer, five thousand six hundred and fifty dollars;

For contingent expenses of said office, one thousand dollars;

For compensation to clerk and messenger in the office of the Surgeon General, one thousand six hundred and fifty dollars;

For contingent expenses of said office, five hundred and fifty dollars;

For compensation of clerks and messenger in the Ordnance office, eight thousand six hundred and fifty dollars;

For contingent expenses of said office, eight hundred dollars;

For compensation of the clerks and messenger in the topographical bureau, two thousand five hundred dollars;

For contingent expenses of said bureau, one thousand two hundred and thirty-five dollars;

For compensation of the messenger in the clothing bureau, per act of July fourth, eighteen hundred and thirty-six, five hundred dollars;

For salary of the messenger in the office of the inspector general five hundred dollars;

For compensation of superintendent and watchmen of the northwest executive building, two thousand two hundred and fifty dollars:

For contingent expenses of said building, including rent, fuel, furniture, labor, and repairs, three thousand one hundred and eighty-three dollars;

For compensation of the clerks and messengers in the office of the Secretary of the Navy, twelve thousand eight hundred and fifty dollars;

For contingent expenses of said office, three thousand dollars;

For compensation of the Commissioners of the Navy Board, ten thousand five hundred dollars;

For compensation of the secretary of the Navy Board, two thousand dollars;

For compensation to the clerks and messenger of the Navy Board, eight thousand four hundred and fifty dollars;

For contingent expenses of said office, one thousand eight hundred dollars;

For salary of superintendent and watchmen of the southwest executive building, one thousand two hundred and fifty dollars;

For contingent expenses of said building, three thousand three hundred and fifty dollars;

For compensation to three Assistant Postmaster Generals, per act third July, eighteen hundred and thirty-six, seven thousand five hundred dollars;

For compensation to clerks and messengers in the General Post Office, forty-eight thousand six hundred dollars;

For contingent expenses of said office, including expense of new offices and fuel for the Auditor's office, ten thousand dollars;

For repairs, books, and stationary, already incurred, over and above the appropriations of former years, in consequence of the re-organization of the Post Office Department, six thousand seven hundred dollars;

For compensation to two watchmen, six hundred dollars;

For compensation to extra clerks, prior to third July, eighteen hundred and thirty-six, when the act reorganizing the Department went into operation, twenty-two thousand four hundred and nineteen dollars and eighty-one cents;

For compensation to the Auditor of the Post Office, three thousand dollars;

For compensation to clerks and messengers in said office, fifty-five thousand five hundred dollars;

For contingent expenses of said office, including books, stationary, printing, and expenses incidental to new offices, eight thousand two hundred dollars;

For compensation of the Surveyor General northwest of the Ohio, two thousand dollars;

For compensation to clerks in his office, per acts of ninth of May, eighteen hundred and thirty-six, six thousand three hundred dollars;

For compensation to the Surveyor General for Illinois and Missouri, two thousand dollars;

For compensation to clerks in the office of said Surveyor General, per acts of ninth of May, eighteen hundred and thirty-six, three thousand eight hundred and twenty dollars.

For compensation to the Surveyor General of Arkansas, two thousand dollars;

For compensation to clerks in the office of said Surveyor General, three thousand dollars, and for office-rent and fuel, three hundred dollars;

For compensation of the Surveyor General of Louisiana, two thousand dollars;

For compensation to clerks in the office of said Surveyor General, per acts of ninth May, eighteen hundred and thirty-six, twenty-five hundred dollars;

For compensation to the Surveyor General of Mississippi, two thousand dollars;

For compensation of clerks in the office of said Surveyor General, per acts of ninth May, eighteen hundred and thirty-six, five thousand dollars;

For compensation to the Surveyor General for Alabama, two thousand dollars;

For compensation of clerks in the office of said Surveyor General, per acts of ninth May, eighteen hundred and thirty-six, two thousand dollars;

For compensation of the Surveyor General of Florida, two thousand dollars;

For compensation of clerks in the office of said Surveyor General, three thousand dollars;

For the expenses of completing the copies of confirmations and orders of survey, and procuring from the offices of the registers copies of plats and sketches necessary to a correct location of private claim, explained in the report from the General Land Office, two thousand dollars;

For compensation to the Commissioner of Public Buildings in Washington, two thousand four hundred and fifty dollars;

For compensation to three assistants to Commissioner, as superintendent Potomac bridge, two thousand four hundred and sixty-three dollars and seventy-five cents;

For repairs of the said bridge, wood for the draw-keepers, and oil for lamps, two hundred and seventy-seven dollars;

For compensation to the officers and clerks of the Mint, nineteen thousand seven hundred dollars;

For compensation to assistants and laborers in the various departments of the Mint, twenty-four thousand dollars;

For wastage of gold and silver, and contingent expenses of the Mint, including improvement in machinery, thirty-eight thousand one hundred dollars;

For expenses incident to the introduction of new machinery and apparatus, twenty thousand dollars;

For compensation of the governor, judges, and secretary of Wisconsin Territory, nine thousand one hundred dollars;

For contingent expenses and compensation of the members of the Legislative Assembly of said Territory, and printing the laws, nine thousand seven hundred and fifty dollars;

For compensation of the governor, judges, and secretary of the Territory of Florida, eleven thousand seven hundred dollars;

For contingent expenses, pay, and mileage of the members of the Legislative Council of said Territory, stationary, fuel, printing, pay of the officers of the Council, and copying laws, ten thousand three hundred and thirty-five dollars;

For compensation to the chief justice, the associate judges, and district judges of the United States, eighty-four thousand nine hundred dollars;

For compensation of the chief justice and associate judges of the District of Columbia, and of the judges of the orphans' courts of said District, nine thousand five hundred dollars;

For compensation to the Attorney General of the United States, four thousand dollars;

For compensation of clerk and messenger in the office of the Attorney General, one thousand three hundred dollars;

For contingent expenses of said office, five hundred dollars;

For compensation to the reporter of the decisions of the Supreme Court, one thousand dollars;

For compensation to the district attorneys and marshals, as granted by law, including those in the several Territories, thirteen thousand two hundred and fifty dollars;

For defraying the expenses of the Supreme Court and the district courts of the United States, including the District of Columbia; also, for jurors and witnesses in aid of the funds arising from fines, penalties, and forfeitures incurred in the year eighteen hundred and thirty-seven and preceding years; and likewise for defraying the expenses of suits in which the United States are concerned, and of prosecutions for offences committed against the United States, and for the safe-keeping of prisoners, three hundred and thirty thousand dollars;

For expenses of printing the records of the Supreme Court, three thousand dollars;

For the payment of pensions granted by special acts of Congress, one thousand and fifty dollars;

For the support and maintenance of light-houses, floating-lights, beacons, buoys, and stakages, including the purchase of lamps, oil, keepers' salaries, repairs, improvements, and contingent expenses, two hundred and ninety-eight thousand and fifty-five dollars;

For a bell, and fixing the same on the light-house at Cove point, in the Chesapeake bay, being the amount of an appropriation for that purpose, which will be carried to the surplus fund, one thousand two hundred dollars;

For a light-house at the mouth of Chefuncte river, being the amount of a former appropriation for that object, which will be carried to the surplus fund, five thousand dollars;

For two small beacon-lights on Cockspur island, at the mouth of Savannah river, including four thousand dollars already appropriated, which will be carried to the surplus fund, seven thousand dollars;

For survey of the coast of the United States including arrears of compensation and expenses of the superintendent, estimating his compensation at three thousand dollars per annum, and his expenses at the same rate, from August second, eighteen hundred and thirty-two, and including also, such additional payment to the army and navy officers employed upon the survey for their past services and expenses as the President may decide to be just and proper, sixty thousand dollars;

For completing the public warehouse at Baltimore, fifty thousand dollars;

For the custom-house at Boston, one hundred and fifty thousand dollars;

For refunding duties on railroad iron to the Lexington and Ohio Railroad Company, imported in eighteen hundred and thirty-two and eighteen hundred and thirty-three, per act of second July, eighteen hundred and thirty-six, one thousand nine hundred and eighty-four dollars;

For expense in relation to the relief of certain insolvent debtors of the United States, three thousand dollars;

For deficiency in the fund for the relief of the sick and disabled seamen, as establed by act of third May, eighteen hundred and two, twenty-five thousand dollars;

For the compensation to two keepers of the public archives in Florida, one thousand dollars;

For the discharge of such miscellaneous claims against the United States, not otherwise provided for, as shall be admitted in due course of settlement at the Treasury, twelve thousand dollars;

For an addition to the existing unexpended balances of appropriation for surveys of the public lands, to be duly apportioned to the several districts, according to the exigencies of the public service, one hundred and fifty thousand dollars;

For completing the surveys of unfinished portions of townships, island, lakes, &c. viz:

In Ohio, Indiana, Michigan, and Wisconsin, not exceeding five dollars per mile, three thousand and forty dollars;

In Florida, not exceeding five dollars per mile, six thousand dollars;

In Louisiana, not exceeding eight dollars per mile, twenty thousand dollars; and

In Alabama, not exceeding eight dollars per mile, one thousand dollars, in addition to two thousand five hundred dollars already appropriated;

For salaries of ministers of the United States, to Great Britian, France, Spain, and Russia, and outfits and salaries of ministers to Prussia and Austria, and for the outfit and salary of a diplomatic agent to be sent to the republic of Texas, whenever the President of the United States may receive satisfactary evidence that Texas is an independent Power, and shall deem it expedient to appoint such a minister, in addition to the balance remaining of the appropriation for eighteen hundred and thirty six, seventy-two thousand dollars;

For an outfit and salary for an envoy extraordinary and minister plenipotentiary to Mexico, whenever, in the opinion of the Executive, circumstances will permit a renewal of diplomatic intercourse honorably with that Power, eighteen thousand dollars;

For salaries of the secretaries of legation to Great Britian, France, Spain, Russia, Prussia, Mexico, and Austria, fourteen thousand dollars;

For salaries of the chargés des affaires to Portugal, Denmark, Sweden, Holland, Turkey, Belgium, Brazil, Chili, Peru, Mexico, Central America, New Granada, and Venezuela, fifty-eight thousand five hundred dollars;

For salary of the drogoman, and for contingent expenses of the legation to Turkey, six thousand five hundred dollars;

For outfit of a minister to Russia, nine thousand dollars.

For outfit of a chargé d'affaires to Belgium, four thousand five hundred dollars;

For contingent expenses of all the missions abroad, in addition to the balance remaining of a former appropriation, thirty thousand dollars;

For salaries of the consuls of the United States at London and Paris, four thousand dollars.

For expenses of intercourse with the Barbary Powers, seventeen thousand four hundred dollars;

For the relief and protection of American seamen in foreign countries, thirty thousand dollars;

For the contingent expenses of foreign intercourse, in addition to the balance remaining of former appropriations, thirty thousand dollars.

For clerk-hire, office rent, stationary, and other expenses in the office of the American consul in London, per act of nineteenth of January, eighteen hundred and thirty-six, two thousand eight hundred dollars.

For interpreters, guards, and other expenses incidental to the consulates in the Turkish dominions, five thousand five hundred dollars;

For salary of the principal and assistant librarians; compensation of assistant during the two sessions of the twenty-fourth Congress; messenger, and contingent expenses of the library, four thousand two hundred and forty-three dollars;

For the purchase of books for the library of Congress, five thousand dollars;

For furnishing such members of the present House of Representatives as have not received the same, under former orders of the House, the Diplomatic Correspondence, American State Papers, Register of Debates, Elliot's Debates, and the first volume of the Land Laws, forty-four thousand four hundred and ninety dollars and twenty-eight cents: *Provided*, That, if there are any surplus books, copies of which have been distributed to former members, in the Library of Congress, there shall be distributed one copy to each of the said members who has not received the same;

For the purchase of the manuscripts of the late Mr. Madison, referred to in a letter from Mrs. Madison to the President of the United States dated fifteenth November, eighteen hundred and thirty-six, and communicated in his message of sixth December, eighteen hundred and thirty-six, thirty thousand dollars;

For the service of the General Post Office, for the year eighteen hundred and thirty-seven, in conformity to the act of the second July, eighteen hundred and thirty-six, viz:

For transportation of the mails, compensation of postmasters, ship, steamboat, and way letters, wrapping-paper, office furniture, advertising, mail bags, blanks, mail locks and keys, and stamps, mail depredations and special agents, clerks for offices, and miscellaneous expenses, four millions four hundred and ninety-four thousand dollars;

For payment to A. Fuller, and the rent of the building now occupied as a General Post Office, from the sixteenth December last, and for the year eighteen hundred and thirty-seven, five thousand dollars;

For guarding the site of the old Post Office, and preserving the public property, two thousand dollars;

For the expenses of the branch mint at New Orleans, for the year eighteen hundred and thirty-seven, viz:

For salaries of officers and clerks, twelve thousand nine hundred dollars;

For compensation to laborers in the various departments, thirteen thousand dollars;

For completing the mint edifice, and enclosing the lot, ninety-six thousand five hundred dollars;

For furnishing the whole establishment, inclusive of all apparatus, tools, and fixtures, not included in the contracts, fifteen thousand five hundred dollars;

For wastage of gold and silver, and for the contingent expenses of the mint, eighteen thousand six hundred dollars;

For expenses of the branch mint at Dahlonega, Georgia, for the year eighteen hundred and thirty-seven, viz:

For salaries of officers and clerks, six thousand dollars;

For compensation to laborers, one thousand five hundred dollars;

For furnishing the establishment with all the apparatus, tools, and fixtures, not included in the contracts, seven thousand dollars;

For wastage of gold, and for the contingent expenses of the mint, five thousand five hundred dollars;

For expenses incurred in eighteen hundred and thirty-six, for the edifice and machinery, more than the amount appropriated in the act of eighteen hundred and thirty-five, two thousand dollars;

For the expenses of the branch mint at Charlotte, North Carolina, for the year eighteen hundred and thirty-seven, viz:

For salaries of officers and clerks, six thousand dollars.

For compensation to laborers, one thousand five hundred dollars;

For furnishing the establishment with all the apparatus, tools, and fixtures, not included in the contracts, six thousand dollars;

For wastage of gold, and for the contingent expenses of the mint, five thousand five hundred dollars;

For enclosing the grounds, repairing a building on the lot, and for out-houses, seven thousand dollars;

For furniture of the President's house, twenty thousand dollars;

For the taxes on the arsenal near Philadelphia, for the years eighteen hundred and thirty-five and eighteen hundred and thirty-six, one thousand four hundred and fifty dollars and fifty cents;

For the salaries of the registers and receivers of land offices where there are no sales, including one thousand seven hundred and six dollars and thirty-four cents, carried to the surplus fund, two thousand five hundred dollars;

For the construction of the Treasury building, for the year eighteen hundred and thirty-seven, in addition to the amount unexpended in eighteen hundred and thirty-six, two hundred and fifty-seven thousand dollars;

For the construction of the Patent Office, in addition to former appropriations, one hundred thousand dollars;

For surveying unfinished portions of townships, islands, and lakes, in Arkansas, at the rate of six dollars per mile, six thousand dollars;

For compensation to George Watterston, for his services in preparing a statement of the persons imprisoned for debt in this District, since one thousand eight hundred and twenty, under a resolution of the House of Representatives, six hundred dollars;

For building a light-house at or near Michigan city, being an amount heretofore appropriated for the same purpose, and carried to the surplus fund, five thousand dollars;

For rebuilding the lazaretto and wharf near the city of Baltimore, thirty thousand dollars;

For arrearages for the expenses of the Legislative Assembly of the Territory of Wisconsin, for the year one thousand eight hundred and thirty-six, fifteen thousand seven hundred and thirty dollars and sixteen cents;

For the expenses of the same, for the year one thousand eight hundred and thirty-seven, thirty-six thousand seven hundred and sixty-five dollars;

For an outfit and salary of a chargé d'affaires to Naples, nine thousand dollars;

For alterations and repairs of the Capitol, and incidental expenses, three thousand six hundred dollars;

For lighting lamps and superintendence of the public

grounds around the Capitol, five thousand one hundred and sixty four dollars;

To enable the President to cause the southwestern boundary line of the United States to be run, the following sums, viz:

For the salary of a commissioner, two thousand five hundred dollars;

For the salary of a surveyor, two thousand dollars; and for contingencies, including the purchase of necessary instruments, wages to attendants, and other expenses, ten thousand dollars: *Provided*, That said commissioner and surveyor be appointed with the advice and consent of the Senate;

For exploring and surveying the north and east boundary line of the United States, where the same has not already been surveyed, and establishing monuments thereon, agreeably to the definitive treaty of peace of seventeen hundred and eighty-three, to be expended under the direction of the President of the United States, twenty thousand dollars;

For enlarging the public stable at the Capitol, and the erection of a shed for the protection of the tools, implements, and materials, twelve hundred dollars;

For completing the improvements commenced, by extending the Capitol square west, forty thousand dollars;

For alterations and repairs of the President's house, and for superintendence of the grounds around the same, seven thousand three hundred dollars;

For compensation to the gardener employed in superintending the Capitol square and other public grounds, one thousand dollars;

For clerk hire, mileage, pay of witnesses, serving subpœnas, and other incidental expenses, under the orders of the select committees of inquiry appointed by the House of Representatives, twenty-five thousand dollars, in addition to the contingent fund of said House;

For an outfit of a chargé d'affaires to New Granada, four thousand five hundred dollars;

For balance due the acting Governor of Michigan, according to an account adjusted by the accounting officers, seven hundred and twenty dollars and fifty-one cents;

For completing surveys of unfinished portions of townships, islands, lakes, &c. in Missouri, not exceeding five dollars per mile, seventeen thousand five hundred dollars;

For completing the light-house at Oswego, New York, seven hundred and fifteen dollars;

For payment of arrearages due contractors on the Cumberland road in Ohio, being the balance of an appropriation carried to the surplus fund on the thirty-first December, eighteen hundred and thirty-six, twelve hundred and twenty-five dollars and forty-one cents;

For compensation to Daniel Graham, late Secretary of the State of Tennessee, for his services performed at the request of the Commissioner of the General Land Office, in order to answer a call of the House of Representatives, made on twentieth January, eighteen hundred and twenty-nine, two hundred and fifty dollars;

For the expense of bringing to the seat of Government the votes for President and Vice President of the United States, in addition to a former appropriation, two thousand two hundred dollars;

For compensation of the Senators and Representative elected by Michigan, twelve hundred and forty-eight dollars;

For the payment of a balance due for the expenses of the Legislative Council of Michigan Territory, two thousand and fifty-seven dollars and seventy-two cents;

For fulfilling the contracts made with John Vanderlyn, Henry Inman, Robert Wier, and John G. Chapman, by the Joint Committee of Congress under the joint resolution of the twenty-third day of June, one thousand eight hundred and thirty-six, for the execution of four historical paintings for the vacant panels of the rotundo of the Capitol, eight thousand dollars;

To enable the President of the United States to contract for two groups of statues, to adorn the two blockings on the east front of the Capitol, eight thousand dollars;

To Mr. Auger, for the bust of the late Chief Justice Ellsworth, four hundred dollars;

To enable the Secretary of the Treasury to employ for one year, a competent person to classify and arrange, translate when necessary, and make suitable records of the papers and documents connected with the private land claims, which, at sundry periods, have been presented to, and acted on, by the Commissioner, or the registers and receivers acting as commissioners on private land claims for the district east of the island of New Orleans and west of Pearl river, in the State of Louisiana, the sum of two thousand dollars;

For pay and mileage of the members of the Senate for the extra session to commence on the fourth day of March instant, thirteen thousand eight hundred and seventy-five dollars;

For stationary, fuel, printing, and all other contingent expenses of the Senate for the extra session to commence on the fourth day of March instant, five thousand dollars;

For the expenses of the distribution in boxes, and by the ordinary modes of transportation, of the compilation of the State Papers printed by Gales and Seaton, as directed by the joint resolution of the tenth day of July, one thousand eight hundred and thirty-two, to the several States, Territories, colleges, and athenæums of the United States, one thousand five hundred dollars;

For the purchase of nineteen copies of the American State Papers, printed by Gales and Seaton, pursuant to the resolution of the Senate of the first day of March instant, four thousand five hundred and eighty-eight dollars and fifty cents;

For two hundred and forty-four copies of the Debates of the First Congress, and of the Register of Debates to the end of the present Congress, as published by Gales and Seaton, to be distributed to the members of the present House, fifteen thousand five hundred dollars;

For compensation to the commissioner, secretary, and clerk, and the contingent expenses of the commission under the convention with Spain, eight thousand two hundred dollars;

To authorize the President of the United States to procure new dies to renew the medal directed to be made in honor of Brigadier General Daniel Morgan, by the act of the second day of July, one thousand eight hundred and thirty-six, in case the original dies for the said medal cannot be found, one thousand dollars;

For improving the crypt of the Capitol, by closing the openings on the east front with sash doors, making double doors to the outer entrances, and repairing furnaces, eleven hundred and fifty dollars;

For making the post office, document, folding, and library rooms of the House of Representatives fire-proof, three thousand one hundred and fifty dollars;

To complete the enclosing the garden and grounds of the naval magazine and marine hospital, one hundred dollars;

For conducting water along the Pennsylvania avenue from the pipes at the Capitol to the Treasury and General Post Office buildings, with the necessary fire-plugs to water the avenue, ten thousand dollars;

For the purchase of a fire-engine, apparatus, and engine-house for the War and Navy Departments, seven thousand two hundred and twenty-five dollars;

For the purchase of a fire-engine and apparatus for the Treasury building, and the enlargement of the engine-house, five thousand five hundred and twenty-five dollars;

For paying William P. Elliot for drawings of the Treasury building and Patent Office, three hundred dollars;

For constructing a dwarf wall and fence from the south-

west corner of the President's house, to intersect the new fence near the north corner of the Navy Department, one thousand three hundred dollars;

For the support of the penitentiary for the District of Columbia, for the year eighteen hundred and thirty-seven: for pay of officers and agents; for repairs to buildings; for purchase of raw materials; for rations, clothing, beds, and bedding of prisoners; for purchase of fuel; for purchase of hospital stores and medicines; for purchase of books and stationary; for purchase of horse-feed; for allowance to discharge convicts; and for other contingent expenses, the sum of twelve thousand five hundred and five dollars and thirty-nine cents, to be paid out of any money in the Treasury not otherwise appropriated, and to be expended under the direction of the board of inspectors;

For the erection of a plain substantial fence around the burying-ground at Fort Gibson, in the State of Arkansas, five hundred dollars;

For surveys of the public lands in the district composed of the States of Illinois and Missouri, in addition to the appropriation hereinbefore made for the surveys of the public lands, thirty-six thousand dollars;

For the compensation of additional clerks and a topographer to be employed in the Post Office Department, ten thousand two hundred dollars;

For the compensation of additional clerks to be employed in the office of the Auditor of the Treasury for the Post Office Department, six thousand dollars;

For law books for the library of Congress, five thousand dollars, to be expended in the purchase of such books, a catalogue of which shall be furnished by the Chief Justice of the United States.

Sec. 2. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized to pay to the collectors, deputy collectors, naval officers, surveyors, and their respective clerks, together with the weighers, gaugers, measurers, and markers of the several ports of the United States, out of any money in the Treasury not otherwise appropriated, such sums as will give to the said officers, respectively, the same compensation in the year one thousand eight hundred and thirty-seven, according to the importations of that year, as they would have been entitled to receive if the act of the fourteenth of July, one thousand eight hundred and thirty-two, had not gone into effect: *Provided*, That no officer shall receive, under this act, a greater annual salary or compensation than was paid to such officer for the year one thousand eight hundred and thirty-two; and that in no case shall the compensation of any other officers than collectors, naval officers, surveyors, and clerks, whether by salaries, fees, or otherwise, exceed the sum of fifteen hundred dollars each per annum; nor shall the union of any two or more of those offices in one person, entitle him to receive more than that sum per annum: *Provided, further*, That the said collectors, naval officers, and surveyors shall render an account quarterly to the Treasury; and the other officers herein named or referred to shall render an account quarterly to the respective collectors of the customs where they are employed, to be forwarded to the Treasury, of all the fees and emoluments whatever by them respectively received, and of all expenses incidental to their respective offices; which accounts shall be rendered on oath or affirmation, and shall be in such form, and supported by such proofs, to be prescribed by the Secretary of the Treasury, as will, in his judgment, best enforce the provisions of this section, and show its operation and effect: *Provided, also*, That in the event of any act being passed by Congress at the present session to regulate and fix salaries or compensation of the respective officers of the customs, then this section shall operate and extend to the time such act goes into effect, and no longer: *Provided, however*, That the Secretary of the Treasury be authorized to extend to the collectors at such other ports where a surplus of emoluments have been accounted for and paid into the Treasury in the year eighteen hundred and thirty-two, the privilege granted to the collector of New York; to take effect from the first day of January last.

Sec. 3. *And be it further enacted*, That the clerks in the Departments of State, Treasury, Navy, and War, and of the two Houses of Congress, and the librarians of Congress, whose salaries are less than two thousand dollars, shall, in addition thereto, be allowed the following increase of annual compensation, from the first day of January last, to the end of the next session of Congress, viz: such of said clerks whose annual compensation does not exceed one thousand dollars, an addition of twenty per cent. thereto; such of said clerks whose annual compensation exceeds one thousand dollars, an addition of ten per cent. thereto; and twenty per cent. in addition to the salaries of messengers and assistant messengers employed in the respective offices, and the library of Congress; the amount of increase of compensation provided for in this section, to be paid out of any money in the Treasury not otherwise appropriated: *Provided*, That nothing in this section shall be so construed as to affect the salaries of any clerks whose salaries have been fixed by any law of the last or present session of Congress: *Provided*, That no further extra allowance be given for any extra services performed by them under any law or resolution of Congress.

Approved March 3, 1837.

AN ACT supplementary to the act entitled "An act to amend the judicial system of the United States."

Be it enacted, &c., That the Supreme Court of the United States shall hereafter consist of a chief justice, and eight associate judges, any five of whom shall constitute a quorum; and for this purpose there shall be appointed two additional justices of said court, with the like powers, and to take the same oaths, perform the same duties, and be entitled to the same salary, as the other associate judges. Hereafter, the districts of Vermont, Connecticut, and New York shall constitute the second circuit; the district of New Jersey, the eastern and western districts of Pennsylvania, shall constitute the third circuit; the district of Maryland and the district of Delaware shall constitute the fourth circuit; the districts of Virginia and the district of North Carolina shall constitute the fifth circuit; the districts of South Carolina and Georgia shall constitute the sixth circuit; the districts of Ohio, Illinois, and Michigan shall constitute the seventh circuit; and the circuit courts shall be held at Columbus, in the Ohio district, on the third Mondays in May and December; at Detroit, in the Michigan district, on the fourth Monday in June; at Indianapolis, in the Indiana district, on the first Monday in December; at Vandalia, in the Illinois district, on the last Monday in November, in each year; the districts of Kentucky, east and west Tennessee, and Missouri, shall form and be called the eighth circuit; and the districts of Alabama, the eastern district of Louisiana, the district of Mississippi, and the district of Arkansas shall form and be called the ninth circuit.

Sec. 2. *And be it further enacted*, That the sessions of said circuit courts shall be held twice in each year in the following districts, to wit: commencing in the eastern district of Louisiana, at New Orleans, on the third Monday of May and on the third Monday of November, annually; in the district of Mississippi, at Jackson, on the first Monday of May and on the first Monday of November, annually; in the southern district of Alabama, at Mobile, on the second Monday of April and the second Monday of October, annually; in the western district of Pennsylvania, at Pittsburg, on the third Mondays of May and November, annually; in the district of Delaware, at Newcastle, on the Tuesday next following the fourth Monday of May, and at Dover on the Tuesday next following the third Monday of October, annually; and in the district of Maryland, at Baltimore, on the

first Monday of April and the first Monday of October, annually; in the northern district of New York, at Albany, on the second Tuesday of June and the third Tuesday of October, annually; and there shall be holden a term of said circuit courts, annually, at Lewisburg, in the western district of Virginia, commencing on the first Monday of August; at Huntsville, in the northern district of Alabama, commencing on the first Monday of June; at St. Louis, in the district of Missouri, commencing on the first Monday of April; and at Little Rock, in the district of Arkansas, on the fourth Monday of March; and that no process, recognizance, or bail bond, returnable to the next term of either of said courts, shall be avoided or impaired, or affected by this change, as to the commencement of said term; but that all process, bail bonds, and recognizances returnable to the next term of either of said courts, shall be returnable and returned to the court next held, according to this act, in the same manner as if so made returnable on the face thereof, and shall have full effect accordingly; and that all continuances in either of said courts shall be from the last term to the court appointed by this act, and the day herein appointed for the commencement of the next session thereof: *Provided*, That nothing herein contained shall prevent the judge of the northern district of New York from holding the courts at Utica, nor the judge of the western district of Pennsylvania from holding the courts at Williamsport, at the same time and with the same power and jurisdiction as heretofore.

Sec. 3. *And be it further enacted*, That so much of any act or acts of Congress as vests in the district courts of the United States for the districts of Indiana, Illinois, Missouri, Arkansas, the eastern district of Louisiana, the district of Mississippi, the northern district of New York, the western district of Virginia, and the western district of Pennsylvania, and the districts of Alabama, or either of them, the power and jurisdiction of circuit courts, be, and the same is hereby, repealed; and there shall hereafter be circuit courts held for said districts by the chief or associate justices of the Supreme Court, assigned or allotted to the circuit to which such districts may respectively belong, and the district judges of such districts severally and respectively; either of whom shall constitute a quorum; which circuit courts, and the judges thereof, shall have like powers and exercise like jurisdiction as other circuit courts and the judges thereof; and the said district courts, and the judges thereof, shall have like powers and exercise like jurisdiction as the district courts, and the judges thereof, in the other circuits. From all judgments and decrees rendered in the district courts of the United States for the western district of Louisiana, writs of error and appeals shall lie to the circuit court in the other district in said State, in the same manner as from decrees and judgments rendered in the districts within which a circuit court is provided by this act.

Sec. 4. *And be it further enacted*, That all actions, suits, prosecutions, causes, pleas, process, and other proceedings, relative to any cause, civil or criminal, (which might have been brought, and could have been, originally, cognizable in a circuit court,) now pending in or returnable to the several district courts of Indiana, Illinois, Missouri, Mississippi, Arkansas, Michigan, the eastern district of Louisiana, the districts of Alabama, the northern district of New York, the western district of Pennsylvania, and western district of Virginia, acting as circuit courts on the first day of April next, shall be, and are hereby declared to be, respectively transferred, returnable, and continued to, the several circuit courts constituted by this act, to be holden within the said districts respectively; and shall be heard, tried, and determined therein, in the same manner as if originally brought, entered, prosecuted, or had, in such circuit courts. And the said circuit courts shall be governed by the same laws and regulations as apply to the other circuit courts of the United States; and the clerks of the said courts, respectively, shall perform the same duties, and shall be entitled to receive the same fees and emoluments, which are by law established for the clerks of the other circuit courts of the United States. The allotment of their chief justice and the associate justices of the said Supreme Court to the several circuits shall be made as heretofore.

Sec. 5. *And be it further enacted*, That all acts and provisions inconsistent with this act be, and the same are hereby, repealed.

Approved March 3, 1837.

AN ACT to authorize the proper officers of the Treasury Department to credit the account of the Treasurer of the United States with the amount of unavailable funds standing to his debit on the books of the Treasury, to transfer the amount of the debit of banks and individuals indebted for the same, and to authorize the Secretary of the Treasury to compromise and settle said claims.

Be it enacted, &c., That the proper accounting officers of the Treasury be, and they are hereby, authorized to credit the account of the Treasurer of the United States with the amount of the unavailable funds, whether charged to John Campbell, or his predecessors, and to transfer the amount to the debit of the banks and individuals, respectively, that may be indebted for the same.

Sec. 2. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized to compromise and finally settle the claims of the United States, of the above description, against said banks and individuals who have proved insolvent, or failed to make punctual payments, on such terms and conditions as he may deem most conducive to the interests of the United States: *Provided*, That this act shall not authorize any compromise of the debt due from the Allegany Bank of Pennsylvania.

AN ACT to amend an act entitled "An act for laying off the towns of Fort Madison and Burlington, in the county of Des Moines, and the towns of Belleview, Du Buque, and Peru, in the county of Du Buque, and Mineral Point, in the county of Iowa, Territory of Wisconsin, and for other purposes," approved July second, eighteen hundred and thirty-six.

Be it enacted, &c., That all acts and duties required to be done and performed by the Surveyor for the Territory of Wisconsin, under the act to which this is an amendment, shall be done by a board of commissioners of three in number, any two of whom shall be a quorum to do business; said commissioners to be appointed by the President of the United States, and shall, previous to their entering upon the discharge of their duties, take an oath or affirmation to perform the same faithfully and impartially: *Provided*, That the action of the commissioners appointed under the present act shall not interfere with any of the acts performed by the Surveyor General, prior to the time of the passage hereof, in pursuance of instructions under the act to which this is amendatory.

Sec. 2. *And be it further enacted*, That the said commissioners shall have power to hear evidence and determine all claims to lots arising under the act to which this is an amendment; and for this purpose, the said commissioners are authorized to administer all oaths that may be necessary, and reduce to writing all the evidence in support of claims to pre-emption presented for their consideration; and when all the testimony shall have been heard and considered, the said commissioners shall file with the proper register and receiver for the district within which the towns are situated respectively, the testimony in each case, together with a certificate in favor of each person having the right of pre-emption under the provisions of the act to which this is amendatory; and upon making payment to the proper receiver of public moneys for the lot or lots to which such person is entitled, the receiver shall grant a receipt

therefor, and the register issue certificates of purchase, to be transmitted to the Commissioner of the General Land Office, as in other cases of the sale of public lands.

Sec. 3. *And be it further enacted*, That the proper register and receiver of public moneys, after the board of commissioners have heard and determined all the cases of pre-emption under the act to which this is an amendment, shall expose the residue of the lots to public sale to the highest bidder, after advertising the same in three public newspapers at least three months prior to the day of sale, in the same manner as is provided for the sale of public lands in other cases; and after paying the commissioners the compensation heafter allowed them, and all other expenses incident to the said survey and sale, the receiver of the land office shall pay over the residue of the money he may have received from the sale of lots aforesaid, by pre-emption as well as at public auction, into the hands of the trustees of the respeetive towns aforesaid, to be expended by them in the erection of public buildings, the construction of suitable wharves, and the improvement of the streets in the said towns of Fort Madison, Burlington, Belleview, Du Buque, Peru, and Mineral Point.

Sec. 4. *And be it further enacted*, That the commissioners appointed to carry this act into effect, shall be paid by the receiver of public moneys of the proper land district, six dollars each, per day, for their services, for every day they are necessarily employed.

Approved March 3, 1837.

AN ACT to continue in force for a limited time the act entitled "An act to carry into effect a convention between the United States and Spain."

Be it enacted, &c., That the provisions of the act entitled "An act to carry into effect a convention between the United States and Spain," approved on the seventh day of June, one thousand eight hundred and thirty six, be, and the same are hereby, extended until the first day of February, one thousand eight hundred and thirty-eight; and the commissioner appointed under the said act shall, on or before the said day, terminate his duties.

Approved March 3, 1837.

AN ACT for the more equitable administration of the navy pension fund.

Be it enacted, &c., That if any officer, seaman, or marine have died or may hereafter die, in the naval service, leaving a widow, and if no widow, a child or children, such widow, and if no widow, such child or children shall be entitled to receive half the monthly pay to which the deceased would have been entitled, under the acts regulating the pay of the navy, in force on the first day of January, one thousand eight hundred and thirty-five, to commence from the time of the death of such officer, seaman, or marine; but in case of the death or intermarriage of such widow, the half-pay shall go to the child or children of such deceased officer, seaman, or marine: *Provided*, That the half-pay granted to the child or children shall cease on their death, or on their attaining the age of twenty-one years.

Sec. 2. *And be it further enacted*, That the pensions which may have been granted, or which may hereafter be granted, to officers, seamen, and marines, in the naval service, disabled by wounds or injuries received while in the line of their duty, shall be considered to commence from the time of their being so disabled, and that the amount of pension to which said officers, seamen, and marines, may be entitled, shall be regulated according to the pay of the navy as it existed on the first day of January, one thousand eight hundred and thirty-five.

Sec. 3. *And be it further enacted*, That all acts, and parts of acts which may be inconsistent with the provisions of this act, be, and the same are hereby repealed, so far as they may elate thereto.

Approved March 3, 1837.

AN ACT for the appointment of commissioners to adjust the claims to reservations of land under the fourteenth article of the treaty of eighteen hundred and thirty, with the Choctaw Indians.

Be it enacted, &c., That there shall be appointed by the President, by and with the advice and consent of the Senate, three commissioners, whose duty it shall be to meet in the State of Mississippi, at such time and place as the President shall appoint and designate, and there proceed to ascertain the name of every Choctaw Indian who was the head of an Indian family at the date of the treaty at Dancing Rabbit creek, who has not already obtained a reservation under said treaty, and who can show by satisfactory evidence, that he or she complied or offered to comply with all the requisites of the fourteenth article of said treaty, to entitle him or her to a reservation under said article; and also the number and names of all the unmarried children of such heads of families, who formed a part of the family and were over ten years of age, and likewise the number and names of the children of such heads of families as were under ten years of age, and report to the President, to be, by him, laid before Congress, all the names of such Indians, and the different sections of land to which such heads of families were respectively entitled, together with the opinions of the commissioners, and whether any part of said lands have been sold by the Government, and the proofs applicable to each case.

Sec. 2. *And be it further enacted*, That before entering upon their duties, each of said commissioners shall, before some judge or justice of the peace, take an oath faithfully to discharge the duties imposed by this act.

Sec. 3. *And be it further enacted*, That said commissioners are hereby authorized to appoint a secretary, whose duty it shall be to record correctly all the proceedings of said board, and faithfully preserve the same, as well as all depositions and other papers filed before said board, and who shall shall take an oath to discharge the duties imposed on him by this act.

Sec. 4. *And be it further enacted*, That upon the request of the commissioners, it shall be the duty of the district attorney of the State of Mississippi to attend said board, and give his assistance in procuring the attendance of witnesses, and his aid and advice in their examination, the better to enable the commissioners to ascertain the facts correctly in each case.

Sec. 5. *And be it further enacted*, That each of said commissioners shall receive, while in the discharge of the duties hereby imposed, a salary at the rate of three thousand dollars per annum, the secretary a salary at the rate of fifteen hundred dollars per annum, and the district attorney a salary at the rate of two thousand dollars per annum, to paid quarterly out of any money in the Treasury not otherwise appropriated.

Sec. 6. *And be it further enacted*, That said commissioners shall have full power to summon and cause to come before them, such witnesses as they may deem necessary, and to have them examined on oath, and if any witness shall testify falsely, with an intention to mislead said commissioners, such witness shall be guilty of wilful and corrupt perjury, and shall, upon conviction before any jurisdiction having cognizance thereof, suffer the punishment by law inflicted on those guilty of that offence.

Sec. 7. *And be it further enacted*, That nothing contained in this act shall be so construed as to sanction what is called contingent locations which have been made by George M. Martin, for the benefit of such Indians as were supposed to have been entitled to other lands, which have been sold by the United States; such contingent locations having been made without any legal authority: it being the true intent of this act to reserve to Congress the power of doing that which may appear just when a correct knowledge of all the facts is obtained.

Sec. 8. *And be it further enacted*, That this act shall be in force to the first day of March, eighteen hundred and thirty-eight, next, and no longer.

Approved March 3, 1837.

AN ACT making appropriations for building light-houses, light-boats, beacon-lights, buoys, and dolphins, for the year one thousand eight hundred and thirty-seven.

Be it enacted, &c., That the following appropriations be, and the same are hereby, made, and directed to be paid out of any money in the Treasury not otherwise appropriated, to enable the Secretary of the Treasury to provide, by contract, for building light-houses, beacon-lights, and for other purposes hereinafter mentioned.

State of Maine.

For a light-house to be erected on a proper site on Mark island, in Harpswell sound, five thousand dollars; for a light-house to be erected on a proper site on Mount Desert island, at the entrance of Frenchman's bay, five thousand dollars; for a light-house on Ram island, at the mouth of Damariscotta river, five thousand dollars; for a fog-bell on Seguin island, at the entrance of Kennebec river, fifteen hundred dollars; for placing buoys on West Quoddy bay, and for substituting for the present fog-bell, at the entrance of said passage, a cast-steel triangular bell, or a bell of the usual form, but increased weight, one thousand five hundred dollars; for a light-house to be erected on a proper site at Spoon isle, in Penobscot bay, five thousand dollars; for a light-house to be erected on Saddleback ledge, in Penobscot bay, five thousand dollars; for a light-house to be erected on Eagle-island point, in Penobscot bay, five thousand dollars; for a light-house to be erected at the mouth of Pleasant river, five thousand dollars; for placing monuments on Fort-point ledge, Adams's ledge, and Buck's ledge, in Penobscot river, three thousand dollars; for erecting a beacon-light on Half-tide ledge, and two buoys about a mile and a half from the town of Sullivan, in the county of Hancock, three thousand dollars; for the erection of a light-house on York nubble, in the county of York, five thousand dollars; for a monument on Portersfield's ledge, lying between Owlshead and Goose-river point, and a spindle on another ledge lying near the Portersfield ledge, two thousand six hundred dollars.

State of New Hampshire.

For the erection of a pier on the east side of Whaleback light-house, to secure it form the force of the waves, three thousand dollars; for placing buoys at the entrance of Spruce creek, on the eastern edge of "Sunken rocks," and at the east side of Amazeen island, five hundred dollars; for placing buoys on "Cod rock," near Fort point, four hundred dollars.

State of Massachusetts.

For two small light-houses, should two be necessary, on proper sites, at or near Ipswich harbor, seven thousand dollars; for a light-house to be erected on a proper site at or near Ned's point, contiguous to the village of Mattapoisett, five thousand dollars; for three small light-houses on Nanset beach, Cape Cod, fifteen feet high, ten thousand dollars; for the erection of buoys upon the rocks and ledges at the entrance of the harbors of Lynn, Salem, Beverly, Marblehead, and Manchester, two thousand five hundred dollars; for placing buoys on Aldridge ledge, False spit, Hunt's ledge, Hospital-island ledge, Sculpion ledge, Governor's island point, and Little Farm bar, in Boston harbor, five hundred dollars; for erecting a beacon at the mouth of New Bedford harbor, two thousand dollars; for two small beacon-lights on the north side of Nantucket island, five hundred dollars. For placing a spindle in the harbor of Edgartown, and buoys, two hundred dollars; for erecting a light-house at Wing's neck, five thousand dollars; for buoys in the harbor of Mattapoisett, one hundred dollars; for buoys on Bay rock, the ledge on the shoal on the west side of Taunton river, opposite Fall river, six hundred dollars; for buoys at a place called Egypt, in Taunton river, one hundred dollars; for a beacon on Muscle-bed, and a beacon on Oyster-bed point, in Mount Hope bay, five thousand dollars; for a light-house on Mayo beach, in Wellfleet bay, one thousand dollars; for a buoy at Deep-hole rock, near Oyster island, on the south side of Barnstable, three hundred dollars.

State of Connecticut.

For rebuilding a light-house on a proper site, on Lynde point, at the mouth of Connecticut river, five thousand dollars; for placing buoys on Black-boy reef, Barney's reef, Stony-point reef, and Wheeler's rock, in the harbor of Killingworth, three hundred dollars; for a beacon already commenced on Round island, on Saybrook bar, fifteen hundred dollars; nine hundred dollars to meet the expenses of the work as far as executed, the balance to complete and secure the same; for placing buoys on the rocks in the harbor of Greenwich, three hundred dollars; for placing buoys in Mystic harbor, one hundred dollars; for a sea-wall to preserve the light-house, and other buildings on Fairweather island, near Black Rock harbor, five thousand dollars.

State of Rhode Island.

For a light-house on Papoose Squaw point, a place near to, but below the port of Bristol, five thousand dollars; for placing a buoy and beacon on South White rock, and a buoy on Charles rock, near the harbor of Wickford, one hundred dollars; for rebuilding and changing the location of the light on Block island, five thousand dollars; for eight dolphins and two buoys, northward of Field's point, in Providence river, one thousand dollars.

State of New York.

For a light-house on a proper site on Cumberland head, Lake Champlain, five thousand dollars; for the erection of a light-house on a proper site at Split-rock point, Lake Champlain, five thousand dollars; for a revolving or double light upon the south side of Execution rocks, opposite Sand's point, in Long island sound, five thousand dollars; for a light-house at Big Sandy creek, on Lake Ontario, county of Jefferson, five thousand dollars; for a light-house on Stony point, in the town of Henderson, in the county of Jefferson, three thousand dollars; for buoying out Gedney's channel, three thousand dollars; for a beacon-light at Silver-creek harbor, on Lake Erie, four thousand five hundred dollars; for a light-house on Flynn's Knoll, near Sandy Hook, two hundred thousand dollars, to be built under the direction of the engineer department; for a light-boat off Sandy Hook, twenty-five thousand dollars; for placing a beacon on Romer's shoal, near Sandy Hook, fifteen thousand dollars; for the erection of a light-house at Esopus meadows, on the west shore of the Hudson river, three thousand dollars; for placing a buoy on the wreck of a vessel sunk at Tappan bay, one hundred dollars; for a light-house on Cedar island, Sag harbor, one thousand dollars; for placing buoys in Sag harbor, two hundred dollars; for erecting a light-house at Roundout creek, on the Hudson river, five thousand dollars; for erecting a beacon-light at Dunkirk harbor, two thousand seven hundred dollars; for erecting a beacon-light at Van Buren harbor, two thousand seven hundred dollars; for a floating-light, to be stationed on or near the Middle Ground, so called, in Long Island sound, nearly abreast Straitford point, ten thousand dollars; for a light-house on Robin's reef, in the harbor of New York, fifty thousand dollars; for a light-house at Salmon-river harbor, three thousand dollars.

State of New Jersey.

For a light-house at the mouth of Cohansey creek, five thousand dollars; for the erection of a light-house at or near Egg island, near the entrance of Maurice river, five thousand dollars; for erecting a light-house near Abescum inlet, on the seacoast, in the State of New Jersey, to be so constructed as to be distinguished from the other light on the coast, five thousand dollars.

State of Pennsylvania.

For completing the beacon-light at the end of the pier which forms the entrance into the harbor of Erie, on Lake Erie, six hundred and seventy-four dollars.

State of Delaware.

For a light-house on the lower or southern end of Reedy island, in the Delaware bay, ten thousand dollars; for the erection of a light-house on the Brandywine shoal, in the Delaware bay, in addition to the sum already appropriated, fifteen thousand dollars, agreeably to the plan and estimate made by Hartman Bache, of the engineer corps; for mooring buoys in the harbor of the Delaware breakwater, two two thousand dollars.

State of Maryland.

For a light-house on a proper site on Sharp's island, in the Chesapeake bay, five thousand dollars; for placing buoys on the rivers Nanticoke, Manokin, Annamessex, Pocomoke, and Wicomico, Hooper's and Cajey's straits, and Tangier and Pocomoke sounds, the sum of two thousand five hundred dollars, in addition to a former appropriation; for erecting a light-house at Love point, in addition to the sum heretofore appropriated, one thousand dollars.

State of Virginia.

For the erection of a light-house on the south end of Hog island, on the Atlantic coast, five thousand dollars; for a light-boat on York river spit, or a light-house, ten thousand dollars. For removing the light-house at Old Point Comfort into Fortress Monroe, six thousand dollars; for a light-house in the Chesapeake, eight thousand dollars; for a light-house at Day's point, on James river, five thousand dollars, for a light-boat, or light-house, in the Potomac river, between Mathias point, in Virginia, and Maryland point, in the State of Maryland: *Provided*, On inquiry, the Secretary of the Treasury shall deem such light necessary to the safe and uninterrupted navigation of that section of the river Potomac, ten thousand dollars; for a new light-boat in the Chesapeake bay, eight thousand dollars; for a light-house at the mouth of Potomac creek, five thousand dollars.

State of North Carolina.

For a light-house off Powell's point, Albemarle sound, five thousand dollars, for rebuilding a light-house at Federal point, five thousand dollars; for a light-house on Pea island, near New inlet, five thousand dollars; for building a new light-boat at Long shoal, in Pamlico sound, ten thousand dollars.

State of South Carolina.

For light-houses or light-boats in the inlets of St. Helena and Port Royal, twenty thousand dollars; for the construction of five beacon-lights in Charleston harbor, six thousand dollars, in addition to the appropriation of the last session; the location of said lights to be changed, if deemed expedient by the Secretary of the Treasury.

State of Georgia.

For a light-house on the north end of Little Cumberland island, eight thousand dollars; for the erection of a light-house on the north end of Jekyl island, eight thousand dollars. For the placing of buoys and beacons, to render the entrance to the harbor of Brunswick secure and easy at all times, ten thousand dollars. For a light-house on Sapelo island, and for placing buoys and beacons at Doboy bar, and Sapelo bar, for the purpose of rendering safe and secure an entrance at all times to the city of Darien, five thousand dollars; for a floating-light to be anchored within Martin's Industry, ten thousand dollars.

State of Alabama.

For placing buoys in the harbor of Mobile, six hundred dollars; for the erection of a light-house on Sand island, opposite Mobile point, ten thousand dollars.

State of Ohio.

For a light-house on Turtle island, at the entrance of Maumee bay, in Lake Erie, eight thousand dollars; for a beacon-light on a proper site near the entrance of the harbor of Sandusky bay, two thousand five hundred dollars; for a beacon-light at or near Manhattan, three thousand dollars; for additional buoys to mark the channel at the mouth of the Miami of Lake Erie, and across Maumee bay, two hundred dollars; for a light-house on the south side of Cunningham island, in Lake Erie, three thousand dollars.

State of Indiana.

For a light-house at City West harbor, five thousand dollars; to complete the light-house at Michigan City, three thousand dollars.

State of Louisiana.

For a beacon-light at or near the southwest pass of Vermilion bay, five thousand dollars; for erecting a light-house at the pass between Lake Pontchartrain and Lake Maurepas, six thousand dollars; for erecting a light-house, and a house for the keeper, on St. Joseph's island, in Lake Borgne, twelve thousand dollars; for placing two buoys at Dolphin-island pass, two buoys at Pass Marianne, two buoys at Pass Christian, and two buoys at Heron pass, fifteen hundred dollars; for beacons and light-houses at the entrance of the harbor recently constructed on Lake Pontchartrain, at the canal above New Orleans, twenty-five thousand dollars; for erecting a light-house on Lake Pontchartrain, at the mouth of the Bayou St. John, ten thousand dollars; for beacons and light-houses at Port Pontchartrain, in addition to the sum heretofore appropriated, twenty thousand dollars.

State of Mississippi.

For the erection of a light-house at the mouth of Pearl river, in addition to the sum heretofore appropriated, five thousand dollars.

State of Michigan.

For a light-house on a proper site at the mouth of Grand river, five thousand dollars; for a light-house at a proper site at the mouth of Detroit river, five thousand dollars; for a light-house on Windmill island, at the outlet of Lake St. Clair, five thousand dollars; for erecting a light-house at the mouth of Saginaw river, five thousand dollars; for erecting a light-house at Wagoosbance, or Fox point, on the straits of Michilimackinac, five thousand dollars; for erecting a light-house at the mouth of Kalamazoo river, five thousand dollars.

Territory of Florida.

For a light-house on the most suitable site at or near the east entrance from the Gulf of Mexico into Appalachicola bay, to be selected by the Secretary of the Treasury, ten thousand dollars; for a light-house at the entrance of St. Joseph's bay, ten thousand dollars; for three buoys at the mouth of St. John's river, one thousand dollars; for buoys to mark the channel from the eastern pass into Appalachicola bay, to the town of Appalachicola, one thousand dollars; for a light-boat to be stationed at the northwest passage, twelve miles from Key West, ten thousand dollars; for buoys at the northwest passage and harbor of Key West, eight hundred dollars; for a light-house on the north point of Amelia island, eight thousand dollars; for rebuilding and changing the location of the light-house at Mosquito inlet, seven thousand dollars; for placing buoys on a rock in the outer harbor of Key West, five hundred dollars; for securing the foundation of the light-house on Sand Key, and for the attendance of a boat procured by the late keeper, one thousand six hundred and twenty dollars; for rebuilding the light-house at Cape Florida, ten thousand dollars; for a light-house on Carreyforce reef, on the southeastern extremity of the coast of Florida, twenty thousand dollars.

Territory of Wisconsin.

For erecting a light-house at the mouth of Milwaukee river, five thousand dollars; for erecting a light-house at the mouth of the Manitowac river, five thousand dollars; for a light-house at Chipewagan, five thousand dollars; for erecting a light-house at the entrance of Green bay, five thou-

sand dollars; for erecting a light-house at Root river, five thousand dollars.

Sec. 2. *And be it further enacted*, That before any of the improvements aforesaid are commenced, the Board of Navy Commissioners shall cause an examination to be made for the purpose of ascertaining whether the safety of navigation requires any additional facilities, and if so, what is most suitable for each place needing such additional facilities, and thereupon to report their opinion in regard to all such places as speedily as may be to the Secretary of the Treasury, who shall proceed with the works so recommended; but if the said Board, after causing such examination to be made, shall be of opinion that any of said improvements are not needed to facilitate the navigation, or that the navigation is so inconsiderable as not to justify the proposed works, or that the same are inexpedient from any cause, no further proceeding shall be had, and their opinions, with the facts, shall be reported to Congress.

Sec. 3. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized to adopt the improvements in lamps and lanterns of light-houses, and the mode of warming the same, invented by Isaac Dunham, if, in his opinion, after due examination and trial thereof, (if necessary,) said improvements shall be deemed of utility in respect to the saving of expense in repairs and support, or in respect to improving the lights: *Provided*, The right to adopt said improvements in the light-houses and light-boats of the United States can be obtained on terms which the Secretary shall deem reasonable.

Approved March 3, 1837.

AN ACT to authorize and sanction the sales of reserves, provided for Creek Indians in the treaty of March twenty-four, eighteen hundred and thirty-two, in certain cases, and for other purposes.

Be it enacted, &c., That the President of the United States may, and he is hereby authorized to, cause all the reserves belonging to the Creek Indians by virtue of the provisions of the treaty of March twenty-fourth, eighteen hundred and thirty-two, which shall remain unsold on the fourth day of April next, to be sold at public auction in the Creek country; after giving at least sixty days' notice of the time, place, and terms of sale in the public prints, and to cause patents to be issued to the purchasers of said reserves.

Sec. 2. *And be it further enacted*, That the President of the United States may, and he is hereby authorized to, confirm the sales by the widow, the widow and children, the children, or the lawful administrator of Creek Indians who have died, or who may die, prior to the fourth day of April next, without having legally disposed of said reserves, and to receive the purchase-money, or such portions of it as may not have been paid to the persons entitled to it, and to cause patents to be issued therefor to the purchasers: "*Provided*, That sales made by lawful administrators shall be entitled to a preference over sales made by widows and children."

Sec. 3. *And be it further enacted*, That the President may, and he is hereby authorized to, pay the persons entitled thereto, the money which may be received from the purchasers of reserves under the authority given in the two preceding sections, at such times, and in such amounts, as he shall deem best for the parties concerned; or, if he think proper, to invest the whole or any part of said purchase-money in stocks, and pay the interest to the persons entitled, in such amounts, and in such manner, as, in his opinion, will be most advantageous for them: *Provided*, That he may cause the principal of the sum or sums so invested to be paid to the persons entitled thereto, whenever he may think proper: *And provided, further*, That the provisions of this act shall be executed under such regulations and restrictions as the President may prescribe.

Sec. 4. *And be it further enacted*, That it may be lawful for the President of the United States to cause the sum of one dollar and twenty-five cents per acre to be paid to the Creek Indians whose names were omitted to be entered on the census-roll taken under the treaty of eighteen hundred and thirty-two, and to those whose names appear on said roll, but for whom no locations have been made, who shall appear, from proper evidence, to be justly entitled to reservations under the provisions of said treaty: *Provided*, That the sums thus payable under this section may be invested in stocks upon the same terms and conditions, and under the same regulations and restrictions, as are hereinbefore prescribed in respect to moneys payable under the first and second sections of this act: *Provided, further*, That no transfer by the person entitled under this section shall be valid.

Sec. 5. *And be it further enacted*, That, for the purpose of carrying into effect the provisions of the three first sections of this act, the sum of ten thousand dollars be and the same is hereby appropriated, together with such sum as may be necessary to carry into effect the fourth section thereof.

Approved March 3, 1837.

AN ACT explanatory of the act entitled "An act granting half-pay to widows and orphans where their husbands and fathers have died of wounds received in the military service of the United States, and for other purposes."

Be it enacted, &c., That the benefits of the third section of the act entitled "An act granting half pay to widows and orphans, where their husbands and fathers have died of wounds received in the military service of the United States, and for other purposes," approved the fourth day of July, eighteen hundred and thirty-six, shall not be withheld from any widow, in consequence of her having married after the decease of the husband for whose services she may claim to be allowed a pension or annuity under said act: *Provided*, That she was a widow at the time it was passed.

Sec. 2. *And be it further enacted*, That the widow of any person who continued in the service of the United States until the third day of November, seventeen hundred and eighty-three, and was married before that day, and while her husband was in such service, shall be entitled to the benefits of the third section of the aforesaid act.

Approved March 3, 1837.

AN ACT to continue the office of Commissioner of Pensions.

Be it enacted, &c., That the office of Commissioner of Pensions shall be and the same is hereby continued, until the fourth day of March, eighteen hundred and forty.

Sec. 2. *And be it further enacted*, That a Commissioner of Pensions shall be appointed by the President of the United States, by and with the advice and consent of the Senate; and that he shall execute, under the direction of the Secretary of War, such duties in relation to the various pension laws as may be prescribed by the President.

Sec. 3. *And be it further enacted*, That the said Commissioner shall receive an annual salary of three thousand dollars; and have the privilege of sending and receiving letters and packets by mail free of postage.

Approved March 3, 1837.

AN ACT to provide for certain harbors, and for the removal of obstructions in and at the mouths of certain rivers, and for other purposes, during the year one thousand eight hundred and thirty-seven.

Be it enacted, &c., That the following sums be, and the same are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for carrying on and completing certain works heretofore commenced, viz:

For continuing the improvement of the harbor of Chicago, Illinois, forty thousand dollars.

For continuing the construction of a harbor at Michigan city, Indiana, thirty thousand dollars.

For continuing the construction of a pier or breakwater at the mouth of the river St. Joseph, Michigan, fifteen thousand dollars.

For the continuation of the works at the harbor near the mouth of the river Raisin, Michigan, thirty thousand dollars.

For completing the channel of the Cocheco branch of the Piscataqua river, in the State of New Hampshire, five thousand dollars.

For continuing the improvement of the harbor at the mouth of Black river, in Jefferson county, State of New York, ten thousand dollars.

For continuing the improvement of the harbor at Whitehall, in the State of New York, ten thousand dollars.

For continuing the improvement of the channel at the mouth of Genesee river, in the State of New York, ten thousand dollars.

For improving the harbor of Mobile, in the State of Alabama, by removing the bar of the Choctaw pass, and Dog-river bar, fifty thousand dollars.

For continuing the removal of obstructions at Black river, Ohio, six thousand four hundred and ten dollars.

For continuing the removal of obstructions at the mouth of the Huron river, in Ohio, two thousand five hundred and sixty-five dollars.

For continuing the improvement of the navigation of the mouth of Vermilion river, Ohio, twenty thousand dollars.

For continuing the improvement of Cleaveland harbor, Ohio, ten thousand dollars.

For continuing the removal of obstructions at Cunningham creek, Ohio, five thousand dollars.

For continuing the removal of obstructions at Ashtabula creek, Ohio, eight thousand dollars.

For continuing the removal of obstructions at Conneaut creek, Ohio, five thousand dollars.

For continuing the improvement of the harbor of Presque Isle, Pennsylvania, fifteen thousand dollars.

For continuing the improvement of Dunkirk harbor, New York, fifteen thousand dollars.

For continuing the improvement of the harbor of Portland, Lake Erie, New York, ten thousand dollars.

For continuing the improvement of the harbor at Cattaraugus creek, Lake Erie, New York, ten thousand dollars.

For continuing the improvement of the harbor of Salmon river, Lake Ontario, New York, ten thousand dollars.

For continuing the improvement of the channel between the North and South Hero islands, Lake Champlain, Vermont, six thousand dollars.

For continuing the construction of a breakwater at Plattsburg, New York, ten thousand dollars.

For continuing the improvement of the harbor at the mouth of Oak-orchard creek, New York, five thousand dollars.

For continuing the pier at Kennebunk, Maine, three thousand dollars.

For continuing the improvement at Big Sodus bay, New York, twelve thousand dollars.

For continuing the pier and mole at Oswego harbor, New York, fifteen thousand dollars.

For placing buoys in the vicinity of the monument on Steele's ledge, Maine, being the unexpended balance of the appropriation of the twenty-eighth of June, eighteen hundred and thirty-four, for rebuilding the monument on Steele's ledge, four hundred and sixty-six dollars.

For continuing the construction of a breakwater at Burlington, Vermont, ten thousand dollars.

For continuing the breakwater on Stanford's ledge, Portland harbor, Maine, twenty-five thousand dollars.

For continuing the breakwater at Sandy bay, Massachusetts, twenty thousand dollars.

For continuing the breakwater at Hyannis harbor, Massachusetts, five thousand dollars.

For continuing the improvement of the channel of the river Thames, leading into Norwich harbor, Connecticut, twenty thousand dollars.

For continuing the securing of the public works at the harbor of Southport, Connecticut, one thousand dollars.

For improving the harbor of Westport, Connecticut, three thousand seven hundred and thirty-four dollars.

For continuing the improvement of the navigation of the Hudson river, above and below Albany, in the State of New York, one hundred thousand dollars; to be expended according to the plan and estimate recommended by the Secretary of War.

For continuing the repairs at the harbor of Chester, Pennsylvania, two thousand dollars.

For continuing the improvement of the harbor of Wilmington, Delaware, eight thousand dollars.

For continuing the improvement of the harbor of Newcastle, Delaware, ten thousand dollars.

For continuing the Delaware breakwater, and constructing a wharf or mole, pursuant to the report of Captain Delafield, one hundred and forty-one thousand dollars.

And that the sum of seventy thousand dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the erection of a marine hospital in the city of New Orleans, in that part of said city which shall be designated by the Secretary of the Treasury, and for the purchase of lands on which to erect said marine hospital; and that the President of the United States be, and he is hereby, authorized to select and cause to be purchased, for the use and benefit of sick seamen, boatmen, and all other navigators on the Western rivers and lakes, suitable sites for marine hospitals: *Provided*, That the number thereof shall not exceed for the river Mississippi three, for the river Ohio three, and for Lake Erie one; and to enable the President to make such selection and purchase, he may call to his aid one or more medical men of the army, not exceeding three in all, to examine and report on such sites, and to ascertain at what price the same can be had; and that the sum of fifteen thousand dollars be, and the same is hereby, appropriated, to effect the purchase thereof, to be paid out of any money in the Treasury not otherwise appropriated; and that suitable plans and estimates be prepared, under the direction of the Secretary of War, for the construction of said hospitals, and submitted to Congress, at the commencement of the next session thereof; and that the sum of ten thousand dollars be appropriated for the erection of a marine hospital in the city of Mobile: *Provided*, That the expenditures for the purchase of sites and the erection of hospitals at New Orleans and Mobile shall not exceed the amounts herein appropriated for these purposes; that from and after the first day of April next, all laws enacted whereby seamen are required to pay twenty cents a month, or their employers are required to retain that sum out of their wages, to create a fund for the sick and disabled seamen, shall be suspended for one year, during which no such exaction shall be made; and that instead of said tax there be appropriated, out of any money in the Treasury, not otherwise appropriated, the sum of one hundred and fifty thousand dollars, to be disbursed in the same manner as the sum above mentioned: *Provided, however*, That seamen and watermen who have not contributed to said fund, may receive relief to such extent, and under such regulations, as the President of the United States shall direct.

For continuing the improvement of the harbor of Baltimore, Maryland, fifteen thousand dollars.

For continuing the removal of obstructions at Ocracoke inlet, North Carolina, twelve thousand and fifty dollars.

For continuing the improvement of the navigation of Cape Fear river, below Wilmington, North Carolina, ten thousand dollars.

For opening a passage of fifty yards wide and seven feet deep at low water, between the town of Beaufort and Pamlico sound, North Carolina, and for improving New river, in addition to two sums of five thousand dollars each, appropriated at the last session of Congress for the harbor of Beaufort and for New river, twenty thousand dollars.

For continuing the improvements of the inland channel between St. Mary's and St. John's, Florida, five thousand dollars.

For continuing the improvement of the Cumberland river in Kentucky and Tennessee, according to the report of Col. Abert, United States engineer, dated February twenty-third, eighteen hundred and thirty-five, of the survey of said river, fifty-five thousand dollars.

For continuing the removal of obstructions in the Red river, sixty-five thousand dollars.

For continuing the improvement of the Ohio river between the falls and Pittsburg, sixty thousand dollars.

For continuing the improvement of the navigation of the Ohio and Mississippi rivers from Louisville to New Orleans, sixty thousand dollars.

For continuing the works for the removal of the obstructions to the navigation of the Mississippi river at its mouth, two hundred and ten thousand dollars.

For continuing the works for the removal of the obstructions to the navigation of the Arkansas river, in addition to the unexpended balance of thirty-five thousand dollars, the sum of twenty-five thousand dollars.

For continuing the improvement of the Mississippi river above the mouth of the Ohio, and of the Missouri river, forty thousand dollars.

For the erection of a pier in the Mississippi river, near St. Louis, including the sum of fifteen thousand dollars appropriated for that purpose at the last session of Congress, fifty thousand dollars.

For improving the navigation of the Ohio, Missouri, and Mississippi rivers, and to replace the steam snag-boat Archimedes, sunk in the Mississippi river in November last, twenty-three thousand dollars.

For continuing the survey of Black and White rivers in Arkansas and Missouri, one thousand dollars.

For making a survey from the southern debouche of the Dismal Swamp canal, down the Pasquotank river to Elizabeth, thence to Croatan sound, Pamlico and other sounds, near the coast of North Carolina; and thence by the most practicable route to Winyaw bay, in South Carolina, with a view to determine the practicability of opening an inland communication for steam navigation from the Chesapeake bay to Charleston, South Carolina, ten thousand dollars.

For improving the harbor of New Brunswick, New Jersey, by removing the obstructions in the Raritan river, in addition to the appropriation of July four, eighteen hundred and thirty-six, six thousand nine hundred and sixty-three dollars.

Sec. 2. *And be it further enacted*, That when the corporate authorities of the town of Alexandria shall deposite the stock held by them in the Alexandria Canal Company, in the hands of the Secretary of the Treasury, with proper and competent instruments and conveyances in law to vest the same in the Secretary of the Treasury and his successors in office, for and on behalf of the United States, to be held in trust upon the same terms and conditions in all respects as the stocks held in the Chesapeake and Ohio canal by the several cities of this District were required to be held in and by virtue of the act approved on the seventh day of June, eighteen hundred and thirty-six, entitled "An act for the relief of the several corporate cities of the District of Columbia," that the Secretary of the Treasury be, and he is hereby, authorized and directed to advance, out of any moneys in the Treasury not otherwise appropriated, to the Alexandria and Canal Company, from time to time, as the progress of the work may require the same, such sums of money, not exceeding three hundred thousand dollars, as may be necessary to complete the said canal to the town and harbor of Alexandria: *Provided*, That the Alexandria Canal Company, in the construction of the remaining piers, abutments, and works of their aqueduct over the Potomac river, are hereby prohibited and restrained from throwing earth or clay into the open river, and are required, with the money furnished by this bill, to remove all earth and clay heretofore deposited by them in the river.

Approved March 3, 1837.

AN ACT in addition to the act to promote the progress of science and useful arts.

Be it enacted, &c., That any person who may be in possession of, or in any way interested in, any patent for an invention, discovery, or improvement, issued prior to the fifteenth day of December, in the year of our Lord one thousand eight hundred and thirty-six, or in an assignment of any patent, or interest therein, executed and recorded prior to the said fifteenth day of December, may, without charge, on presentation or transmission thereof to the Commissioner of Patents, have the same recorded anew in the Patent Office, together with the descriptions, specifications of claim and drawings annexed or belonging to the same; and it shall be the duty of the Commissioner to cause the same, or any authenticated copy of the *of the* original record, specification, or drawing which he may obtain, to be transcribed and copied into books of record to be kept for that purpose; and wherever a drawing was not originally annexed to the patent and referred to in the specification, any drawing produced as a delineation of the invention, being verified by oath in such manner as the Commissioner shall require, may be transmitted and placed on file or copied as aforesaid, together with the certificate of the oath; or such drawings may be made in the office, under the direction of the Commissioner, in conformity with the specification. And it shall be the duty of the Commissioner to take such measures as may be advised and determined by the Board of Commissioners provided for in the fourth section of this act, to obtain the patents, specifications, and copies aforesaid, for the purpose of being so transcribed and recorded. And it shall be the duty of each of the several clerks of the judicial courts of the United States, to transmit, as soon as may be, to the Commissioner of the Pasent Office, a statement of all the authenticated copies of patents, descriptions, specifications, and drawings of inventions and discoveries made and executed prior to the aforesaid fifteenth day of December, which may be found on the files of his office; and also to make out and transmit to said Commissioner, for record as aforesaid, a certified copy of every such patent, description, specification, or drawing, which shall be specially required by said Commissioner.

Sec. 2. *And be it further enacted*, That copies of such record and drawings, certified by the Commissioner, or, in his absence, by the chief clerk, shall be *prima facie* evidence of the particulars of the invention and of the patent granted therefor, in any judicial court of the United States, in all cases where copies of the original record or specification and drawings would be evidence, without proof of the loss of such originals; and no patent issued prior to the aforesaid fifteenth day of December shall, after the first day of June next, be received in evidence in any of the said courts in behalf of the patentee or other person who shall be in possession of the same, unless it shall have been so recorded anew, and a drawing of the invention, if separate from the patent, verified as aforesaid, deposited in the Patent Office; nor shall any written assignment of any such patent, executed and recorded prior to the said fifteenth day of December, be received in evidence in any of the said

courts in behalf of the assignee or other person in possession thereof, until it shall have been so recorded anew.

Sec. 3. *And be it further enacted*, That whenever it shall appear to the Commissioner that any patent was destroyed by the burning of the Patent Office building on the aforesaid fifteenth day of December, or was otherwise lost prior thereto, it shall be his duty, on application therefor by the patentee or other person interested therein, to issue a new patent for the same invention or discovery, bearing the date of the original patent, with his certificate thereon that it was made and issued pursuant to the provisions of the third section of this act, and shall enter the same of record: *Provided, however*, That before such patent shall be issued, the applicant therefor shall deposite in the Patent Office a duplicate, as near as may be, of the original model, drawings, and description, with specification of the invention or discovery, verified by oath, as shall be required by the Commissioner; and such patent and copies of such drawings and descriptions, duly certified, shall be admissible as evidence in any judicial court of the United States, and shall protect the rights of the patentee, his administrators, heirs, and assigns, to the extent only in which they would have been protected by the original patent and specification.

Sec. 4. *And be it further enacted*, That it shall be the duty of the Commissioner to procure a duplicate of such of the models destroyed by fire on the aforesaid fifteenth day of December, as were most valuable and interesting, and whose preservation would be important to the public; and such as would be necessary to facilitate the just discharge of the duties imposed by law on the Commissioner in issuing patents, and to protect the rights of the public and of patentees in patented inventions and improvements: *Provided*, That a duplicate of such models may be obtained at a reasonable expense: *And provided, also*, That the whole amount of expenditure for this purpose shall not exceed the sum of one hundred thousand dollars. And there shall be a temporary board of commissioners, to be composed of the Commissioner of the Patent Office and two other persons to be appointed by the President, whose duty it shall be to consider and determine upon the best and most judicious mode of obtaining models of suitable construction; and, also, to consider and determine what models may be procured in pursuance of, and in accordance with, the provisions and limitations in this section contained. And said commissioners may make and establish all such regulations, terms, and conditions, not inconsistent with law, as in their opinion, may be proper and necessary to carry the provisions of this section into effect, according to its true intent.

Sec. 5. *And be it further enacted*, That, whenever a patent shall be returned for correction and reissue under the thirteenth section of the act to which this is additional, and the patentee shall desire several patents to be issued for distinct and separate parts of the thing patented, he shall first pay, in manner and in addition to the sum provided by that act, the sum of thirty dollars for each additional patent so to be issued: *Provided, however*, That no patent made prior to the aforesaid fifteenth day of December, shall be corrected and reissued until a duplicate of the model and drawing of the thing as originally invented, verified by oath as shall be required by the Commissioner, shall be deposited in the patent office;

Nor shall any addition of an improvement be made to any patent heretofore granted, nor any new patent be issued for an improvement made in any machine, manufacture, or process, to the original inventor, assignee, or possessor, of a patent therefor, nor any disclaimer be admitted to record until a duplicate model and drawing of the thing originally intended, verified as aforesaid, shall have been deposited in the Patent Office, if the Commissioner shall require the same; nor shall any patent be granted for an invention, improvement, or discovery, the model or drawing of which shall have been lost, until another model and drawing, if required by the Commissioner, shall, in like manner, be deposited in the Patent Office;

And in all such cases, as well as in those which may arise under the third section of this act, the question of compensation for such models and drawings shall be subject to the judgment and decision of the commissioners provided for in the fourth section, under the same limitations and restrictions as are therein prescribed.

Sec. 6. *And be it further enacted*, That any patent, hereafter to be issued, may be made and issued to the assignee or assignees of the inventor or discoverer, the assignment thereof being first entered of record, and the application therefor being duly made, and the specification duly sworn to by the inventor. And in all cases hereafter, the applicant for a patent shall be held to furnish duplicate drawings, whenever the case admits of drawings, one of which to be deposited in the office, and the other to be annexed to the patent, and considered a part of the specification.

Sec. 7. *And be it further enacted*, That, whenever any patentee shall have, through inadvertence, accident, or mistake, made his specification of claim too broad, claiming more than that of which he was the original or first inventor, some material and substantial part of the thing patented being truly and justly his own, any such patentee, his administrators, executors, and assigns, whether of the whole or of a sectional interest therein, may make disclaimer of such parts of the thing patented as the disclaimant shall not claim to hold by virtue of the patent or assignment, stating therein the extent of his interest in such patent; which disclaimer shall be in writing, attested by one or more witnesses, and recorded in the Patent Office, on payment by the person disclaiming, in manner as other patent duties are required by law to be paid, of the sum of ten dollars. And such disclaimer shall thereafter be taken and considered as part of the original specification, to the extent of the interest which shall be possessed in the patent or right secured thereby, by the disclaimant, and by those claiming by or under him subsequent to the record thereof. But no such disclaimer shall affect any action pending at the time of its being filed, except so far as may relate to the question of unreasonable neglect or delay in filing the same.

Sec. 8. *And be it further enacted*, That, whenever application shall be made to the Commissioner for any addition of a newly-discovered improvement to be made to an existing patent, or whenever a patent shall be returned for correction and reissue, the specification of claim annexed to every such patent shall be subject to revision and restriction, in the same manner as are original applications for patents; the Commissioner shall not add any such improvement to the patent in the one case, nor grant the reissue in the other case, until the applicant shall have entered a disclaimer, or altered his specification of claim in accordance with the decision of the Commissioner; and in all such cases, the applicant, if dissatisfied with such decision, shall have the same remedy and be entitled to the benefit of the same privileges and proceedings as are provided by law in the case of original applications for patents.

Sec. 9. *And be it further enacted*, any thing in the fifteenth section of the act to which this is additional to the contrary notwithstanding, That, whenever by mistake, accident, or inadvertence, and without any wilful default or intent to defraud or mislead the public, any patentee shall have in his specification claimed to be the original and first inventor or discoverer of any material or substantial part of the thing patented, of which he was not the first and original inventor, and shall have no legal or just right to claim the same, in every such case the patent shall be deemed good and valid for so much of the invention or discovery as shall be truly and bona fide his own, *Provided*, it shall be a material and substantial part of the thing patented, and be definitely distinguishable from the other parts so claimed,

without right as aforesaid. And every such patentee, his executors, administrators, and assigns, whether of the whole or of a sectional interest therein, shall be entitled to maintain a suit at law or in equity on such patent for any infringement of such part of the invention or discovery as shall be bona fide his own as aforesaid, notwithstanding the specification may embrace more than he shall have any legal right to claim. But, in every such case in which a judgment or verdict shall be rendered for the plaintiff, he shall not be entitled to recover costs against the defendant, unless he shall have entered at the Patent Office, prior to the commencement of the suit, a disclaimer of all that part of the thing patented which was so claimed without right: *Provided, however*, That no person bringing any such suit shall be entitled to the benefits of the provisions contained in this section who shall have unreasonably neglected or delayed to enter at the Patent Office a disclaimer as aforesaid.

Sec. 10. *And be it further enacted*, That the Commissioner is hereby authorized and empowered to appoint agents in not exceeding twenty of the principal cities or towns in the United States, as may best accommodate the different sections of the country, for the purpose of receiving and forwarding to the Patent Office all such models, specimens of ingredients, and manufactures, as shall be intended to be patented or deposited therein, the transportation of the same to be chargeable to the patent fund.

Sec. 11. *And be it further enacted*, That, instead of one examining clerk, as provided by the second section of the act to which this is additional, there shall be appointed, in manner therein provided, two examining clerks, each to receive an annual salary of fifteen hundred dollars; and, also, an additional copying clerk, at an annual salary of eight hundred dollars. And the Commissioner is also authorized to employ, from time to time, as many temporary clerks as may be necessary to execute the copying and draughting required by the first section of this act, and to examine and compare records with the originals, who shall receive not exceeding seven cents for every page of one hundred words, and for drawings and comparison of records with originals, such reasonable compensation as shall be agreed upon or prescribed by the Commissioner.

Sec. 12. *And be it further enacted*, That, whenever the application of any foreigner for a patent shall be rejected and withdrawn for want of novelty in the invention, pursuant to the seventh section of the act to which this is additional, the certificate thereof of the Commissioner shall be a sufficient warrant to the Treasurer to pay back to such applicant two-thirds of the duty he shall have paid into the Treasury on account of such application.

Sec. 13. *And be it further enacted*, That in all cases in which an oath is required by this act, or by the act to which this is additional, if the person of whom it is required shall be conscientiously scrupulous of taking an oath, affirmation may be substituted therefor.

Sec. 14. *And be it further enacted*, That all moneys paid into the Treasury of the United States for patents and for fees for copies furnished by the Superintendent of the Patent Office prior to the passage of the act to which this is additional, shall be carried to the credit of the patent fund created by said act; and the moneys constituting said fund shall be, and the same are hereby, appropriated for the payment of the salaries of the officers and clerks provided for by said act, and all other expenses of the Patent Office, including all the expenditures provided for by this act; and, also, for such other purposes as are or may be hereafter specially provided for by law. And the Commissioner is hereby authorized to draw upon said fund, from time to time, for such sums as shall be necessary to carry into effect the provisions of this act, governed, however, by the several limitations herein contained. And it shall be his duty to lay before Congress, in the month of January, annually, a detailed statement of the expenditures and payments by him made from said fund; and it shall also be his duty to lay before Congress, in the month of January, annually, a list of all patents which shall have been granted during the preceding year, designating, under proper heads, the subjects of such patents, and furnishing an alphabetical list of the patentees, with their places of residence; and he shall also furnish a list of all patents which shall have become public property during the same period; together with such other information of the state and condition of the Patent Office, as may be useful to Congress or to the public.

Approved March 3, 1837.

AN ACT to provide for continuing the construction, and for the repair of certain roads, and for other purposes, during the year eighteen hundred and thirty-seven.

Be it enacted, &c., That the sum of one hundred and ninety thousand dollars be, and the same is hereby, appropriated for the purpose of continuing the Cumberland road in the State of Ohio; that the sum of one hundred thousand dollars be, and the same is hereby appropriated, for the purpose of continuing the Cumberland road in the State of Indiana; and the sum of one hundred thousand dollars be, and the same is hereby appropriated, for the purpose of continuing the Cumberland road in the State of Illinois: *Provided*, That said road within the State of Illinois shall not be stoned or gravelled, unless it can be done at a cost not greater than the average cost of stoning or gravelling said road within the States of Ohio and Indiana; which sums shall be paid out of any money in the Treasury not otherwise appropriated: *Provided*, That in all cases where it can be done, it shall be the duty of the superintending officers, to cause the work on said road to be laid off in sections, and let out to the lowest substantial bidder, after due notice.

Sec. 2. *And be it further enacted*, That the second section of an act for the continuation of the Cumberland road in the States of Ohio, Indiana, and Illinois, approved the second day of July, eighteen hundred and thirty-six, shall not be applicable to expenditures hereafter to be made on said road.

Sec. 3. *And be it further enacted*, That the following sums be and the same are hereby appropriated, to be paid out of any money in the Treasury, not otherwise appropriated, to wit: For the repairs of the Cumberland road east of the Ohio river, seven thousand one hundred and eighty-three dollars and sixty-three cents;

For continuing the construction of the road from the northern boundary of the Territory of Florida, by Marianna to Appalachicola, twenty thousand three hundred and thirteen dollars;

For defraying the expenses incidental to making examinations and surveys under the act of the thirteenth of April, eighteen hundred and twenty-four, and for geological and mineralogical surveys and researches in the Indian country, on the public lands, and in the territories of the United States, thirty thousand dollars;

For surveys of a military character, and for the defences of the Atlantic and Western frontiers, fifteen thousand dollars.

Sec. 4. *And be it further enacted*, That the several sums hereby appropriated for the construction of the Cumberland road in the States of Ohio, Indiana, and Illinois, shall be replaced by said States respectively, out of the funds reserved to each for laying out and making roads under the direction of Congress, by the several acts passed for the admission of said States into the Union on an equal footing with the original States.

Approved March 3, 1837.

AN ACT for the relief of Abigail Appleton.

Be it enacted, &c., That the pension heretofore granted by law to Abigail Appleton, the widow of Daniel Appleton,

pursuant to the provisions of the act entitled "An act in addition to an act giving pensions to the orphans and widows of persons slain in the public or private armed vessels of the United States," and the act to which the same is an addition, subject to the conditions and limitations therein contained, be, and the same is hereby, renewed and continued for an additional term of five years, to commence from the third day of September, one thousand eight hundred and thirty-four, subject to the conditions and limitations aforesaid.

Approved March 3, 1837.

AN ACT for the relief of John Jeffers.

Be it enacted, &c., That John Jeffers be, and he is hereby, authorized to surrender the certificate which heretofore issued from the land office at Huntsville, Alabama, to John Sharpe, and which was assigned to said Jeffers by Dixon Stanbach, as administrator of Stephen Heard, for the north-west quarter of section twenty-eight, township six, range two, west of the basis meridian of said land district; and upon such surrender of said certificate, and filing his relinquishment in said land office, the said John Jeffers shall be entitled to a certificate from the register and receiver of said land office for the amount which has been paid on said lands, which shall be received in said office in payment for any lands subject to entry in that land district.

Approved March 3, 1837.

AN ACT to grant the Atchafalaya Railroad and Banking Company the right of way through the public lands of the United States.

Be it enacted, &c., That there be, and is hereby granted to the Atchafalaya Railroad and Banking Company, a corporation created by the Legislature of the State of Louisiana, the right of way through such portions of the public land as the road or roads of said company is authorized by its charter to construct, shall pass: *Provided*, That the portion of the public land occupied thereby shall not exceed eighty feet in width.

Sec. 2. *And be it further enacted*, That the route of said road and its branches, shall, at the expense of the aforesaid company, be surveyed and designated through the public lands by plain marks or monuments, and copies of the field-notes, with plat or plats of the lands, and a description of the said land-marks or monuments, and their connexion with the previous official surveys of the adjacent lands, shall be returned to the office of the Surveyor General of the State of Louisiana, and to the General Land Office in Washington, within sixty days after the said surveys or plats are completed, and which shall be within one year from the date of the passage of this act.

Sec. 3. *And be it further enacted*, That for such depots, watering-places, and workshops, as may be essential to the convenient use of said road, there is also granted to said company such portion of the public land as they may under like restrictions and conditions, select, on either or each side of said road: *Provided*, That not more than four acres, to be laid off in a square form, shall be selected for such use or purpose at any one place, and not more than one such square shall be granted for every ten miles of the said road or its branches lying within the pulic lands; which selections shall be surveyed and returned in the manner aforesaid, and approved by the Secretary of the Treasury for the time being.

Sec. 4. *And be it further enacted*, That so long as the public land in the vicinity of said road and its branches shall remain unsold, the said company shall have permission to take therefrom such materials of earth, stone, or wood, as may be necessary for the construction of said road.

Sec. 5. *And be it further enacted*, That the grants herein contained, as well the use of the public lands, as of the materials for the construction of said road and its branches, shall cease and determine and be of no effect, unless the said road be commenced and completed within the periods fixed by the charter of said company; and, if the said road shall be, at any time after its completion, or during the time of its construction, discontinued or abandoned by said company, the grants and privileges hereby made and allowed shall cease and determine and be of no effect.

Approved March 3, 1837.

AN ACT granting a pension to William C. Beard, late a captain in the United States army.

Be it enacted, &c., That the Secretary of War be, and he is hereby, directed to place the name of Willliam C. Beard, late a captain in the United States army, on the invalid pension-roll, at the rate of seventeen dollars per month, to commence on the first of January, one thousand eight hundred and thirty-five.

Approved March 3, 1837.

AN ACT further to amend the act incorporating the Chesapeake and Ohio Canal Company.

Be it enacted, &c., That the act of the General Assembly of Virginia, entitled "An act further to amend the act incorporating the Chesapeake and Ohio Canal Company," passed the twenty-seventh day of February, eigeteen hundred and twenty-nine, be, and the same is hereby assented to and approved.

Sec. 2. *And be it further enacted*, That if any person or persons shall, within the District of Columbia, wickedly or maliciously do injury to the Chesapeake and Ohio canal, its embankments, walls, moles, tow-paths, bridges, culverts, drains, or to any part necessary to the uses and purposes of said canal, he, she, or they, shall be liable to a fine of not less than five or more than fifty dollars, to be recovered before any justice of the peace of the District of Columbia; and any such justice may, on his own view, or on application verified by affidavit, to said justice made, issue his warrant, describing the injury commiited; and upon conviction, the said justice shall have authority to commit the offender to close jail, without bail or mainprise, until said fine and costs be paid, or until said defendant be discharged by due course of law: *Provided, however*, That nothing in this act contained shall be so construed as to prevent said canal company from recovering damages from any person or persons who may commit any of the tresspasses aforesaid.

Sec. 3. *And be it further enacted*, That all condemnations of land for the use and purposes of said canal company, which have heretofore been made by the marshal of said District, or any lawful deputy mashhal, shall be as valid as though the same had been situated in the State of Maryland, and had been condemned in pursuance of the laws of said State, through the action and agency of a sheriff of any of the counties of said State.

By the General Assembly of the Commonwealth of Virginia.

An act further to amend the act incorporating the Chesapeake and Ohio Canal Company, passed February twenty-seventh, eighteen hundred and twenty-nine.

Be it enacted by the General Assembly, That the Chesapeake and Ohio Canal Company be, and they are hereby empowered, whenever it shall be, in the judgment of the president and directors thereof, expedient, in lieu of bridges to substitute boats, properly fitted, for the transportation of persons, wagons, and carriages, of every description, across the canal, whenever a public or private road shall render a bridge or ferry necessary, and such road cannot conveniently be conducted under the canal.

Be it further enacted, That the said president and directors, acting in behalf of the said company, and with the consent and approbation thereof, expressed at some general

meeting thereof, in which a majority in interest of said stock is represented, may sell, let, or otherwise dispose of, any surplus water in any part of the said canal, or of any feeder or reservoir thereof, if they shall be of opinion that no injury will result therefrom to the navigation of the canal.

Be it further enacted, That whenever it may be necessary to form heavy embankments, piers, or moles, at the mouths of creeks, or along the river shore, for basins and other purposes, and the president and directors may deem it expedient to give a greater strength to the same, by widening them, and constructing them of the most solid materials, the ground so formed for such useful purpose may by them, when so improved, be sold out, or let for terms of years, as they may deem most expedient for the company, on such conditions as may direct the application of the proceeds thereof to useful purposes, and at the same time repay the necessary expense of the formation of such embankments, piers, or moles: *Provided*, That this power shall in no case be exercised so as to injure the navigation of the canal.

This act shall be in force, so far as relates to the eastern section of the canal, on its receiving the assent of the Legislature of Maryland, and of the Congress of the United States, and shall be valid as relates to both sections, on its receiving the further assent of the Legislature of Pennsylvania.

Approved March 3, 1837.

AN ACT to authorize the New Orleans and Carrolton Railroad Company to construct a railroad from Carrolton to the town of Bayou Sara, in the State of Louisiana.

Be it enacted, &c., That there be, and is hereby, granted to the New Orleans and Carrolton Railroad Company, incorporated by the Legislature of Louisiana, the right of way through such portion of the public lands remaining unsold, for the extension of their railroad from Carrolton to the town of Bayou Sara, in the said State: *Provided*, That the portion of the public lands occupied therefor, shall not exceed eighty feet in breadth; that the route of the said road shall be designated and marked on the ground by plain landmarks, within the period of eighteen months from the passage of this act, and a copy of the notes of survey and plat thereof, with a description of the said landmarks, be transmitted to the General Land Office in Washington, within the period aforesaid.

Sec. 2. *And be it further enacted*, That so long as the public lands, in the vicinity of the said road, shall remain unsold, the said company shall have power to take therefrom such materials of earth, stone, and wood, as may be necessary for the construction of the said road: *Provided*, That the grants herein contained, as well of the use of the public lands as of the materials for the said road, shall cease and determine, unless the same shall be begun within the period of two years from the date of this act, and completed within a period of six years.

Approved March 3, 1837.

AN ACT for the relief of Findley Kellock.

Be it enacted, &c., That the Secretary of War be directed to place Findley Kellock, of the State of Maine, on the roll of revolutionary pensioners, and to cause to be paid to the said Kellock, during his natural life, the sum of twenty-nine dollars per annum, the payment thereof to commence on the fourth day of March, anno Domini eighteen hundred and thirty-one.

Approved March 3, 1837.

AN ACT for the relief of Alexander Gibson.

Be it enacted, &c., That the Secretary of War cause the name of Alexander Gibson, of Kentucky, to be restored to the roll of revolutionary pensioners, and that he be paid all arrears due him for his pension since he was last paid, and that he be paid for and during his natural life a pension at the rate of eighty dollars per annum.

Approved March 3, 1837.

AN ACT for the relief of David Kilbourn.

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any money not otherwise appropriated, to David Kilbourn, of the county of Oswego, in the State of New York, the sum of two thousand five hundred dollars, for loss of property he sustained in consequence of services rendered by him to the United States on the Northern frontier during the late war with Great Britain.

Approved March 3, 1837.

AN ACT for the relief of Ebenezer Breed.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized to pay to Ebenezer Breed, merchant, out of any money in the Treasury not otherwise appropriated, the amount of duties paid on twenty-one thousand nine hundred and seventy-seven gallons of wine, imported in the brig Gazelle, on the first day of August, in the year eighteen hundred and twenty-nine, into the port of Boston and Charlestown, which wine was destroyed by fire while in the custody of the customs: *Provided*, That the Secretary of the Treasury be furnished with satisfactory proof that said goods were so destroyed by fire, and were not insured.

Approved March 3, 1837.

AN ACT to amend the charter of the Potomac Fire Insurance Company of Georgetown.

Be it enacted, &c., That the name and style of the said company shall hereafter be the "Potomac Insurance Company of Georgetown:" and in addition to the powers, privileges, and immunities granted to the said company in and by their original act of incorporation, the said company shall have full power and authority to make insurance on vessels, merchandise, freights, and all other interests in or touching property at sea, or going to sea, and on all kinds of marine risks whatsoever; to make insurance on lives, to grant annuities, to receive endowments, to contract for reversionary payments, and to pass all such by-laws as may be necessary to carry these and their other powers into effect, not contrary to the laws of the United States, and from time to time to alter or repeal the same; and to make, execute, and perfect such and so many contracts, bargains, agreements, and other instruments, as shall or may be necessary, and as the nature of the case shall or may require.

Sec. 2. *And be it further enacted*, That it shall and may be lawful for the said company, at such time and so often as a majority of the stockholders may agree and so order, to open books and take subscriptions of stock, until the original contemplated capital stock of said company shall be filled.

Sec. 3. *And be it further enacted*, That the president and directors of said company may, at their discretion, take security on real estate of at least double the value of the amount to be secured, in lieu of endorsed notes, for the unpaid part of the capital stock; and it shall be lawful for the stockholders to pay up ten dollars per share on any and every share of stock held by him, her, or them, in cash, not oftener than once a year, commencing with the first of July, in the year eighteen hundred and thirty-six, and be entitled to dividend thereon as on other cash stock: *Provided*, The said payments are made fully six months before the declaration of such dividend.

Sec. 4. *And be it further enacted*, That the foregoing enactments shall be in force and binding on the said company and others, as soon as a written acceptance thereof,

adopted by a majority of the stockholders of said company, shall be authentically certified, and filed and recorded in the office of the clerk of the circuit court of the District of Columbia, for the county of Washington: *Provided*, That the change in the name of the said company, hereby authorized, shall not affect any proceedings instituted, or liabilities incurred, before the passage of this act, by or against the said Potomac Fire Insurance Company.

Approved March 3, 1837.

AN ACT for the relief of Henry Lee.

Be it enacted, &c., That the accounting officers of the Treasury Department be, and they are hereby, directed and required to admit and pass to the credit of John Ricaud, the sum of two thousand dollars heretofore suspended from his credit, in the settlement of the said John Ricaud's account, as paymaster to the thirty-sixth regiment of United States infantry, commanded at a separate post, by Colonel William Carbery.

Sec. 2. *And be it further enacted*, That Henry Lee be, and he is hereby, released and fully exonerated from the force and effect of a judgment obtained against him in the district court of the United States, at Richmond, Virginia, as surety of the aforesaid John Ricaud, late paymaster of the thirty-sixth regiment of United States infantry.

Sec. 2. *And be it further enacted*, That this act shall commence and be in force from and after the passage thereof.

Approved March 3, 1837.

AN ACT for the relief of William Christy.

Be it enacted, &c., That the Third Auditor of the Treasury ascertain the amount due William Christy, as military storekeeper, one year, in the Northwestern army, under an appointment of General Harrison; and when so ascertained, that he report the same to the Solicitor of the Treasury, who is directed to cause the same to be credited on the principal of a judgment, recovered in favor of the United States against said Christy, in the district court of Louisiana, at the December term of said court, in the year eighteen hundred and twenty-seven.

Sec. 2. *And be it further enacted*, That the Secretary of the Treasury be authorized to make an arrangement with the said William Christy, for the payment of the balance of the principal of said judgment and costs, at any time within five years, by instalments, which being paid according to the stipulations of the parties, the said Secretary is authorized to discharge said judgment.

Approved March 3, 1837.

AN ACT for the relief of James Brown and John Brown, half-breeds, of the Cherokee nation of Indians.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to pay to James Brown the sum of six hundred and forty-seven dollars, and to John Brown the further sum of three hundred and thirty dollars; making in the aggregate, the sum of nine hundred and seventy-seven dollars, out of any money in the Treasury not otherwise appropriated, as full compensation for the improvements surrendered by the said James Brown and John Brown, under the provisions of the treaty of eighteen hundred and nineteen, between the United States and said nation of Indians.

Approved March 3, 1837.

AN ACT for the relief of F. A. Parker.

Be it enacted, &c., That the Secretary of the Treasury pay to Captain F. A. Parker, of the United States navy, out of any money in the Treasury not otherwise appropriated, the sum of two hundred dollars, for actual expenses incurred by him while commanding the Fairfield sloop of war, in the Mediterranean, during the year eighteen hundred and twenty-eight, in carrying out Mr. Weyer, bearer of despatches to the commander of the squadron in the Mediterranean sea, by order of the Secretary of the Navy of the United States.

Approved March 3, 1837.

AN ACT for the relief of Green Pryor and the heirs of Peter Pryor.

Be it enacted, &c., That the President of the United States cause to be issued to Green Pryor and the heirs of Peter Pryor, a patent for fractional section number two, of township fourteen, range five east, in the Washington land district, in the State of Mississippi, it being the same entered by Isham Arthur, on the sixteenth day of October, eighteen hundred and sixteen, and by him transferred to Green and Peter Pryor.

Approved March 3, 1837.

AN ACT for the relief of the legal representatives of Isaac Williams, deceased.

Be it enacted, &c., That the legal representatives of Isaac Williams, deceased of the county of Wilkinson, in the State of Mississippi, be, and they are hereby, authorized to re-enter, at any time within six months after the passage of this act, so much of fractional sections numbers thirty-nine and forty-one, in township number one, of range number one west, in the district of lands subject to sale at Washington, in said State, as remains unsold, and that the sums of money heretofore paid by Isaac Bush and Isaac Williams, or either of them, on said fractional sections, be passed to the credit of the said representatives, in part payment for the said fractional sections.

Approved March 3, 1837.

AN ACT for the relief of Charles W. Pickering.

Be it enacted, &c., That the proper accounting officer of the Treasury be authorized to adjust and settle the account of Charles W. Pickering, a midshipman in the navy of the United States, and to allow him the difference between the pay and emoluments of a lieutenant over that of a midshipman, for the period during which he performed the duties of a lieutenant on board the United States ship Falmouth, by order of her commander, Francis H. Gregory, in the Pacific ocean, in the year eighteen hundred and thirty-three; and the amount so found due to him shall be paid out of any moneys in the Treasury not otherwise appropriated.

Approved March 3, 1837.

AN ACT for the relief of Jerah Fenner.

Be it enacted, &c., That the Secretary of the Treasury pay to Jerah Fenner, out of any money not otherwise appropriated, his pay as a soldier in the service of the United States, from the thirtieth of June, eighteen hundred and fourteen, to the eighteenth of October, eighteen hundred and fourteen, inclusive.

Approved March 3, 1837.

AN ACT for the relief of H. and D. Cotheal, of New York.

Be it enacted, &c., That the collector of the port of New York be, and he is hereby, authorized to permit H. and D. Cotheal, of New York, to export, with the benefit of drawback, certain cases or packages of Spanish playing-cards, imported by them into that port, upon their complying with the forms and regulations required by existing laws relating to the exportation of merchandise with the benefit of drawback.

Approved March 3, 1837.

AN ACT for the relief of Peter Harmony, of New York.

Be it enacted, &c., That the collector of the port of New York be, and he is hereby, authorized to permit Peter Har-

mony, of New York, to export, with the benefit of drawback, certain cases or packages of Spanish playing-cards, imported by him into that port, upon his complying with the forms and requisitions required by existing laws relating to the exportation of merchandise with the benefit of drawback.

Approved March 3, 1837.

AN ACT for the relief of James Keytes.

Be it enacted, &c., That the Secretary of the Treasury cause to be issued to James Keytes, assignee of William Ashly, who is assignee of Grant Weed, a patent for a quarter section of land, to be located on any of the public lands in the State of Missouri subject to private entry; which is in lieu of a quarter section which was patented to said Grant Weed, by the United States, on the eleventh day of May, eighteen hundred and nineteen, described as being the north-east quarter of section eleven, in township number fifty-four north, of range twenty south, and which patent appears to have been altered by the Commissioner of the General Land Office on the third day of January, eighteen hundred and thirty-four, by inserting range twenty-one instead of range twenty, so as to make the patent correspond with the record in said office: *Provided, nevertheless,* That no such location shall be made, or patent issue, until the said Keytes shall file a relinquishment with the register of the land office at Franklin, in the State of Missouri, for the above-named quarter section, in range twenty-one aforesaid.

Approved March 3, 1837.

AN ACT to incorporate the President and Directors of the Firemen's Insurance Company of Washington and Georgetown, in the District of Columbia.

Be it enacted, &c., That French S. Evans and Edmund Hanly, of the Union; Charles L. Coltman and James H. Smoot, of the Franklin; John Purdy and John H. Goddard, of the Perseverance; Charles K. Gardner and John Lynch, of the Columbia; Marmaduke Dove and William Speiden, of the Navy Yard; George Shoemaker and John H. King, of the Western Star; and Nathaniel Marden and William J. Gozler, of the Vigilant, fire companies, and the subscribers to the stock of the association, and their successors, shall be, and they are hereby declared to be, a body politic and corporate, by the name and style of "The President and Directors of the Firemen's Insurance Company of Washington and Georgetown;" and by that name shall have perpetual succession, and be capable in law to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts of law or equity, or elsewhere; and to make and use one common seal, and the same to alter or renew at their pleasure, and generally to do and perform all things relative to the objects of this institution which it now is or shall be lawful for any individual or body politic or corporate to do.

Sec. 2. *And be it further enacted,* That the capital stock of this company shall consist of a sum not exceeding two hundred thousand dollars, divided into ten thousand shares, at twenty dollars each. Two dollars shall be paid on each share at the time of subscribing; four months after such subscription and payment, a further instalment of two dollars shall be paid on each share of stock; and notes payable on demand, with security to be approved by the president and directors for the time being, shall be given for the remaining sixteen dollars. The said notes shall be renewed whenever the directors may consider it proper; and any stockholder neglecting or refusing to renew his note, or neglecting or refusing to pay an instalment when required by the directors, shall forfeit all his interest in this company, and be held liable for his proportion of any loss which may have occurred previous to such neglect or refusal.

Sec. 3. *And be it further enacted,* That, should any forfeiture occur, it may be remitted by a majority of the whole board of directors present at the meeting at which the motion for such remission shall be made, upon the payment, by the person incurring a forfeiture, of the principal of said instalment, and the interest thereon up to the time of such payment; as also of his proportion of such loss as may have occurred previous to such forfeiture.

Sec. 4. *And be it further enacted,* That the President and directors shall not call on the stockholders for any part of the remaining sixteen dollars per share, secured to be paid as above mentioned, unless the exigencies of the company shall require it, and then only in such proportions as the said stockholders are severally interested, taking care, always, to give sixty days' notice thereof, in the papers in the cities of Washington and Georgetown.

Sec. 5. *And be it further enacted,* That so soon as five thousand shares are subscribed for and paid, or secured to be paid, the company shall be competent to transact all kinds of business for which it is established.

Sec. 6. *And be it further enacted,* That each fire company in the city of Washington and Georgetown shall be entitled to subscribe by itself, for its own use, in its corporate capacity, or by means of trustees for the use of said company; or the members of a company may, in their individual capacity, for the use of themselves or the company or companies to which they belong, subscribe for an amount of stock, not to exceed, in the whole, one thousand four hundred and twenty-eight shares for each company. Each company shall open books of subscription for the same, on the first Monday in May, eighteen hundred and thirty-seven, and shall deliver the said books and the money paid on the subscription, to the board of directors, so soon as they shall be appointed and prepared to receive the same.

Sec. 7. *And be it further enacted,* That if any fire company, together with its members, shall not subscribe for the number of one thousand four hundred and twenty-eight shares allotted to them, within the space of three years from the time the books may be opened for subscription, the residue of shares between the amount of their subscription and the said one thousand four hundred and twenty-eight shares, may be subscribed for and taken by the other fire companies, or the members thereof, in equal portions to each company, or in such manner as the directors may determine.

Sec. 8. *And be it further enacted,* That no person, other than a member of a fire company, shall be entitled to purchase or hold any part of the capital or joint stock of this company; and the share or shares of a stockholder ceasing to be a member of a fire company, shall be purchased at their actual value, by the company to which the said stockholder belonged; or by the members thereof, for their own use, or for the benefit of the said company; or by the board of directors of this association, and may be disposed of by them for its benefit. Upon the decease of a stockholder, his share or shares shall become extinct, his stock notes shall be cancelled, and the actual value of such share or shares, at the time of his decease, together with all profits due thereon to him, shall be paid within six months after such extinction, to his heirs, executors, administrators, or assigns. And the directors shall have power to create and dispose of shares equal to the number so extinguished by the death of the said stockholder.

Sec. 9. *And be it further enacted,* That transfers of stock may be made by any stockholder to the company, or to a member or members of the fire company to which he or they may belong, or to any other fire company, or any member or members thereof; but no transfer shall be valid which is made to any other than a member or members of a fire company.

Sec. 10. *And be it further enacted,* That every member of any of the companies belonging to the association, shall be entitled to effect insurances at a discount of eight per cent. less than other persons, upon producing to the

satisfaction of the directors a certificate of his right of membership; and all the companies associated, or who may hereafter associate under this act, within the cities of Washington and Georgetown, shall be entitled to an equal participation in all the benefits and advantages of the institution, in proportion to the amount of stock held by such company.

Sec. 11. *And be it further enacted*, That the affairs of this company shall be managed by a president and a board of directors, (to be elected as follows,) all of whom shall be stockholders; who, previous to entering on the duties of their respective offices, shall take the following oath or affirmation: "I, A B, do swear [or affirm, as the case may be] that I will faithfully, diligently, impartially, and honestly fulfil the duties of my office of —— —— to the best of my knowledge and ability." Each fire company holding, together with the members thereof, one hundred shares of stock, and not more than five hundred, shall be entitled to elect one director. Any fire company holding, together with the members thereof, more than five hundred shares, shall be entitled to elect two directors. Any company, together with the members composing it, holding less than one hundred and seventy-five shares of stock, shall not be entitled to the election of a director. And should it so happen that the number of shares of stock possessed by any one company, together with the members composing it, shall become less than one hundred and seventy-five, then, and in that case, the said company shall not be entitled to the election of a director, until the amount of shares held thereby be increased to the said number of one hundred and seventy-five.

Sec. 12. *And be it further enacted*, That no director of any other fire insurance company shall be allowed to be a director of this; and should any director of this company be elected a director of any other fire insurance company, his acceptance of that appointment shall, ipso facto, disqualify him from continuing a director of this company, and the company from which such director shall have been delegated shall proceed to fill up the vacancy as is hereinafter provided.

Sec. 13. *And be it further enacted*, That the respective companies composing this association, who may be entitled to the election of one or more directors, shall hold separate meetings for the first election of directors, within two weeks after the aforesaid amount of five thousand shares of stock shall be subscribed for, and on the first Monday in January in each and every year thereafter, and choose by ballot, from among their members, the number of directors to which they are entitled; and each stockholder shall have one vote for each share of stock not exceeding five shares; one vote for every five shares over five and not exceeding fifty shares; one vote for every ten shares exceeding fifty shares; but no person or body corporate shall have, in any instance, more than twenty votes. The directors so chosen shall serve until the first Monday in January, one thousand eight hundred and thirty-eight, and until others shall be chosen, and no longer. At their first meeting after every election, they shall choose by ballot, a president, either from among their own body, or from amongst the other stockholders; and in case of the death or disqualification of the president, the directors shall fill up the vacancy by ballot. The said directors shall produce (before they enter on the duties herein assigned to them) a certificate signed by the president and secretary of the respective fire companies, of the appointment of such person as director. In case of a director being chosen president, the place of such director for the remainder of the year shall be filled up by the company from which such director was delegated, from among the stockholders of the fire company to which the director so elected belonged.

Sec. 14. *And be it further enacted*, That, in case of the death, resignation, or disqualification of a director, the place of such director, for the remainder of the year, shall be filled up by the company from which such director was delegated, from the fire company by whom he was elected.

Sec. 15. *And be it further enacted*, That the president and directors shall be, and they are hereby, authorized to make all kinds of insurance against fire, within the limits of the county of Washington, in the District of Columbia, only, and generally to transact and perform all business relative to the objects aforesaid; and, also, to invest the capital and funds of the company, from time to time, in the public funds of the United States, or in any other stocks, and to dispose of the money and property of the company in such manner (not being contrary to law) as to them shall appear most advantageous to the company.

Sec. 16. *And be it further enacted*, That the president and directors shall declare dividends of the profits of the corporation, or so much thereof as to them shall appear advisable; and in case of any loss or losses, whereby the capital stock of the company shall be lessened, no subsequent dividend shall be made until a sum equal to such diminution, and arising from the profits of the company, shall have been added to the capital.

Sec. 17. *And be it further enacted*, That the said president and directors shall be, and they are hereby, authorized to retain and set apart out of the profits of the said company, from time to time, as they may think necessary, a portion of said profits, to constitute a fund for the special benefit of such members of the several fire companies belonging to this association as may become injured or disabled in the discharge of their duties at any fire.

Sec. 18. *And be it further enacted*, That every house insured by this company that is destroyed by means of fire, from the first floor upwards, shall be deemed as demolished; and it shall be lawful for the directors, in such case, to order the money insured thereon to be paid within three months after the notice given of the loss aforesaid.

Sec. 19. *And be it further enacted*, That, in case of a partial destruction by fire, the loss shall be determined by assessors appointed as follows: the person whose property is insured shall have the privilege of selecting one disinterested person, the board of directors of this association shall select another; should these two persons disagree in their valuation of a loss, they shall select another disinterested person, and their award shall be final.

Sec. 20. *And be it further enacted*, That the president and directors shall have power and authority to appoint a secretary, and such other clerks and officers under them as shall be necessary for transacting the business of said institution, and may allow them, together with the president, such salary as they shall judge reasonable; to ordain and establish such by-laws, ordinances, and regulations as shall appear to them necessary for regulating and conducting the concerns of said institution, not being contrary to or inconsistent with this act or the constitution and laws of the United States; they shall keep full, fair, and correct entries of their transactions, which shall be at all times open to the inspection of the stockholders; they shall also have power to hire or purchase a suitable building or buildings in the city of Washington or Georgetown, for the purpose of transacting the affairs of the institution, and generally to conduct the entire business thereof.

Sec. 21. *And be it further enacted*, That no stockholder or member of this said company shall be answerable in his person or individual property for any contract or agreement of said company, or for any losses, deficiencies, or failures of the capital stock of this company, except in the case of a director by his vote declaring an improper dividend, but the whole of the said capital stock, together with all property, rights, and credits belonging thereunto, and nothing more, shall at any time be answerable for the demands against said company.

Sec. 22. *And be it further enacted*, That the stock of

this institution may be assigned and transferred on the books of the company in person or by power of attorney only; but no stockholder indebted to the company shall be permitted to make a transfer, or receive a dividend, until such debt is paid, or secured to the satisfaction of the president and board of directors.

Sec. 23. *And be it further enacted*, That the president and directors may call a general meeting of the stockholders for any purpose relative to the affairs of the institution, giving at least two weeks' notice thereof in the newspapers of Washington and Georgetown; and any number of stockholders, not less than one hundred, who, together shall be proprietors of twelve hundred shares, may at any time apply to the president and directors to call a general meeting of the stockholders for any purpose relative to the affairs of the institution; and if the president and directors refuse to call such meeting, the said number of stockholders, proprietors of not less than twelve hundred shares, shall have power to call a general meeting of the stockholders, giving at least two weeks' notice in the said newspapers printed in the cities of Washington and Georgetown, specifying in such notice the object of the meeting.

Sec. 24. *And be it further enacted*, That, should it so happen, from any cause whatsoever, that the annual election of directors should not take place in any year, on the day hereinbefore mentioned for that purpose, this corporation shall not, for that reason, be dissolved, but such election may be lawfully held on such convenient day thereafter as may for that purpose be fixed on by the president and directors, they causing ten days' public notice thereof to be given in one or more of the newspapers printed in the cities of Washington and Georgetown.

Sec. 25. *And be it further enacted*, That the president and directors shall have power to appropriate such portions of the profits accruing to the company, to the reduction of the stock notes of the stockholders, as the board of directors shall from time to time deem advisable.

Sec. 26. *And be it further enacted*, That this act shall continue and be in force until the first day of June, one thousand eight hundred and fifty-eight.

Sec. 27. *And be it further enacted*, That it shall be lawful for Congress at any time hereafter to alter, amend, or repeal this act.

Approved March 3, 1837.

AN ACT authorizing the Secretary of the Navy to place the name of Doctor John P. Briggs on the navy pension list.

Be it enacted, &c., That the Secretary of the Navy be, and he hereby is, authorized and required to place upon the list of invalid pensioners of the navy pension fund, at the rate of twenty-five dollars per month, to be paid out of said fund, John P. Briggs, late an acting surgeon on board the ship Saratoga, who was wounded by a splinter in the action with the British fleet on Lake Champlain, on the eleventh of September, eighteen hundred and fourteen; to commence on the first of October, eighteen hundred and thirty-two.

Approved March 3, 1837.

AN ACT for the relief of George Frazar and others.

Be it enacted, &c., That the collector of the customs for the district of Plymouth, in Massachusetts, is hereby authorized to pay to George Frazar and others, late owners, and to the surviving heirs of the late crew, of the schooner Quero, of Duxbury, of sixty-one and thirty-six-ninety-fifths tons burden, which was lost on a fishing voyage in eighteen hundred and thirty-three, together with her late crew, such allowance, to be distributed according to law, as they would have been entitled to receive had the said schooner completed her fishing term and returned into port.

Approved March 3, 1837.

AN ACT for the relief of Philip F. Voorhees.

Be it enacted, &c., That the Secretary of the Treasury pay to Philip F. Voorhees, out of any money in the Treasury not otherwise appropriated, the sum of six hundred dollars, in full for expenses incurred by him while commanding the ship John Adams, in the Mediterranean, during the years eighteen hundred and thirty-one and eighteen hundred and thirty-two, in conveying our consuls to and from their consulates, and the Tripolitan ambassador from Malta to Tripoli, by orders from Commodores Biddle and Patterson.

Approved March 3, 1837.

AN ACT granting an increase of pension to Empson Hamilton.

Be it enacted, &c., That there be paid to Empson Hamilton, an invalid pensioner, an increase of pension of one dollar per month, to be paid out of the privateer pension fund, and to commence from the time that he was placed upon the list of pensioners payable out of said fund.

Approved March 3, 1837.

AN ACT for the relief of George F. Strother.

Be it enacted, &c., That the proper accounting officers of the Treasury be, and they are hereby, authorized and empowered to settle the accounts of George F. Strother, late receiver of public moneys at St. Louis, Missouri, according to the principles of justice and equity.

Approved March 3, 1837.

AN ACT to give the approval and confirmation of Congress to three several acts of the Legislative Assembly of the Territory of Wisconsin, incorporating banks.

Be it enacted, &c., That the following acts of the Territorial Legislature of the Territory of Wisconsin, viz: an act entitled "An act to incorporate the stockholders of the Bank of Milwaukee," an act entitled "An act to incorporate the stockholders of the Miners' Bank of Dubuque," and an act entitled "An act to incorporate the stockholders of the Bank of Mineral Point," be, and the same are hereby severally and respectively approved and confirmed by Congress, with the following limitations and conditions, that is to say: that neither of said banks shall issue bills or notes for circulation, until one-half of the amount of their respective capitals shall have been actually paid in; and that, to enable the directors named in the said charters respectively to comply with this limitation and restriction, they shall be authorized to make calls, according to the provisions contained in the said charters, to an amount not exceeding, at any one time, forty per cent. upon the whole stock subscribed by each stockholder, and shall not be restricted to ten per cent. at any one call, as is provided in the said charters; and that neither of said banks shall have any authority to enlarge or augment its capital, or to make it larger, at any time, than the sum of two hundred thousand dollars, without the consent and approbation of Congress previously obtained; and that neither of said banks shall, at any time, owe, either by bond, bill, note, or other contract, over and above its actual deposites, an amount to exceed twice the amount of its capital stock actually paid in, instead of the limitation in this respect contained in the said charters respectively; and that each of the said banks shall have complied with all the requirements of their respective charters, as altered, modified, and restricted by this act, so as to enable them to commence the business of banking, and shall actually have commenced banking on or before the first day of January next, or their charters, or the charters of such of them as shall have failed to comply with this limitation, shall be void and of no effect; and the acceptance of said acts of incorporation, by the grantees or stockholders respectively, shall be deemed and taken as acceptances, subject to the conditions and limitations herein pre-

scribed; and any infringement upon, or violation of, the provisions and requirements of this act, or of the limitations and restrictions therein contained, on the part of either of the said institutions, shall forfeit its charter, and put an end to its corporate powers and privileges.

Approved March 3, 1837.

AN ACT for the relief of John P. Becker.

Be it enacted, &c., That the Secretary of War be authorized and directed to place the name of John P. Becker on the pension-roll of the United States, and that he pay the said Becker the sum of twenty dollars per annum, to commence the fourth day of March, eighteen hundred and thirty-one, and to continue for and during his natural life.

Approved March 3, 1837.

RESOLUTIONS.

A RESOLUTION to enable the Postmaster General more readily to change the commencement of the contract year in the Post Office Department.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General be, and he is hereby authorized and empowered to let the contracts for the transportation of the mails in those sections of the United States where they expire on the thirty-first days of December, eighteen hundred and thirty-seven, eighteen hundred and thirty-eight, and eighteen hundred and thirty-nine, respectively, for four years and six months, so as to cause them to terminate on the thirtieth day of June, eighteen hundred and forty-two, eighteen hundred and forty-three, and eighteen hundred and forty-four, to the end that the contract may commence on the first day of July, instead of the first day of January.

Approved March 2, 1837.

RESOLUTION granting a pension to Susan Decatur, widow of the late Stephen Decatur.

Resolved, &c., That Mrs. Susan Decatur, widow of the late Commodore Stephen Decatur, be paid from the navy pension fund, a pension for five years, commencing from the thirtieth of June, eighteen hundred and thirty-four, in conformity with the provisions of the act concerning naval pensions and the navy pension fund, passed thirtieth June, eighteen hundred and thirty-four, and that she be allowed from said fund the arrearages of the half pay of a post captain, from the death of Commodore Decatur to the thirtieth of June, eighteen hundred thirty-four, together with the pension hereby allowed her, and that the arrearage of said pension be vested in the Secretary of the Treasury, in trust for the use of the said Susan Decatur: *Provided*, That the said pension shall cease on the death or marriage of the said Susan Decatur.

Approved March 3, 1837.

RESOLUTION to authorize a settlement of the accounts of Orange H. Dibble.

Resolved, &c., That the claims of Orange H. Dibble, for labor, materials, and all other expenses incurred, and losses sustained by him in making preparations to execute his contract for the construction of the bridge across the Potomac, and which have not heretofore been settled and paid, be examined and ascertained by the Secretary of the Treasury, as nearly as the same can be done, and be laid before Congress at its next session for examination. And the Secretary of the Treasury is hereby directed to apply, in part payment of the same to him, the unexpended balance of the appropriation made for said purpose by the act of the thirtieth of June, eighteen hundred and thirty-four: *Provided*, That the Secretary of the Treasury is not authorized to make any allowance to the said O. H. Dibble for the purchase of stone or stone quarries, nor any further sum for his personal services.

Approved March 3, 1837.

RESOLUTION authorizing the Secretary of the Treasury to correct a clerical error in the award of the Commissioners under the treaty with France of eighteen hundred and thirty-one.

Resolved, &c., That the Secretary of the Treasury be, and he hereby is, authorized and directed, in making payment of the two last instalments to the claimants under the treaty with France of July four, eighteen hundred and thirty-one, to correct a clerical mistake which occurred in the award of the Commissioners in the case of the claim of the Union Bank of Maryland; by which mistake, the sum of ten thousand dollars, awarded to said bank, has gone to the use of all the other claimants; and that he correct such mistake by making the proper alteration in the proportion to be paid to the several claimants in the two last instalments, so that all the claimants shall obtain their just proportion of the whole indemnity, and no more.

Approved March 3, 1837.

A RESOLUTION authorizing the Secretary of the Treasury to receive from the Bank of the United States, under the Pennsylvania charter, payment for the stock of the United States, in the late Bank of the United States.

Resolved, &c., That the Secretary of the Treasury be directed to accept the terms of settlement proposed by the president and directors of the Bank of the United States, under the Pennsylvania charter, in their memorial to Congress, presented at the present session, for the payment to the United States of the capital stock owned by them in the late Bank of the United States, and the final adjustment and settlement of the claims connected with or arising out of the same; and to take such obligation for the payment of the several instalments in said proposed terms of settlement mentioned, as he may think proper: *Provided*, That nothing herein contained shall prejudice or affect in any way the question between the General Government of the United States and the late Bank of the United States, respecting the claim for damages on account of the protest of the bill of exchange drawn on the French Government.

Approved March 3, 1837.

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